

ORDINANCE NO. 17-07-20

AN ORDINANCE AMENDING RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE CITY OF NOBLESVILLE, INDIANA SEWAGE WORKS

WHEREAS, on May 23, 2017, the City of Noblesville passed Ordinance No. 14-05-17, establishing rates and charges for the City's sewage works system for years 2017-2020;

WHEREAS, pursuant to Ind. Code 36-9-23-1 et seq., the Noblesville Common Council ("City Council") shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works, and provide the dates on which the fees are due;

WHEREAS, Ind. Code §36-9-23-25(b) provides that just and equitable fees are the fees required to maintain the sewage works in the sound physical and financial condition necessary to render adequate and efficient service;

WHEREAS, the fees must be sufficient to: (1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations; (2) provide the sinking fund required by Ind. Code §36-9-23-21; (3) provide adequate money to be used as working capital; and (4) provide adequate money for improving and replacing the works;

WHEREAS, the City's financial advisor has conducted a rate study ("Rate Study") and provided the City Council with said Rate Study, attached hereto as Exhibit A and incorporated herein;

WHEREAS, the Rate Study has fully analyzed the costs of operation of the Sewage Works including reasonable forecasts of expenses, sinking fund, working capital and debt service requirements of the Sewage Works;

WHEREAS, Indiana Code 36-9-23-25(d)(1) authorizes the City Council to charge a flat fee for each sewer connection in the City;

WHEREAS, Indiana Code 36-9-23-25(d)(2) authorizes the City to charge a sewer fee based on the amount of water used on the property;

WHEREAS, Indiana Code 36-9-23-25(d)(3) authorizes the City to charge a sewer fee based on the number and size of water outlets on the property;

WHEREAS, after introduction of the ordinance establishing fees, but before it is finally adopted, the Common Council must hold a public hearing at which users of the sewage works, owners of property served or to be served by the works, and other interested persons may be heard concerning the proposed fees.

WHEREAS, pursuant to Ind. Code §36-9-23-26, on July 28, 2020, the Common Council held a public hearing regarding the fees, which was properly noticed.

WHEREAS, the City Council now finds that the existing rates and charges for the use of the service rendered by the sewage works are too low and are insufficient to enable the City to properly operate its sewage works plant and infrastructure, provide for depreciation, and finance necessary extensions and additions; that the proposed improvements will improve the service rendered by the sewage work system and increase the value of the sewage works to the City and its citizens; and that the existing rates and charges should be increased;

NOW THEREFORE, BE IT ORDAINED, BY THE COMMON COUNCIL, CITY OF NOBLESVILLE, HAMILTON COUNTY INDIANA AS FOLLOWS:

- Section 1. Chapter 51 of the Municipal Code of the City of Noblesville is amended as set forth in Exhibit B, attached hereto and incorporated herein:
- Section 2. All other ordinances or provisions thereof not specifically changed shall remain in full force and effect.
- Section 3. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.
- Section 4. This ordinance is and shall be effective as of the date of passage and upon notice provided pursuant to Indiana law.
- Section 5. The rates and charges set out herein shall become effective on September 1, 2020.

Approved on this _____ day of _____, 2020 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Brian Ayer		
	Mark Boice		
	Michael J. Davis		
	Wil Hampton		
	Gregory P. O'Connor		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Megan G. Wiles		

ATTEST: _____
 Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this ____ day of _____,
2020 at _____.M.

Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

Christopher Jensen, Mayor

Date

MAYOR'S VETO

Christopher Jensen, Mayor

Date

ATTEST: _____
Evelyn L. Lees, City Clerk

Exhibit A



Baker Tilly Municipal Advisors, LLC
8365 Keystone Crossing, Ste 300
Indianapolis, IN 46240
United States of America

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bakertilly.com

July 13, 2020

Mr. Ray Thompson
City of Noblesville
Wastewater Utility Department
197 W. Washington Street
Noblesville, IN 46060

Re: Noblesville Municipal Wastewater Utility - Analysis of Project Impact

Dear Ray:

The attached schedules (listed below) present unaudited and limited information for the purpose of discussion and consideration in the planning stage of the project impact by the appropriate officers, officials and advisors of the Noblesville Municipal Wastewater Utility. The use of these schedules should be restricted to this purpose, for internal use only, as the information is subject to future revision and final report.

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2	Schedule of Estimated Project Costs and Funding
3	Schedule of Amortization of \$13,505,000 Principal Amount of Proposed Sewage Works Revenue Bonds of 2020
4	Schedule of Proposed Combined Bond Amortization
5 - 6	Comparison of Pro Forma Annual Revenues and Budget Requirements for Calendar Years 2020 Through 2023
7	Proposed Impact from Expansion of the Hardship Program
8	Schedule of Amortization of \$10,780,000 Principal Amount of Outstanding Sewage Works Revenue Bonds of 2011
9	Schedule of Amortization of \$10,765,000 Principal Amount of Proposed Sewage Works Refunding Revenue Bonds, Series 2021
10	Summary of Present and Proposed Wastewater Rates and Charges
11 - 12	Comparison of Local Indiana Community Monthly Billings

We would appreciate your questions or comments on this information and would provide additional information upon request.

Very truly yours,
BAKER TILLY MUNICIPAL ADVISORS, LLC

Scott A. Miller

Scott A. Miller

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

SCHEDULE OF ESTIMATED PROJECT COSTS AND FUNDING
(Stoney Creek Lift Station, Phase V, Lift Station 9)
(Based on estimates per Utility Management and Consulting Engineers)

<u>ESTIMATED PROJECT COSTS</u>	Stoney Creek Lift Station (LS 2)	Phase V LTCP	Little Chicago Rd Lift Station (LS 9)	Total Projects
Construction Costs:				
Stoney Creek Lift Station (LS 2)	\$13,000,000			\$13,000,000
LTCP Phase V		\$2,611,301		2,611,301
Little Chicago Rd. (LS 9)			\$1,000,000	1,000,000
Sub-totals	13,000,000	2,611,301	1,000,000	16,611,301
Construction Contingencies	1,950,000	391,695	150,000	2,491,695
Total Construction and Contingencies Costs	14,950,000	3,002,996	1,150,000	19,102,996
Non-Construction Costs:				
Construction Engineering Services	548,700	229,800	50,000	828,500
Resident representative services	1,300,000	378,000	50,000	1,728,000
Other		186,720		186,720
Deposit to debt service reserve (1)	55,000		4,800	59,800
Underwriter's discount (0.5%)	62,400		5,200	67,600
Allowance for bond issuance costs	217,600		15,500	233,100
Miscellaneous and project contingencies	4,850	702,484		707,334
Total Estimated Non-Construction Costs	2,188,550	1,497,004	125,500	3,811,054
Total Estimated Project Costs	\$17,138,550	\$4,500,000	\$1,275,500	\$22,914,050

ESTIMATED PROJECT FUNDING

Proposed Sewage Works 2020 Financing	\$12,474,300		\$1,030,700	\$13,505,000
2017 Bond Fund (350) - Remaining Bond Proceeds		\$2,425,720		2,425,720
Operation and Maintenance Fund (300)	1,840,000		160,000	2,000,000
Bond and interest (302)	55,000		4,800	59,800
Plant Expansion Fund (301-303)	1,530,550	1,622,980	20,000	3,173,530
Interceptor Expansion Fund (301-304)	548,700	451,300		1,000,000
Emergency Account (301-305)	690,000		60,000	750,000
Total Estimated Project Funding	\$17,138,550	\$4,500,000	\$1,275,500	\$22,914,050

(1) It is anticipated that the debt service reserve requirement for the selected financing will be funded by excess B&I dollars (if available).

(Subject to the attached letter dated July 13, 2020)
(Preliminary - Subject to Change)
(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

**SCHEDULE OF AMORTIZATION OF \$13,505,000 PRINCIPAL AMOUNT OF
PROPOSED SEWAGE WORKS REVENUE BONDS OF 2020**

Assumes bonds dated September 15, 2020.

Payment Date	Principal Balance (In \$1,000's)	Assumed Interest Rate(s) (%)	Debt Service			Bond Year Total
			Principal (In \$1,000's)	Interest (-----In Dollars-----)	Total	
01/01/21	\$13,505			\$155,790.56	\$155,790.56	\$155,790.56
07/01/21	13,505			208,750.00	208,750.00	
01/01/22	13,505	4.000	\$50	208,750.00	258,750.00	467,500.00
07/01/22	13,455	4.000	50	207,750.00	257,750.00	
01/01/23	13,405	4.000	50	206,750.00	256,750.00	514,500.00
07/01/23	13,355	4.000	50	205,750.00	255,750.00	
01/01/24	13,305	4.000	50	204,750.00	254,750.00	510,500.00
07/01/24	13,255	4.000	320	203,750.00	523,750.00	
01/01/25	12,935	4.000	330	197,350.00	527,350.00	1,051,100.00
07/01/25	12,605	4.000	335	190,750.00	525,750.00	
01/01/26	12,270	3.000	340	184,050.00	524,050.00	1,049,800.00
07/01/26	11,930	3.000	345	178,950.00	523,950.00	
01/01/27	11,585	3.000	350	173,775.00	523,775.00	1,047,725.00
07/01/27	11,235	3.000	355	168,525.00	523,525.00	
01/01/28	10,880	3.000	360	163,200.00	523,200.00	1,046,725.00
07/01/28	10,520	3.000	365	157,800.00	522,800.00	
01/01/29	10,155	3.000	375	152,325.00	527,325.00	1,050,125.00
07/01/29	9,780	3.000	380	146,700.00	526,700.00	
01/01/30	9,400	3.000	385	141,000.00	526,000.00	1,052,700.00
07/01/30	9,015	3.000	390	135,225.00	525,225.00	
01/01/31	8,625	3.000	395	129,375.00	524,375.00	1,049,600.00
07/01/31	8,230	3.000	400	123,450.00	523,450.00	
01/01/32	7,830	3.000	410	117,450.00	527,450.00	1,050,900.00
07/01/32	7,420	3.000	415	111,300.00	526,300.00	
01/01/33	7,005	3.000	420	105,075.00	525,075.00	1,051,375.00
07/01/33	6,585	3.000	425	98,775.00	523,775.00	
01/01/34	6,160	3.000	435	92,400.00	527,400.00	1,051,175.00
07/01/34	5,725	3.000	440	85,875.00	525,875.00	
01/01/35	5,285	3.000	445	79,275.00	524,275.00	1,050,150.00
07/01/35	4,840	3.000	455	72,600.00	527,600.00	
01/01/36	4,385	3.000	460	65,775.00	525,775.00	1,053,375.00
07/01/36	3,925	3.000	465	58,875.00	523,875.00	
01/01/37	3,460	3.000	475	51,900.00	526,900.00	1,050,775.00
07/01/37	2,985	3.000	480	44,775.00	524,775.00	
01/01/38	2,505	3.000	485	37,575.00	522,575.00	1,047,350.00
07/01/38	2,020	3.000	495	30,300.00	525,300.00	
01/01/39	1,525	3.000	500	22,875.00	522,875.00	1,048,175.00
07/01/39	1,025	3.000	510	15,375.00	525,375.00	
01/01/40	515	3.000	515	7,725.00	522,725.00	1,048,100.00
Totals			\$13,505	\$4,942,440.56	\$18,447,440.56	\$18,447,440.56

(Subject to the attached letter dated July 13, 2020)
(Preliminary - Subject to Change)
(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

SCHEDULE OF PROPOSED COMBINED BOND AMORTIZATION

Payment Date	Outstanding				Proposed 2020 Bonds	Proposed 2021 Bonds	Total	Bond Year Total
	2011 Bonds	2013 Bonds	2015 Bonds	2017 Bonds				
01/01/21	\$361,025.00	\$590,670.00	\$767,935.00	\$386,600.00	\$155,790.56		\$2,262,020.56	\$2,262,020.56
07/01/21		589,895.00	765,438.00	393,850.00	208,750.00	\$166,588.53	2,124,521.53	
01/01/22		589,065.00	777,878.00	391,000.00	258,750.00	229,111.25	2,245,804.25	4,370,325.78
07/01/22		588,180.00	775,066.00	398,150.00	257,750.00	232,881.25	2,252,027.25	
01/01/23		587,240.00	767,191.00	395,200.00	256,750.00	241,600.00	2,247,981.00	4,500,008.25
07/01/23		586,245.00	774,316.00	395,775.00	255,750.00	235,216.25	2,247,302.25	
01/01/24		590,195.00	776,252.00	396,275.00	254,750.00	233,883.75	2,251,355.75	4,498,658.00
07/01/24		134,035.00	1,238,062.00	391,700.00	523,750.00	232,551.25	2,520,098.25	
01/01/25		132,825.00	1,233,950.00	392,125.00	527,350.00	236,218.75	2,522,468.75	5,042,567.00
07/01/25		131,615.00	1,234,712.00	392,475.00	525,750.00	234,835.00	2,519,387.00	
01/01/26		130,405.00	1,240,285.00	402,750.00	524,050.00	223,451.25	2,520,941.25	5,040,328.25
07/01/26		134,195.00	1,240,606.00	397,800.00	523,950.00	227,170.00	2,523,721.00	
01/01/27		132,930.00	1,235,738.00	402,850.00	523,775.00	230,837.50	2,526,130.50	5,049,851.50
07/01/27		131,665.00	1,245,744.00	402,750.00	523,525.00	219,453.75	2,523,137.75	
01/01/28		135,400.00	1,240,435.00	397,575.00	523,200.00	228,172.50	2,524,782.50	5,047,920.25
07/01/28		134,080.00		322,400.00	522,800.00	1,546,788.75	2,526,068.75	
01/01/29		132,760.00		328,275.00	527,325.00	1,546,875.00	2,535,235.00	5,061,303.75
07/01/29		136,440.00		324,000.00	526,700.00	1,546,807.50	2,533,947.50	
01/01/30		135,065.00		329,725.00	526,000.00	1,546,586.25	2,537,376.25	5,071,323.75
07/01/30		133,690.00		330,300.00	525,225.00	1,546,211.25	2,535,426.25	
01/01/31		137,315.00		330,800.00	524,375.00	1,545,682.50	2,538,172.50	5,073,598.75
07/01/31		135,885.00		361,225.00	523,450.00		1,020,560.00	
01/01/32		139,455.00		366,125.00	527,450.00		1,033,030.00	2,053,590.00
07/01/32		137,970.00		370,875.00	526,300.00		1,035,145.00	
01/01/33		136,485.00		370,475.00	525,075.00		1,032,035.00	2,067,180.00
07/01/33					523,775.00		523,775.00	
01/01/34					527,400.00		527,400.00	1,051,175.00
07/01/34					525,875.00		525,875.00	
01/01/35					524,275.00		524,275.00	1,050,150.00
07/01/35					527,600.00		527,600.00	
01/01/36					525,775.00		525,775.00	1,053,375.00
07/01/36					523,875.00		523,875.00	
01/01/37					526,900.00		526,900.00	1,050,775.00
07/01/37					524,775.00		524,775.00	
01/01/38					522,575.00		522,575.00	1,047,350.00
07/01/38					525,300.00		525,300.00	
01/01/39					522,875.00		522,875.00	1,048,175.00
07/01/39					525,375.00		525,375.00	
01/01/40					522,725.00		522,725.00	1,048,100.00
Totals	<u>\$361,025.00</u>	<u>\$6,543,705.00</u>	<u>\$15,313,608.00</u>	<u>\$9,371,075.00</u>	<u>\$18,447,440.56</u>	<u>\$12,450,922.28</u>	<u>\$62,487,775.84</u>	<u>\$62,487,775.84</u>

Average annual debt service for the ten bond years ending January 1, 2031.

\$4,875,588.53

(Subject to the attached letter dated July 13, 2020)
(Preliminary - Subject to Change)
(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

COMPARISON OF PRO FORMA ANNUAL REVENUES AND BUDGET REQUIREMENTS
FOR CALENDAR YEARS 2020 THROUGH 2023

See explanation of adjustments, page 6.
(Rounded to the nearest \$100)

	Calendar Year Ending				(Ref.)
	2020	2021	2022	2023	
ANNUAL REVENUES					
Collections	\$13,334,300	\$13,388,100	\$13,588,600	\$13,789,100	(1)
Revenues from growth in users (400 EDU's/yr)	200,500	200,500	200,500	200,500	(2)
Revenue reduction from hardship program	(146,700)	-	-	-	(3)
Revenues from approved rate increases	469,200	1,552,400	1,552,400	1,552,400	(4)
Miscellaneous	310,200	310,200	310,200	310,200	(5)
Interest income	15,700	15,700	15,700	15,700	(5)
Total Annual Revenues	14,183,200	15,466,900	15,667,400	15,867,900	
BUDGET REQUIREMENTS					
Cash operating expenses	7,397,100	7,619,100	7,848,000	8,083,200	(6)
Debt service:					
2011 Bonds	719,000	-	-	-	(7)
2013 Bonds	1,182,100	1,179,000	1,175,400	1,176,400	(8)
2015 Refunding Bonds	1,543,400	1,543,300	1,542,300	1,550,600	(9)
2017 Bonds	770,900	784,900	793,400	792,100	(10)
2020 Bonds	122,900	467,500	514,500	510,500	(11)
2021 Bonds	-	395,700	474,500	469,100	(12)
Revolving Loan (Barrett Law)	100,000	100,000	100,000	100,000	(13)
Capital improvements	2,155,000	2,195,000	1,906,000	2,206,000	(14)
Total Annual Revenue Requirements	\$13,990,400	\$14,284,500	\$14,354,100	\$14,887,900	
Percentage Increase in Rates and Charges	<u>10.40%</u>				
Resulting Average Monthly Bill (Currently \$41.78 for residential bill)	<u>\$46.13</u>				
Resulting Increase in Average Monthly Bill	<u>\$4.35</u>				
Debt Service Coverage (Excludes connection fee revenue)	<u>156%</u>	<u>180%</u>	<u>174%</u>	<u>173%</u>	

(Continued on next page)

(Subject to the attached letter dated July 13, 2020)
(Preliminary - Subject to Change)
(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

(Cont'd)

**COMPARISON OF PRO FORMA ANNUAL REVENUES AND BUDGET REQUIREMENTS
FOR CALENDAR YEARS 2020 THROUGH 2023**

Explanation of adjustments.

- (1) See page 8 of the Financial Management Report of Baker Tilly dated May 20, 2020.
- (2) Pro Forma 2020 - 2023 assumes 400 EDU's at the monthly residential flat rate bill of \$41.78.
- (3) See page 7.
- (4) Additional revenues per proposed rate increase.
- (5) Based on test year amounts from the Financial Management Report of Baker Tilly dated May 20, 2020.
- (6) See "2020 Budget and Forecasted Budgets for Calendar Years 2021, 2022 and 2023" from the Financial Management Report for the Calendar Year Ended December 31, 2019, dated May 20, 2020 by Baker Tilly.
- (7) Based on the amortization of the outstanding 2011 Sewage Works Revenue Bonds dated April 27, 2011 and assumed to be refunded in 2021.
- (8) Based on the amortization of the outstanding 2013 Sewage Works Revenue and Refunding Revenue Bonds dated June 5, 2013.
- (9) Based on the amortization of the outstanding 2015 Sewage Works Refunding Revenue Bonds dated April 28, 2015.
- (10) Based on the amortization of the outstanding 2017 Sewage Works Revenue Bonds dated August 3, 2017.
- (11) Based on the amortization of the proposed 2020 Sewage Works Revenue Bonds assumed to be dated September 15, 2020, see page 3.
- (12) Based on the amortization of the proposed 2021 Sewage Works Refunding Revenue Bonds assumed to be dated April 15, 2021.
- (13) Per Utility Officials.
- (14) Based on the capital improvement plan provided by Utility Management.

(Subject to the attached letter dated July 13, 2020)
(Preliminary - Subject to Change)
(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

Proposed Impact from Expansion of the Hardship Program

(Wastewater fees only)

2019 customer count (1)	21,728
Times estimated May unemployment rate for Hamilton County (2)	<u>7.5%</u>
Sub-total	1,630
Times assumed unemployment credit (monthly) (3)	<u>\$15</u>
Sub-total	24,450
Times six months (4)	<u>6</u>
Total estimated impact from hardship expansion	<u><u>\$146,700</u></u>

(1) Per Utility billing information.

(2) Per the Bureau of Labor Statistics.

(3) Proposed amount per City administration.

(4) It is anticipated that the City will administer the expansion of the Hardship Program for unemployed customers for a period of six months subject to change. The proposed cap on the program is \$250,000.

(Subject to the attached letter dated July 13, 2020)

(Preliminary - Subject to Change)

(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

**SCHEDULE OF AMORTIZATION OF \$10,780,000 PRINCIPAL AMOUNT OF
OUTSTANDING SEWAGE WORKS REVENUE BONDS OF 2011**

Bonds dated April 27, 2011.

Payment Date	Principal Balance (In \$1,000's)	Interest Rate(s) (%)	Debt Service			Bond Year Total
			Principal (In \$1,000's)	Interest (-----In Dollars-----)	Total	
01/01/21	\$10,780	4.000	\$100	\$261,025.00	\$361,025.00	\$361,025.00

Note: These bonds are assumed to be currently refunded by the 2021 Bonds.

(Subject to the attached letter dated July 13, 2020)
(Preliminary - Subject to Change)
(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

**SCHEDULE OF AMORTIZATION OF \$10,765,000 PRINCIPAL AMOUNT OF
PROPOSED SEWAGE WORKS REFUNDING REVENUE BONDS, SERIES 2021**

Principal and interest payable semi-annually on January 1st and July 1st, beginning July 1, 2021.

Assumed interest rate as indicated.

Assumes bonds dated April 15, 2021.

Payment Date	Principal Balance (In \$1,000's)	Assumed Interest Rate (%)	Debt Service			Bond Year Total
			Principal (In \$1,000's)	Interest (-----In Dollars-----)	Total	
07/01/21	\$10,765	2.050	\$120	\$46,588.53	\$166,588.53	
01/01/22	10,645	2.050	120	109,111.25	229,111.25	\$395,699.78
07/01/22	10,525	2.050	125	107,881.25	232,881.25	
01/01/23	10,400	2.050	135	106,600.00	241,600.00	474,481.25
07/01/23	10,265	2.050	130	105,216.25	235,216.25	
01/01/24	10,135	2.050	130	103,883.75	233,883.75	469,100.00
07/01/24	10,005	2.050	130	102,551.25	232,551.25	
01/01/25	9,875	2.050	135	101,218.75	236,218.75	468,770.00
07/01/25	9,740	2.050	135	99,835.00	234,835.00	
01/01/26	9,605	2.050	125	98,451.25	223,451.25	458,286.25
07/01/26	9,480	2.050	130	97,170.00	227,170.00	
01/01/27	9,350	2.050	135	95,837.50	230,837.50	458,007.50
07/01/27	9,215	2.050	125	94,453.75	219,453.75	
01/01/28	9,090	2.050	135	93,172.50	228,172.50	447,626.25
07/01/28	8,955	2.050	1,455	91,788.75	1,546,788.75	
01/01/29	7,500	2.050	1,470	76,875.00	1,546,875.00	3,093,663.75
07/01/29	6,030	2.050	1,485	61,807.50	1,546,807.50	
01/01/30	4,545	2.050	1,500	46,586.25	1,546,586.25	3,093,393.75
07/01/30	3,045	2.050	1,515	31,211.25	1,546,211.25	
01/01/31	1,530	2.050	1,530	15,682.50	1,545,682.50	3,091,893.75
Totals			<u>\$10,765</u>	<u>\$1,685,922.28</u>	<u>\$12,450,922.28</u>	<u>\$12,450,922.28</u>

Note: The Utility privately placed the proposed Sewage Works Refunding Revenue Bonds, Series 2021 pursuant to a Forward Bond Purchase and Continuing Covenants Agreement with J.P. Morgan dated February 7, 2020. These bonds are anticipated to close on or about April 15, 2021.

(Subject to the attached letter dated July 13, 2020)
(Preliminary - Subject to Change)
(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

SUMMARY OF PRESENT AND PROPOSED WASTEWATER RATES AND CHARGES

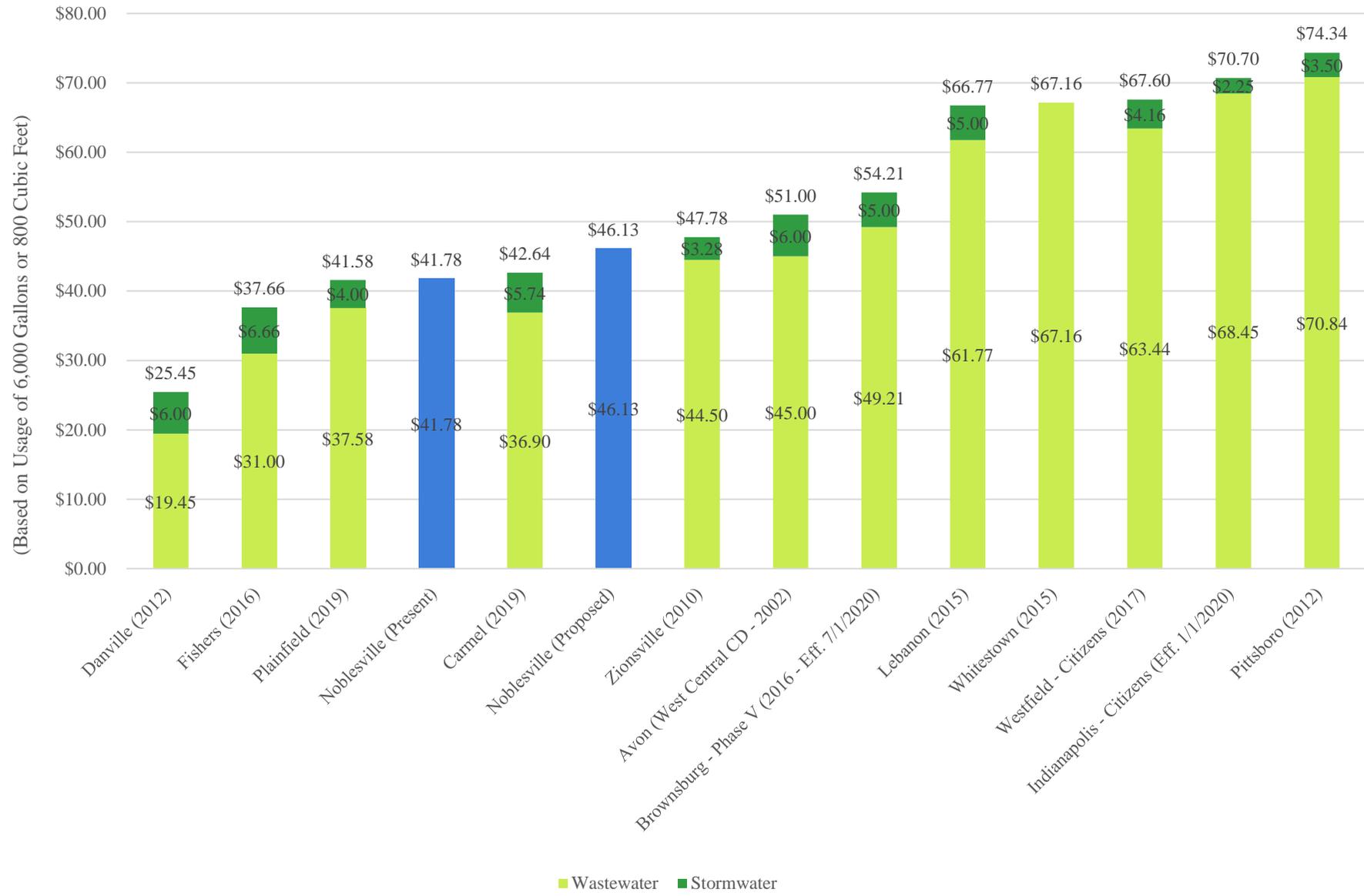
	Present Rates (1) <u>(Phase III)</u>	<u>Proposed Rates (2)</u>
Effective Date	7/1/2019	9/1/2020
(A) <u>RESIDENTIAL USERS:</u>		
Monthly Flat Rate	\$41.78	\$46.13
(B) <u>NON-RESIDENTIAL USERS:</u>		
Monthly Base Charge:		
Meter Size:		
5/8 - 3/4 inch meter	\$14.78	\$16.32
1 inch meter	32.95	36.38
1 1/4 inch meter	51.19	56.51
1 1/2 inch meter	73.08	80.68
2 inch meter	123.89	136.77
3 inch meter	281.59	310.88
4 inch meter	487.82	538.55
6 inch meter	1,106.32	1,221.38
Flow Charge (Per 1,000 Gallons)	\$4.57	\$5.05
(C) <u>EXCESSIVE STRENGTH SURCHARGES (BASED ON EFFLUENT STRENGTH):</u>		
	<u>Present Monthly Per Pound</u>	<u>Proposed Monthly Per Pound</u>
B.O.D. in excess of 300 mg/l	\$0.07	
S.S. in excess of 350 mg/l	0.06	
Phosphorus in excess of 15 mg/l	0.51	
B.O.D. in excess of 250 mg/l		\$0.17
S.S. in excess of 250 mg/l		0.10
Phosphorus between 4-6.99 mg/l Tier I		1.76
Phosphorus in excess of 7 mg/l Tier II		10.11

- (1) Present phased-in rates approved on May 23, 2017 pursuant to Ordinance No. 14-05-17.
- (2) All residential customers are billed a flat monthly sewer rate. Commercial and industrial customers, however are billed based on actual water usage. Water consumption data received from the City's two major water providers for non-residential customers (all Commercial and Industrial) is re-average on an annual basis (July of each year) to determine the monthly billing for the next year. To allow appropriate time for the utility to calculate the non-residential bills, it is assumed the rates and charges will be effective on September 1, 2019.

(Subject to the attached letter dated July 13, 2020)
(Preliminary - Subject to Change)
(Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

COMPARISON OF LOCAL INDIANA COMMUNITY MONTHLY BILLINGS
 (Includes Storm Water User Fee Where Applicable)

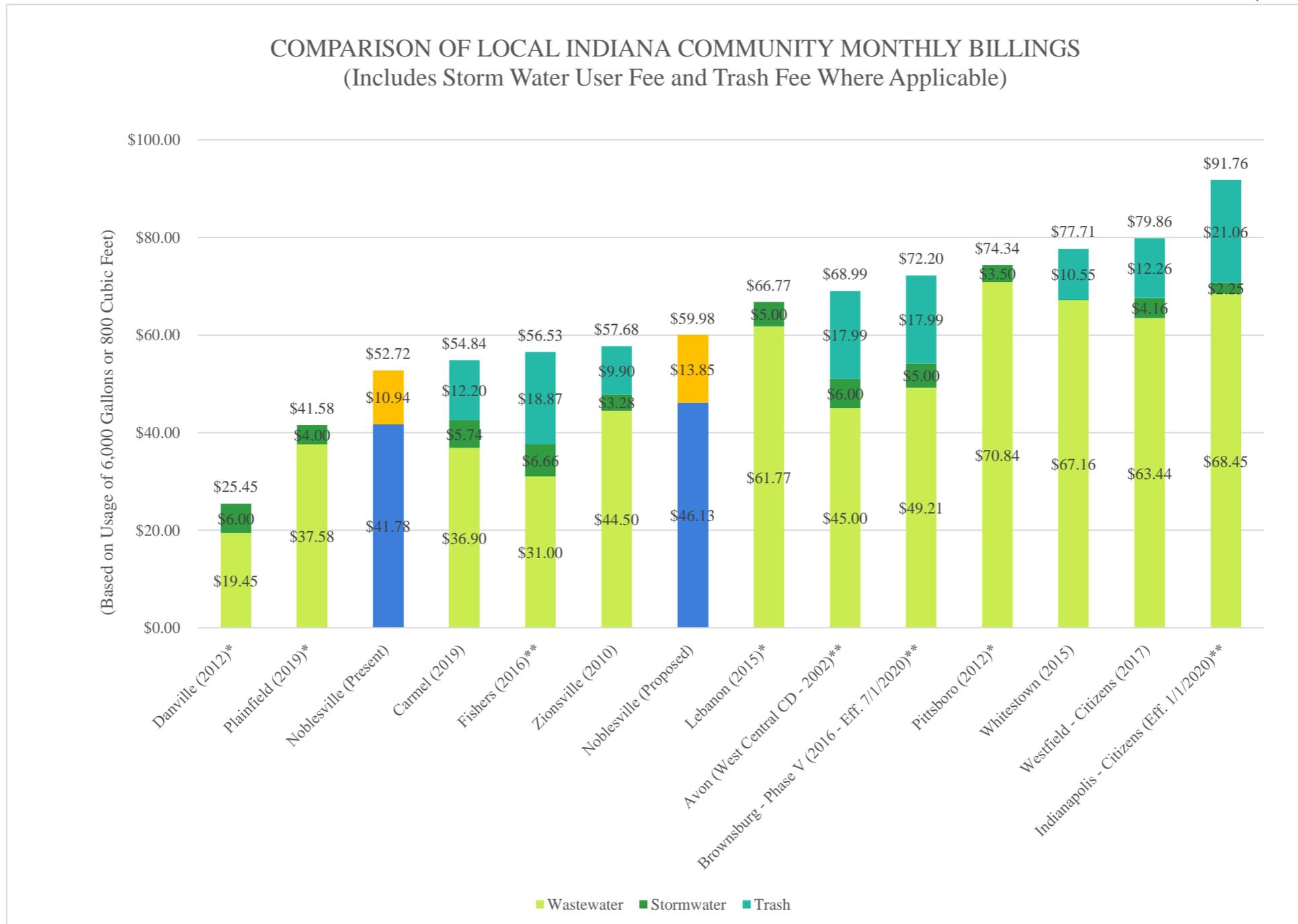


(Continued on next page)

(Subject to the attached letter dated July 13, 2020)
 (Preliminary - Subject to Change)
 (Internal Use Only)

NOBLESVILLE (INDIANA) MUNICIPAL WASTEWATER UTILITY

(Cont'd)



*Trash information not available.

**Not associated with the Town or City's Public Works Department as there is no Town or City-wide service contract. Assumes a private contractor fee for a residential customer based on a general location of the residence.

(Subject to the attached letter dated July 13, 2020)

(Preliminary - Subject to Change)

(Internal Use Only)

Exhibit B

§ 51.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BOARD." The Board of Works of the city, or any duly-authorized officials acting in its behalf.

"B.O.D. (biochemical oxygen demand)." Shall have the same meaning as defined in the sewer use ordinance.

"CITY." The City of Noblesville, Indiana, acting by and through the Common Council.

"DEBT SERVICE COSTS." The average annual principal and interest payments on all revenue bonds or other long-term capital debt.

"EXCESSIVE STRENGTH SURCHARGE." An additional charge which is billed to users for treating sewage wastes with an average strength in excess of normal domestic sewage.

"INDUSTRIAL WASTES." The wastewater discharges from industrial, trade, or business processes as distinct from employee wastes or wastes from sanitary conveniences.

"NORMAL DOMESTIC SEWAGE."

(1) For the purpose of determining surcharges, wastewater or sewage having an average daily concentration as follows:

(a) B.O.D. not more than 250 mg/l.

(b) S.S. not more than 250mg/l.

(2) As defined by origin, wastewaters from segregated domestic or sanitary conveniences as distinct from wastes from industrial processes.

"NPDES (National Pollutant Discharge Elimination System) PERMIT." Shall have the same meaning as defined in the sewer use ordinance.

"OPERATION AND MAINTENANCE COSTS." Includes all costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing basis, and produce discharges to receiving waters that conform with all related federal, state, and local requirements. These costs include replacement.

"OTHER SERVICE CHARGES." Tap charges, connection charges, area charges, and other identifiable charges other than user charges, debt service charges, and excessive strength surcharges.

"PERSON." Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

"REPLACEMENT COSTS." The expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

"S.S. (suspended solids)." Shall have the same meaning as defined in the sewer use ordinance.

"SEWAGE." Shall have the same meaning as defined in the sewer use ordinance.

"SEWER USE ORDINANCE." A separate and companion enactment to § § 51.01 through 51.11, which regulates the connection to and use of public and private sewers.

"USER CHARGE." A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works pursuant to Section 204(b) of PL 92-500.

"USER CLASS." The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the user charge system).

(1) "RESIDENTIAL USER." A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, and the like.

(2) "COMMERCIAL USER." Any establishment involved in a commercial enterprise, business, or service which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(3) "INSTITUTIONAL USER." Any establishment involved in a social, charitable, religious, or educational function which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(4) "GOVERNMENTAL USER." Any federal, state, or local governmental user of the wastewater treatment works.

(5) "INDUSTRIAL USER." Any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

§ 51.02 ESTABLISHMENT OF USER CLASSES.

(A) Every person whose premises are served by the sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charge rates shall be uniform in magnitude within a user class.

(B) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

(C) The various classes of users of the treatment works for purposes of this chapter shall be as follows:

- (1) Residential.
- (2) Commercial.
- (3) Governmental.

(4) Institutional.

(5) Industrial.

§ 51.03 RATE SCHEDULE.

This section shall impose a monthly fee for the use and the services rendered by the sewage works. Rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the city sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewage system of the city. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(A) (1) There is hereby established a flat, monthly fee of \$46.13 for each single-family residence and residential duplexes with separate meters (“residential parcels”), beginning September 1, 2020 until September 1, 2024:

(2) Any owner-occupant who is eligible for, and has filed:

(a) A claim for an over age 65 deduction for property taxes pursuant to I.C. 6-1.1-12-9;

(b) A claim for a blind and disabled deduction for property taxes under I.C. 6-1.1-12-11; or

(c) A claim for a disabled veteran or surviving spouse deduction for property taxes pursuant to I.C. 6-1.1-1-13;

is eligible for a \$10 per month credit from the above amounts. Beginning September 1, 2020, the credit shall adjust to \$12 per month for eligible owner-occupants. A residential parcel may receive only one credit under this subsection, even though the owner-occupant may be eligible under more than one statute.

(d) Any claims for the above credit shall continue to be in effect as long as the rate payer meets the criteria above.

(e) Future claims must be filed with the Hamilton County Auditor. The property owner shall not be eligible for the credit until the first billing cycle after the claim is filed. Any owner-occupant who has filed a claim, but does not receive the credit on the wastewater bill, must file a file-marked copy of the owner’s affidavit requesting one of the above deductions.

(3) Any owner-occupant of a residential parcel who meets the criteria established in this subsection is eligible for special circumstances economic hardship credit (“hardship credit”) from the residential parcel monthly fee. Owners-occupants of residential parcels may apply for this credit beginning on September 1, 2020, and the credit shall be applied to the first billing cycle after the credit is approved by the City. This subsection shall expire on February 28, 2021.

(a) The hardship credit may be initially granted during a public health emergency or during a year in which a public health emergency has been declared.

(b) To be granted a hardship credit, an owner-occupant of a residential parcel must provide documentation to the Wastewater Department that shows proof that the owner-occupant has filed for any of the following:

1. Unemployment with the state Department of Workforce Development;
2. Hardship accommodation with the Indiana Department of Revenue;
3. Financial assistance with the township trustee; or
4. Energy assistance through the Low Income Home Energy Assistance Program;

and must affirm under penalties of perjury that the filing related to economic conditions caused in part by the public health emergency.

(c) Owners-occupants of residential parcels satisfying the requirements of this subsection will receive a \$15 per month hardship credit, for a period of up to six (6) months, beginning the next billing cycle after documentation is provided under subsection 3(b). All hardship credits under this subsection shall terminate on February 28, 2021. The hardship credit shall not be applied retroactively.

(d) If the owner-occupant receiving the hardship credit moves to another residential parcel, the owner-occupant shall supply the documentation required under 3(b) and may continue to receive the hardship credit on their new residential parcel account.

(e) Credits provided under this subsection may be granted up to a maximum amount of \$250,000.

(B) The schedule of rates for all other users of the city's sewage works shall be determined as follows:

The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed. For the purpose of billing and collecting the charges for the sewage service, the water meters shall be read monthly or based on the average monthly usage for the preceding seven months ending in May based on actual readings. These readings shall be averaged and the users shall be billed monthly (or a period equaling a month). All new customers of the wastewater utility shall have service commenced at the monthly rate based on meter size plus the family residential rate. Upon receiving at least three readings, the new customer's rate shall be adjusted accordingly.

(C) (1) The rates for the sewage works not included in subsection(A) above are as follows:

<i>Meter Size</i>	<i>September 1, 2020</i>
5/8-3/4 inch	\$16.32
1 inch	\$36.38
1- 1/4 inch	\$56.51
1-1/2 inch	\$80.68
2 inch	\$136.77
3 inch	\$310.88

4 inch	\$538.55
6 inch	\$1,221.38
PLUS a monthly flow charge (per 1,000 gallons)	\$5.05

(2) Unmetered non-residential parcels shall be charged a rate to be determined by the city on an individual basis by applying the above metered rates to estimated usage and meter size.

(D) There is established a surcharge rate for certain excessive strength surcharges based on effluent strength as follows:

	<i>Monthly Per Pound</i>
Excessive Strength Surcharges (Based on Effluent Strength)	<i>Beginning September 1, 2020</i>
B.O.D. in excess of 250 mg/l	\$0.17/lb
S.S. in excess of 250 mg/l	\$0.10/lb
Phosphorus between 4.0 – 6.99 mg/l	\$1.76/lb
Phosphorus in excess of 7 mg/l	\$10.11/lb

(E) Upon receiving notice that the water meter has become active from any of the water companies currently serving customers in the city, billing shall commence immediately. In the event a new customer uses the sewer system prior to notification to the utility, the utility may bill the new user retroactively, based upon either: the date a certificate of occupancy is issued for a new building or residence; or, for existing buildings, the date of transfer of the real estate, based on the deed recorded in the Office of the Hamilton County Recorder.

(F) For the service rendered to the city, the city shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(G) In order to recover the cost of monitoring industrial wastes, the city shall charge the user the actual costs of monitoring, but no less than \$65 per sampling event. This charge reimburses the City for the cost of administration of the sampling..

(H) No adjustment to the monthly rate charged to non-residential parcels shall be applied retroactively for more than three monthly billing cycles. Any appeal for an adjustment to the monthly rate more than three months prior to the request for an adjustment is deemed waived.

§ 51.04 ALLOWANCES AND METER REQUIREMENTS.

The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the city shall be determined by the city in such manner as the city shall reasonably elect,

and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the city may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the city that such quantities do not enter the sewage system.

(A) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the city's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the city, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rate or charge provided in this chapter, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for the determining of sewage discharge.

(B) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the city's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user, and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(C) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial wastes, water, or other liquids into the city's sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the city that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(D) Where a metered water supply is used for fire protection as well as for other uses not entering the sewer system, the city may, in its discretion, make adjustments in the user charge as may be equitable.

§ 51.05 BASIS OF CHARGES.

(A) In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the city shall base its charges not only on the volume, but also on the strength and character of the stronger-than-normal domestic sewage, and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the city may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the sewer use ordinance, available to the city at all times.

(B) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid or suspended solids in excess of 250 milligrams per liter of fluid or phosphorous in excess of 4 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate surcharge based upon suspended solids. There shall be an additional charge of \$0.10 per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

(2) Rate surcharge based upon B.O.D. There shall be an additional charge of \$0.17 per pound of biochemical oxygen demand for B.O.D. received in excess of 250 milligrams per liter of fluid.

(3) Rate surcharge based upon phosphorous. There shall be an additional charge of \$1.76 per pound of phosphorous ~~oxygen demand for B.O.D.~~ received in excess of 4 milligrams per liter of fluid up to 6.99 milligrams per liter of fluid. There shall be an additional charge of \$10.11 per pound of phosphorous ~~oxygen demand for B.O.D.~~ received in excess of 7 milligrams per liter of fluid.

(C) The determination of suspended solids, Phosphorus, and five-day biochemical oxygen demand contained in the waste shall be in accordance with the current edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," as written by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

§ 51.06 BILLING PROCEDURES; DELINQUENT CHARGES.

(A) Rates and charges shall be prepared, billed, and collected by the city in the manner provided by law and ordinance.

(B) Beginning July 1, 2013, the rates and charges for all residential rental properties shall be charged to the owner of the real estate as shown by the land records maintained by the Hamilton County Auditor. The rates and charges may be billed to the tenant of non-residential properties served by the sewage works. Such billing of rental properties shall in no way relieve the owner from liability in the event payment is not made as herein required, nor does such billing restrict the city from any collection procedures, including filing of liens. The owners of properties, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office of the Wastewater Department during the hours that such office is open for business.

(C) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent, and a penalty of 10% of the amount of the rates or charges shall thereupon attach thereto. The time at which the rates or charges shall be paid is now fixed at 15 days after the date of mailing of the bill.

§ 51.07 STUDIES OF RATES AND CHARGES.

(A) In order to assure the rates and charges for sewage services are properly allocated pursuant to statute, and that said charges may remain sufficient to adequately fund the necessary replacement costs and other revenue and reserve requirements, the city shall periodically cause a study to be made concerning the rates charged by the city. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the sufficiency of its revenue to provide adequate funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

(B) These studies shall be conducted by officers or employees of the city or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the city shall determine to be best under the circumstances.

§ 51.08 ENFORCEMENT OF REGULATIONS.

(A) The Board of Public Works and Safety may make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the city's sewage system, pumping stations, and sewage treatment works, for the construction and use of house sewers and connection to the sewerage system, and for the regulation, collection, rebating, and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

(B) The Board of Public Works and Safety/Utilities Director is hereby authorized to prohibit dumping of wastes into the city's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the city; or to require methods affecting pretreatment of wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works.

§ 51.09 SPECIAL RATE CONTRACTS.

The Board of Works is hereby authorized to enter into special rate contracts with users of the sewage works where clearly definable costs to the sewage works can be determined, and the special rates shall be based on those costs.

§ 51.10 INITIAL CONNECTION CHARGE.

In order to accumulate funds for the future expansion of the wastewater treatment facilities, each property owner at the time of initial connection shall pay a charge equal to \$2,160 per equivalent single-family dwelling unit. For multi-dwelling units and nonresidential users, the equivalence to a single-family dwelling unit shall be determined by the city.

DEVELOPERS AND NEW USERS

§ 51.15 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"INTERCEPTOR COSTS." Sewer costs external to a development.

"LOCAL SEWER COSTS." Sewer costs within a development being served.

"OVERSIZING COSTS." As outlined in § 51.16(D), will be considered interceptor costs and shall qualify for refunding.

"OWNER OF REAL ESTATE." An individual, firm, company, partnership, cooperation, governmental units, or charitable and other non-profit organization holding legal title to real estate.

§ 51.16 AVAILABILITY COSTS.

No connection to any city-owned trunk sanitary sewer shall be allowed until a permit is obtained and payment or satisfactory surety for payment as a contribution to aid in construction has been made into the City Interceptor Improvement and Betterment Fund, and the Plant Expansion Fund pursuant to this section. No sewer collection facilities will be extended by the city unless and until such area requesting extension is annexed to the city or the owners of the real estate within the area have agreed not to remonstrate against such annexation in the future.

(A) There are hereby established, as of the effective date of this section for all new users of the City Sewer Works, availability and connection fees of \$2,715 per Equivalent Dwelling Unit (EDU). For purposes of this section, one EDU shall be defined as the average use of 310 gallons of wastewater flow per day over one calendar year. The assigned number of EDUs for various land uses are listed in Section 51.17(C). Table 11-1 of Title 327 of the State of Indiana Water Pollution Control Board, shall be used to determine the number of EDUs for all users, unless the Board of Public Works and Safety determines to the contrary.

(B) Additional funds contributed. The above availability costs shall be strictly non-refundable. If by prior agreement, in order to extend the trunk sewerage system, additional funds are necessary to extend the sewer to the owners of real estate, such additional funds, advanced or contributed by said owners of real estate for the extensions and/or oversizing to meet the requirements of the city, are refundable, without interest. However, such refunds may be made only from funds deposited at a future date by owners of real estate benefited under such terms and conditions as the city shall, from time to time, set forth. In no event will any of the city sewerage revenues be used, committed, or encumbered to repay any such funds advanced or contributed, nor will the city's General Fund be used, committed or encumbered to repay any such funds advanced or contributed. It is expressly declared that such repayment, if any, will be made under the provisions of and will be repaid only from funds deposited in the Interceptor Improvement and Betterment Fund on the basis of first in, first out. No provision of this subchapter shall be construed as a guarantee by the city that the owners of real estate advancing funds will be fully reimbursed therefor.

(C) Accounts.

(1) Two separate accounts will be established from the availability costs assessed. In one account will be deposited 10% of the assessed availability costs until the accumulated amount totals \$300,000 for use by the city for emergency and special sewer cases as determined necessary by the Board of Public Works and Safety. When this account is depleted in part or in whole, 10% of subsequent availability costs assessments shall again accumulate to the total of \$300,000.

(2) The second account will be established from 90% of the availability costs assessed and 100% of the availability costs after the emergency and special sewer cases account has accumulated \$300,000. Only this second account shall be used for reimbursement, refunds, or repayment to owners of real estate for extensions and/or oversizing to meet requirements of the city and for which a prior written agreement was negotiated.

(D) Oversizing. Refunding of costs for oversizing to meet city specifications shall be made only for the portion of the oversizing which lies within the real estate owner's development as requested in writing by the Board of Public Works and Safety. In the event the availability cost does not provide sufficient funds to extend and/or oversize the trunk sewer, as needed, no such sewer extension into the development, or oversizing, will be considered by the Board of Public Works and Safety unless the owners of real estate desire to advance and pay the excess costs of the project. In the event oversizing of sewage lift stations and other applicable appurtenance and/or oversizing and extensions of trunk sewers

constructed within their development by owners of real estate are necessary to deliver sewage from other areas to the trunk sewer, or from one trunk to another, such oversizing and/or extension costs may be deemed to be part of the trunk sewer costs and not part of the on-site local sewer costs, and as such, would be considered for refund under provisions of subsection (B) of this section.

(E) Repayment method. Repayment, reimbursement, or refund for oversizing or extension costs must be requested by the real estate owner at the time of application for sewerage extensions and/or signing of final plats. The amount of eligible repayment will be negotiated prior to signing of final plats and/or at the time of filing applications for sewerage extensions. The negotiated amount will be for construction labor and materials only and will be based on city standard costs as updated annually from receipt of not less than two bid quotations.

(F) The requirements of this section shall not be applicable to any rehabilitation, change of use or improvement to an existing building located within the CCBD of Noblesville as the district is hereafter defined, except as specifically limited or restricted herein.

§ 51.17 INDIVIDUAL CONNECTIONS.

(A) Where an individual connection is sought for acreage or developed areas inside or outside the corporate limits of the city, the following sewer users, listed by type of occupancy, shall pay a connection cost based on an average user factor of one. The average or equivalent user connection cost for a single-family residence is hereby initially fixed and established at \$1,865. The units listed below will presently pay for a connection cost based on the multiplication of the listed decimal times \$1,865. The equivalent user cost of \$1,865 as well as the connection costs listed below may, from time to time, be updated and changed by the city. Funds collected, including inspection costs, shall be deposited into the City Plant Expansion and Improvement Fund. Funds collected shall be used for the expansion and improvements of nonconveyance facilities.

(B) Connection of users not listed below or of unique character will be negotiated with the Board of Public Works and Safety. For the purpose of reviewing the unit contribution, the usage of a single-family residence will be considered as 9,300 gallons per month. Users listed above shall also be billed a monthly rate in accordance with current sewer use charges.

(C) Connection charges.

<i>TYPE OF USER</i>	<i>PER UNIT EQUIVALENT</i>
Single-Family residences and condominiums	\$1.00
Multi-family residences	
One bedroom	.64
Two bedrooms	.96
Three or more bedrooms	1.00
Assembly Halls, lodges, veterans organizations	.006 per seat
Barber and beauty shops	.60 per chair

Bars and cocktail lounges	.10 per seat
Bowling alleys	.32 per lane
Churches	.008 per seat
Day care centers	.03 per child and staff member
Drive-in/drive-thru restaurants	.40 per car space
Drive-in theaters	.02 per space
Hospitals	.50 per bed
Institutions other than hospitals	.40 per bed
Laundromats	1.00 per washing machine
Mobile home parks	.75 per space
Motels and Hotels	.32 per room
Nursing homes	.30 per bed
Offices	.50 per 1,00 square feet of building area
Restaurants	.10 per seat
Retail space	1.00 per 1,000 square feet of building area
With fountain space add	.10 per seat
Rooming houses	.30 per renter
Schools	.03 per pupil
With cafeteria and showers	.05 per pupil
Service stations	.70 per island
Theaters	.01 per seat
Manufacturing facilities	Based on industrial process used city shall estimate usage in terms of its equivalence to a single-family dwelling unit.
Unique facilities	Negotiated with Board of Public Works and Safety.
Change in character or use	Per above table as by addition or remodel applicable

(D) The requirements of this section shall not be applicable to any rehabilitation, change of use or improvement to an existing building located within the CCBD of Noblesville as the district is hereafter defined, except as specifically limited or restricted herein.

§ 51.18 MANNER OF PAYMENT.

(A) Payment of the availability and connection costs shall be made at the following times and in the following manner:

(1) At signing of record plat or detail plan approval, or conditional use approval, the sum of \$1,050 per each equivalent dwelling unit, which shall be allocated to the Interceptor Improvement and

Betterment Fund. Said payment shall be paid into the following accounts of the Interceptor Improvement and Betterment Fund:

(a) Emergency Account. \$150 shall be paid into the Emergency Account until the accumulated amount in the Emergency Account reaches \$300,000. The Emergency Account is to be used by the city for emergency and special sewer cases as recommended by the Utility Director and as authorized by the Mayor. The amount in the Emergency Account shall continue to be collected until the account reaches \$300,000, at which time any further amounts collected under this subsection shall be transferred to the Wastewater Department Interceptor Account.

(b) The Interceptor Expansion Account. \$500 shall be paid into the Interceptor Expansion Account. This account shall be used to provide reimbursements to developers who oversize and/or extend sewers pursuant to the Master Plan set out in subsection (E) of this section. Contracts under this fund shall be negotiated by the City Engineer and approved by the Board of Public Works and Safety. Any developer meeting the terms of subsection (E) shall receive, as a credit, up to \$500 per EDU on land developed or owned by the developer as a credit for payment to the Interceptor Expansion Account. The balance of credits shall be paid in cash as set out in subsection (E). The payments under this fund shall be made only from funds available and shall be paid to the developer in order of approval of the reimbursement agreements approved by the Board of Public Works and Safety. The City Engineer shall approve all cash payments from this account.

(c) Storm Water Fund. This account shall consist of \$100 per EDU payable upon receipt from the final payment of the Interceptor Improvement and Betterment Fund. This account shall be managed by the Utility Director and used to pay the costs of the design, construction, planning, and expenses necessary for the collection, distribution, purification, diversion or storage of storm water within the city, or the area served by the utility, including, but not limited to, separation of combined sewer projects.

(d) The Wastewater Department Interceptor Account. \$300 shall be paid into the Wastewater Department Interceptor Account. This account shall be used by either the Utility Director or City Engineer to pay the costs of improvements and extensions of the interceptor sewers, including engineering fees, professional fees, construction costs, costs of maintenance of records and documents and such other costs as are ordinary and necessary in the construction and expansion of the interceptor sewer system.

(2) At the issuance of the building permit, the balance of \$1,665 per EDU shall be paid which shall be distributed into the following funds or accounts.

(a) Plant Expansion Fund. \$1,100 per EDU shall be paid into the Plant Expansion Fund. This fund shall be managed by the Utility Director for the purpose of Wastewater Treatment Plant maintenance and/or capital improvements, and may be used to pay the costs of the expansion of the city's sewage treatment plant, including engineering costs, professional expenses, and construction expenses, as well as any debt service or lease rental costs to finance the above expenses.

(b) The Wastewater Department Interceptor Account. \$250 shall be paid into the Wastewater Department Interceptor Account established in subsection (A)(1)(d) above.

(c) Storm Water Fund. This account shall consist of \$275 per EDU, payable upon receipt from the final payment of the Interceptor Improvement and Betterment Fund. This account shall be managed by the Utility Director and used to pay the costs of the design, construction, planning, and expenses

necessary for the collection, distribution, purification, diversion or storage of storm water within the City, or the area served by the utility, including, but not limited to, separation of combined sewer projects.

(d) Engineering Inspection Services Account. \$40 per EDU shall be paid to the Engineering Administrative Services Account. This account shall be used by the City Engineer to pay for the operation and maintenance of the department's database and acquisition of computer software and hardware, as associated to the administrative and accounting services attributed to the collection of availability and connection fees.

(3) All availability and connection costs shall be due and payable upon application for a building permit for any new user if the lot or land of the new user was not assessed an initial connection fee under either (A)(1) above, or a prior ordinance of the city requiring partial payment of a connection fee at the time of plat approval.

(B) All interest from the Plant Expansion Fund shall remain in the fund and used for the purposes set out herein. All interest from the Interceptor Improvement and Betterment Fund shall be placed in the Plant Expansion Fund.

(C) The costs to be paid from the above funds and accounts shall expressly include construction costs, legal costs, engineering costs, construction inspection costs, project administrative costs and easement acquisition costs as shall be administered and defined by the Board of Public Works and Safety. Projects which may be funded from the Interceptor Improvement and Betterment Fund shall include new trunk and interceptor sewers, improvements to existing trunk or interceptor sewers and such sewage collection improvements projects as determined by the Board of Public Works and Safety.

(D) Easements, as are required by the Board of Public Works and Safety for the extension of sewers across the land of a developer, shall be prepared and dedicated without cost by the owner of the real estate. Other easements may be acquired pursuant to law.

(E) Credits and Reimbursements. Any owner of real estate, which either (a) including an extension of an interceptor sewer defined in the City Interceptor Improvement Master Plan (hereinafter referred to as "the Master Plan"); or (b) is served, or should be served, by an interceptor sewer to provide extensions of the city sewer system to other real estate; shall be required to extend the interceptors through their property, under the terms and conditions set out in this subsection. For purposes of this subsection, the following definitions apply:

(1) "INTERCEPTOR COSTS." Sewer costs external to a development, including the costs of oversizing, or extending an interceptor through a development, which costs would not be incurred if the interceptor was only being constructed or extended to serve present development.

(2) "LOCAL SEWER COSTS." Sewer costs incurred because of the development being served.

(3) "OVERSIZING COSTS." Shall be the difference between the interceptor costs and the local sewer costs, including oversizing, construction of lift stations, and other costs which would not be necessary but for the developers project, but are only costs of construction constructed in order to benefit real estate off-site of the property owned by persons other than the developer.

(F) The developer may recover his oversizing costs by entering into an Agreement for Offsite Extensions of Sewer Mains and Related Facilities in a form substantially similar to Exhibit B which is attached to Ordinance 20-5-04 (hereinafter referred to as the "Reimbursement Agreement"). The Reimbursement Agreement shall be negotiated by the City Engineer and approved by the Board of Public

Works and Safety, prior to secondary plat approval of the developer. The amount of oversizing costs due the developer shall be paid through credits and reimbursements as set out herein. The developer, or his or her designee, shall receive credits for his or her liability to the Interceptor Expansion Account of the Interceptor Improvement and Betterment Fund as set out in subsection (A)(1)(b) at the rate of \$500 per EDU. To the extent that the credits would not be sufficient to reimburse the developer for his or her oversizing costs, which may include up to 10% of the design cost of the oversized sewer. The developer shall be entitled to reimbursement of said costs without interest. Those funds shall be paid solely from the Interceptor Improvement Account set out herein and shall be paid to the developer from the funds in that account based on availability and prioritized based upon the dates which the developer's Reimbursement Agreement is approved by the Board of Public Works and Safety.

(G) Extension of interceptor sewers shall be in accordance with the latest Master Plan, developed and approved by the city, and interceptor sewers designed by registered professional and state licensed engineers retained or approved by the city. Plans and specifications for specific interceptor sewers shall be submitted to, and receive approval from the city and all applicable regulatory agencies prior to actual start of construction (a copy of all such approvals shall be filed with the city within ten days after receipt of approval). In no event will any of the city sewer revenues be used, committed or encumbered to repay any such funds advanced or contributed, nor will the city's General Fund be used, committed or encumbered to repay any such funds advanced or contributed, other than expressly agreed, pursuant to subsection (E), above. Such repayment, if any, will be made under the provisions of and will be repaid only from funds deposited in the Interceptor Improvement Account of the Interceptor Improvement and Betterment Fund. No provision of this section shall be construed as a guarantee by the city that the owners of real estate advancing funds will be fully reimbursed therefor. The amount of credits and reimbursements will be based on construction costs for labor and materials only, and will be based on city standard costs as updated annually from receipt of no less than two bid quotations. Design fees, easement expenses, legal expenses, interest, or any costs other than the labor and materials for the oversizing costs shall not exceed 10% of the design costs of the oversized sewer, unless expressly agreed by the Board of Public Works and Safety in writing.

(H) The connection fees paid at the time of plat approval shall be strictly non-refundable.

(I) All plans for interceptor sewers and appurtenances thereto, to be installed outside the area being developed by the applicant (i.e. off-site sewers) shall be designed and prepared by engineers retained or approved by the city. All easements shall be made out to the city, and shall be obtained by and, if necessary, paid for by the owners of real estate, and shall be obtained prior to engineering design of the project. Easements shall be in a form approved by the city. The owners of real estate applying for interceptor sewer service shall deposit with the city adequate funds to pay for appurtenant non-construction costs prior to the city proceeding with preparation of plans and specifications. If the project does not proceed to completion after project costs are established, monies so deposited by the owners of real estate shall be non-refundable and will be used to pay incurred expenses. If funds are in excess of expenses, the excess will be returned to the owners of real estate making the deposit or their successors. If the project progresses to completion, the deposit will be credited to the total project cost.

(J) All extensions to the city sewerage systems shall be dedicated to and must be accepted by the city before connection, and once connected, shall become and remain thereafter the sole property of the city without further dedication thereof. The owners of real estate making such dedication shall post at the time of dedication, three years maintenance equal to 15% of the project cost, in a form acceptable to the city. Owners of real estate shall agree and furnish affidavit that they have paid in full contractor or contractors, material, men and laborers, in cash, the full cost of said extension or extensions.

(K) The owners of real estate obtaining a permit of sewerage extensions shall submit plans for on-site sewers, including trunk sewers to be constructed within the development, to the city for review and approval prior to start of construction. During construction of said on-site sewers, the owners of real estate shall pay the expense of an inspector to assure that the construction of the facilities are in compliance with current standards and specifications established by the city. Upon completion of construction, the owners of real estate shall provide certified record construction drawings to the city within 30 days. If certified record construction drawings are not provided, as above required, the city may prepare these at the expense of said owners of real estate. No potential reimbursable expenses of oversizing and/or off-site interceptor construction will be allowed until record drawings are provided and approved. The city will provide the inspector or may approve, in writing, an inspector designated by the owners of real estate. The owners of real estate will pay the inspection costs, costs for televising required prior to the approval of the secondary plat and costs for televising required six months prior to the expiration of the maintenance bond to the city, to be deposited into the Engineering Inspection Services Account. The inspection costs shall be based on an hourly rate approved by the Board of Public Works and Safety annually.

(L) Individual Connections in Developed Areas. If individual applicants for sewage service in already-developed acreage and/or platted subdivisions wish to be served requiring construction of a new trunk sewer or local sewers, they shall obtain a permit and deposit adequate funds with the city to pay engineering and appurtenant costs prior to authorization of such design by the city and receipt of bids for construction. If the project does not proceed to completion after project costs are established, the money so deposited by individual applicants shall be non-refundable and will be used to pay incurred expenses. If monies are in excess of expenses, said excess will be returned to the individual making the deposit. If the project is completed, the deposits of individual applicants shall be credited to said individuals' costs. If a connection is made to any trunk or local sewer without obtaining a permit and paying required availability, connection and local sewer costs, such act shall constitute a violation of this section, and the individual or owners of real estate making such connection will be subject to a fine of \$100 per day for each day the connection was unlawfully installed, and will be required to remove the connection until the requirements of this section are complied with. Each day such unlawful connection exists may be considered a separate offense.

(M) This section and the costs and charges set out herein may be amended from time to time by the Common Council when conditions exist that indicate to the Common Council that charges herein are not equitable for the customers of the municipal sewage system or for the subdividers, developers, or owners of property connection to such sewage system.

§ 51.19 OFF-SITE TRUNK SEWERAGE.

(A) All plans for trunk sewerage and appurtenances thereto, to be installed outside the area being developed by the applicant (such as off-site sewers) to be constructed by the applicant, shall be designed and prepared by engineers retained or approved by the city. All easements shall be made out to the city, and shall be obtained by and, if necessary, paid for by the owners of real estate, and shall be obtained prior to engineering design of the project. Easements shall be in a form approved by the city.

(B) The owners of real estate applying for trunk sewer service shall deposit, with the city, adequate funds to pay for appurtenant nonconstruction costs prior to the city proceeding with preparation of plans and specifications. If the project does not proceed to completion after project costs are established, moneys so deposited by the owners of real estate shall be nonrefundable and will be used to pay incurred

expenses. If funds are in excess of expenses, the excess will be returned to the owners of real estate making the deposit or their successors. If the project progresses to completion, the deposit will be credited to the total project cost.

§ 51.20 OWNERSHIP OF SYSTEM.

(A) All extensions to the city sewerage systems shall be dedicated to and must be accepted by the city before connection, and once connected, shall become and remain thereafter the sole property of the city without further dedication thereof.

(B) The owners of real estate making such dedication shall post at the time of dedication, three years maintenance equal to 10% of the project cost in a form acceptable to the city.

(C) Owners of real estate shall agree and furnish affidavit that they have paid in full contractor or contractors, material, men, and laborers in cash the full cost of said extension or extensions.

§ 51.21 ON-SITE SEWERS; INSPECTION COSTS AND APPROVAL.

The owners of real estate obtaining a permit of sewerage extensions shall submit plans for on-site sewers, including trunk sewers to be constructed within the development, to the city for review and approval prior to start of construction. During construction of said on-site sewers, the owners of real estate shall pay the expense of an inspector to assure that the construction of the facilities are in compliance with current standards and specifications established by the city. Upon completion of construction, the owners of real estate shall provide certified record construction drawings to the city within 30 days. If certified record construction drawings are not provided, as above required, the city may prepare these at the expense of said owners of real estate. No potential reimbursable expenses of oversizing and/or off-site interceptor construction will be allowed until record drawings are provided and approved. The city will provide the inspector or may approve, in writing, some person designated by the owners of real estate. In any case, the owners of real estate will pay the cost thereof to the city who, in turn, will pay the inspector.

§ 51.22 DEVELOPED AREAS.

(A) Individual connections in developed areas. If individual applicants for sewage service in already-developed acreage and/or platted subdivisions wish to be served requiring construction of a new trunk sewer or local sewers, they shall obtain a permit and deposit adequate funds, with the city, to pay engineering and appurtenant costs prior to authorization of such design by the city and receipt of bids for construction. If the project does not proceed to completion after project costs are established, the money so deposited by individual applicants shall be nonrefundable and will be used to pay incurred expenses. If moneys are in excess of expenses, said excess will be returned to the individual making the deposit. If the project is completed, the deposits of individual applicants shall be credited to said individuals' costs as outlined in subsection (B) of this section.

(B) Individual connections cost (developed areas). If already-developed acreage and/or platted subdivisions are to be served by an interceptor and/or trunk sewer and local sewers, in addition to the

connection costs designated in § 51.17, there shall be paid by each owner of real estate to be served an amount which shall be computed as follows:

(1) Availability cost. \$350 per equivalent dwelling unit, which amount is not refundable, plus if applicable, subsections (B)(2) and (3) of this section.

(2) Local sewer costs. Each lot shall pay a prorated share of the project costs computed on the basis of dividing the project cost by the number of sewer connections desirous of service. Project costs shall include construction costs, determined by public bids and nonconstruction costs. Nonconstruction costs shall include but not necessarily be limited to legal costs, preparation of assessment rolls, and project administrative costs.

(3) Reimbursement. Repayment for future connections made to the local sewer may be reimbursed pursuant to IC 36-9-39-1 and as may be contracted with the city through its Board of Public Works and Safety.

§ 51.23 ALLOCATION OF RECEIPTS.

(A) The availability costs provided in §§ 51.16, 51.18, and 51.22 shall be collected by the City Engineer and deposited to the Interceptor Improvement and Betterment Fund.

(B) The individual connection charges provided in §§ 51.17 and 51.18 shall be collected by the City Engineer and deposited as follows:

(1) To operating funds for inspection costs: \$25

(2) To the City Engineer for administrative costs the amount of \$25

(3) To Plant Expansion and Improvement Fund: Remainder, or

(4) As may be directed by the city through its Board of Public Works and Safety payment may be credited against such obligations as are due.

(C) The local sewer costs provided in § 51.22 (B)(2) shall be collected by the city and deposited in separate project accounts established for each project.

§ 51.24 ANNEXATION REMONSTRANCE RESTRICTION.

All persons or corporations, their or its survivors, heirs, or assigns who shall connect to any sewer main built pursuant to this subchapter shall agree in writing prior to said connection, to waive their or its rights to remonstrate against annexation by the city in accordance with IC 36-4-3-11.7, as amended.

§ 51.25 PERMIT REQUIRED FOR CONNECTIONS.

No person shall make a connection to any trunk or local sewer without obtaining a permit and paying the required availability, connection, and local sewer costs.

§ 51.99 PENALTY.

The Noblesville Utilities Director has authority to enforce this Chapter. Whoever violates this chapter and the individual or owners of real estate making such connection will be subject to a fine of \$100 per day for each day the connection was unlawfully installed, and will be required to remove the connection until the requirements of §§ 51.15 through 51.26 are complied with. Each day such unlawful connection exists may be considered a separate offense.