



CITY OF CROWN POINT

David D.F. Uran
Mayor

LEGAL DEPARTMENT

David H. Nicholls
City Attorney

August 31, 2012

Received
September 5, 2012
INDIANA UTILITY
REGULATORY COMMISSION

Director
Water and Wastewater Division
Indiana Utility Regulatory Commission
PNC Center
101 West Washington St., Suite 1500E
Indianapolis, IN 46204

Dear Director,

On behalf of the City of Crown Point and pursuant to General Administrative Order 2012-2 of the IURC I herein enclose the city's Petition for Approval of Rate and Charge Difference Between Property Within and Property Outside the Corporate Boundaries of the City of Crown Point, Indiana.

Thanking you in advance for your consideration, I remain,

Very truly yours,

David H. Nicholls

Enc:

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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**PETITION FOR APPROVAL OF RATE AND CHARGE DIFFERENCE
BETWEEN PROPERTY WITHIN AND PROPERTY OUTSIDE THE
CORPORATE BOUNDARIES OF THE CITY OF CROWN POINT, INDIANA**

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, the City of Crown Point, Indiana, by counsel, David H. Nicholls, respectfully requests the Director of the Water and Waste Water Division of the Indiana Utility Regulatory Commission (Commission) to approve the rate and charge difference between property within and property outside the corporate boundaries of the City of Crown Point, Indiana.

In support of its Petition, Petitioner states:

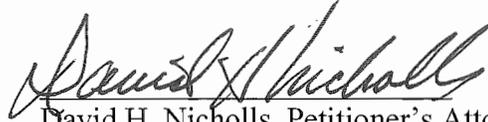
1. The ordinances initially setting rates and charges for property within and property outside the municipality's corporate boundaries took effect on October 11, 1966 for water service and March 21, 1994 for sewer service.
2. Attached is a copy Ordinance No. 728 (Water), and Ordinance No. 1734 (Sewer).
3. The works that are the subject of these ordinances serve eleven thousand, nine hundred and thirty six (11,936) users and are both a water and waste water utility works.
4. The percentage difference between the rates and charges imposed upon twenty seven (27) users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is twenty five (25%) percent.
5. The percentage does not vary upon the rate of consumption or use of the utilities.
6. Each prospective user of said utilities that is located outside the corporate boundaries of the city must request connection to said utilities at a meeting of the Board of Public Works and Safety and at the Common Council regularly scheduled open public meetings wherein said user is questioned as to the user's understanding of the surcharge and whether the user agrees to it.
7. Petitioner considers Indiana Code § 8-1.5-3-8.3(c), among other statutes,

applicable to the relief requested by this Petition.

8. David H. Nicholls, Crown Point City Attorney, is counsel of record for the Petitioner in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioner.

WHEREFORE, The City of Crown Point, Indiana requests the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of Crown Point, Indiana and for all other just and proper relief in the premises.

Respectfully submitted,



David H. Nicholls, Petitioner's Attorney

I, David D.F. Uran, affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge, information and belief.



David D.F. Uran, Mayor

8/28/12

David H. Nicholls
Nicholls & Nicholls, LLC
117 ½ W. Joliet Street
Crown Point, Indiana 46307

Indiana Attorney #9624-45

EXHIBITS

Ordinance # 728 passed October 11, 1966

Ordinance # 1734 passed March 21, 1994

ORDINANCE NO. 728

An Ordinance establishing rates and Charges for the use of and services rendered by the waterworks system of the City of Crown Point

WHEREAS, the Common Council of the City of Crown Point has authorized the construction of a new water treatment plant and the making of extensions and additions to the existing waterworks system of said City for the purpose of providing a sufficient supply of water at proper pressure to the inhabitants of the City and properly protecting the health, well-being and property of said City and its inhabitants; and

WHEREAS, in order to procure the necessary funds to pay the cost of construction and installation of said new water treatment plant and extensions and additions, it is necessary for the City to issue and sell waterworks revenue bonds payable solely out of the revenues of said waterworks system, which revenues under the existing schedule of rates and charges are insufficient to enable the City to finance the needed extensions and additions; and

WHEREAS, the Common Council now finds that the existing rates and charges for the use of and service rendered by the waterworks of said City are too low and are insufficient to enable the City to operate properly its waterworks plant, provide for depreciation, and finance said new improvements; that the proposed new water treatment plant and the extensions and additions will improve the service rendered by said waterworks system and make the same of greater value to the City and its inhabitants, and that the existing rates and charges should be increased; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CROWN POINT, INDIANA:

Sec. 1. That there shall be and there are hereby established for the use of and the service rendered by the waterworks system of the City of Crown Point, the following rates and charges, based on the use of water supplied by said waterworks system:

Metered Rates

Rate per 1000 gal.

First 3,000 gallons per month	\$ 1.30
Next 7,000 gallons per month	1.10
Next 40,000 gallons per month	.90
Next 50,000 gallons per month	.70
Next 150,000 gallons per month	.50
All over 250,000 gallons per month	.30

Minimum Rates

Meter Size

Rate per Month

5/8 inch	\$ 3.90
3/4 inch	4.50
1 inch	6.00
1 1/2 inch	11.00
2 inch	15.00
3 inch	30.00
4 inch	50.00

Public Fire Protection

For each Fire Hydrant per year: \$ 150.00

Late Payment Charges

Bills unpaid fifteen days following due date, as stated in such bills, shall be subject to a collection charge of 10% on the first \$3.00 of unpaid billing and 3% on the balance of unpaid billing in excess of \$3.00.

Service Outside City Limits

For users of water located outside the corporate limits of the City, an additional charge in the amount of 25% of the billing for water usage computed at the above rates will be imposed.

Sec. 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Public Service Commission of Indiana, and until such time as the order of said Commission approving said new rates and charges shall direct.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor; provided, however, that the schedule of rates and charges herein set out shall not become effective unless approved by the Public Service Commission of Indiana, or until such time as said Commission shall direct.

Passed and adopted by the Common Council of the City of Crown Point on the 11th day of October, 1966.

Marvin G. Erlenbach
Presiding Officer

Attest:

Kenneth Stamford
Clerk-Treasurer

Presented by me to the Mayor of the City of Crown Point on the 11th day of October, 1966, at the hour of 8:30^o P.M.

Kenneth Stamford
Clerk-Treasurer

This ordinance approved and signed by me on the 11th day of October, 1966, at the hour of 8:30 P.M.

Marvin G. Erlenbach
Marvin G. Erlenbach, Mayor

ORDINANCE NO. 1734

SEWER RATE ORDINANCE

An Ordinance establishing a schedule of rates and charges to be collected by the City of Crown Point from the owners of property served by the sewage works of said City and other matters connected therewith.

WHEREAS, the City proposes to construct, maintain and operate a sewage works for the purpose of collecting and disposing of the sewage of the City in a sanitary manner financed in part by a grant from the U.S. Environmental Protection Agency; and

WHEREAS, it is necessary to establish a schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, and to pay the principal and interest on the proposed revenue bonds in accordance with the applicable bond ordinance, all in a manner in accordance with the guidelines of the U.S. Environmental Protection Agency; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROWN POINT:

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Ammonia" (or NH₃-N) shall have the same meaning as defined in the Sewer Use Ordinance.
- (b) "Board" shall mean the Board of Public Works & Safety of the City of Crown Point, or any duly authorized officials acting in its behalf.
- (c) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (d) "CBOD" (or Carbonaceous Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (e) "COD" (or Chemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (f) "Combined Sewer System" shall mean the sanitary and other sewers as defined in the NPDES Permit issued to the City of Crown Point, Indiana for its sewers.

- (g) "Local Capital Charges" shall mean the average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt and depreciation costs.
- (h) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (i) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (j) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (k) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:
- S.S. not more than 250 mg/l
BOD not more than 250 mg/l
Ammonia not more than 40 mg/l
Phosphorus not more than 10 mg/l
- (l) "Operation and Maintenance Cost" include 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.)
- (m) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than excessive strength surcharges.
- (n) "Person" shall mean 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.
- (o) "Phosphorus" shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Replacement Costs" shall mean 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 such works were designed and constructed.

- (q) "S.S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (r) "Shall" is mandatory; "May" is permissive.
- (s) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (t) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (u) "City" shall mean the City of Crown Point acting by and through its Board of Public Works & Safety.
- (v) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (w) "User Class" shall mean 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).

Residential User - shall mean 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, etc.

Commercial User - shall mean 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.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the City discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

EDU (Equivalent Dwelling Unit) - shall mean a single family residential dwelling unit that supplies not in excess of 310 gallons per day to the sanitary sewer system. The Indiana State Board of Health Bulletin S.E. 13 shall be utilized to determine flows used in the calculation of EDU's for flows other than a single family residential unit.

Section 2. Every person whose premises are served by said sewage works shall be charged for the service 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 charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency publishes in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows:

Residential
Commercial
Governmental
Institutional
Industrial

Section 3. For the use of the service rendered by 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's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary 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 effective on and in the amount determined as follows:

- (a) Rates Effective for the first full billing cycle following the issuance of the bonds and until January 1, 1996.

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 that is used, subject to a minimum charge, based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting

the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

- (1) Billing and Operation, Maintenance and Replacement rate per 1,000 gallons of usage per month:

\$2.01

- (2) Local Capital Charge per 1,000 gallons of usage per month:

\$0.84

- (3) Minimum rate per month:

<u>Meter Size:</u>	<u>Monthly Minimum Charge:</u>
5/8" water meter	\$ 8.55
3/4" water meter	12.31
1" water meter	21.89
1 1/4" water meter	34.20
1 1/2" water meter	49.25
2" water meter	87.55
3" water meter	196.99
4" water meter	350.21
6" water meter	787.97

(b) Rates Effective from and after January 1, 1996:

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 that is used, subject to a minimum charge, based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

- (1) Billing and Operation, Maintenance and Replacement rate per 1,000 gallons of usage per month:

\$2.41

(2) Local Capital Charge per 1,000 gallons of usage per month:

\$1.64

(3) Minimum rate per month:

<u>Meter Size:</u>	<u>Monthly Minimum Charge:</u>
5/8" water meter	\$12.15
3/4" water meter	17.50
1" water meter	31.10
1 1/4" water meter	48.60
1 1/2" water meter	69.98
2" water meter	124.42
3" water meter	279.94
4" water meter	497.66
6" water meter	1,119.74

- (c) For users of the sewage works that are unmetered water uses or accurate meter readings are not available, the monthly charge shall be determined by equivalent single family dwelling units (EDU's), except as herein provided. A sewage service bill shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined and effective on the following dates as follows:

Residential single family dwelling unit:

- For of the first full billing cycle following the issuance of the Bonds and until January 1, 1996 \$17.80
- From and after January 1, 1996 \$25.30

(based on an average residential customer using 6,242 gallons):

- (d) For the service rendered to the City, the City shall be subject to the same rates and charges.
- (e) Notwithstanding any other provision of this Ordinance to the contrary, the rates and charges contained in this Ordinance shall not take effect (and will not apply to any usage of the combined sewer system) until the first monthly billing cycle after the issuance of any Bonds pursuant to Ordinance 1736. Prior to such billing

cycle following the issuance of any Bonds, rates and charges will be as presently fixed by ordinance.

- (f) In order to recover the cost of monitoring industrial wastes, the City shall charge the user not less than \$100.00 per sampling event plus the actual cost for collecting and analyzing the sample(s) as determined by the City or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. The quantity of water discharged into the combined sewer 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 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 does not enter the combined sewer system.

- (a) In the event a lot, parcel of real estate or building discharging sanitary sewer 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 ordinance, the owner or other interested party shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's combined sewer system, either directly or indirectly, is a user of water supplied by the water utility serving the City, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a 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 rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (c) 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 combined sewer 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 minimum 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.

- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the City's combined sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that a minimum charge shall be billed in the amount of \$17.80 for the period prior to January 1, 1996 and \$25.30 thereafter per month per dwelling unit served through the single water meter. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (e) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's combined sewer 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 can not enter the combined sewer 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.

Section 5. 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 strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The City shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the combined sewer system, in such manner, by such method and at such times as the City may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the City at all times.

- (a) Normal sewage domestic waste strength should not exceed a suspended solids in excess of 250 milligrams per liter of fluid, biochemical oxygen demand in excess of 250 milligrams per liter of fluid, ammonia in excess of 40 milligrams per liter of fluid, or phosphorus in excess of 10 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following bases:

- (1) Rate Surcharge Based Upon Suspended Solids
There shall be an additional charge of sixteen cents (\$.16) per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.
- (2) Rate Surcharge Based Upon BOD
There shall be an additional charge of nineteen cents (\$.19) per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.
- (3) Rate Surcharge Based upon Ammonia
There shall be an additional charge of forty-three cents (\$.43) per pound of ammonia for ammonia received in excess of 40 milligrams per liter of fluid.
- (4) Rate Surcharge Based upon Phosphorus
There shall be an additional charge of One Dollar and three cents (\$1.03) per pound of phosphorus for phosphorus received in excess of 10 milligrams per liter of fluid.

(b) The determination of Suspended Solids, Biochemical Oxygen Demand, Ammonia and Phosphorus contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR Part 136.

Section 6. Such rates and charges shall be prepared, billed and collected by the City in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. Annually, each user shall be notified of the rates charged for operation, maintenance and replacement for that user during the next year in conjunction with a regular bill.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners or properties served, 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 at which such records are kept and during the hours that such office is open for business.

- (c) As is provided by statute, all rates and charges not paid by the 15th day of the month following receipt are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges shall thereupon attach thereto.

Section 7. In order that the rates and charges for sewage services may remain in proportion to the cost of providing services to the various users or user classes, the City shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which this ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the cost 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 adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the wastewater treatment systems. Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the City shall cause a similar study to be made for the purpose of reviewing the proportionality of the rates and charges for sewage services on a continuing basis. Said 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. The City shall, upon completion of said study revise and adjust the rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 8. The City, through its Board of Public Works & Safety, shall 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 connections to the sewage treatment works, the sewage collection system and for the regulation, collection and rebating and refunding of such rates and charges.

The Board of public Works & Safety 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 method affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the sewage works or as contained in the EPA

General Pretreatment Regulations, 40 CFR Part 403 and any amendments thereto or the City's Pretreatment Program Plan.

Section 9. That the rules and regulations promulgated by the City, after approval by the Board of Public Works & Safety shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Public Works & Safety and that any decision concerning the sewage system or user charges of said board may be appealed to a court of competent jurisdiction to the extent provided by the law.

Section 10. The invalidity of any section, clause sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which shall be given effect without such invalid part or parts.

Section 11. The Board of Public Works & Safety is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and such reduction shall be limited to such reduced costs.

Section 12. The rates and charges as herein set forth shall become effective on the dates specified herein on the first full billing period occurring after each effective date and the adoption of this ordinance.

Section 13. The Board shall not grant free service or use of the sewage treatment system to any person, group or entity. It is not necessary for an area or parcel of real estate to be annexed to the City to receive sewage treatment if said use and/or charges thereon are approved by the Board of Works & Public Safety.

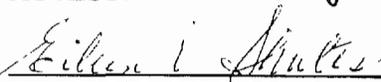
Section 14. All tap-in or other connection fees for new connections to the combined sewer system shall be at the rate and according to existing ordinances for said fees.

Section 15. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

PASSED and ADOPTED this 21st day of November, 1994.


JAMES D. METROS, Presiding Officer

ATTEST:


EILEEN V. SHULTS, Clerk/Treasurer

Presented by me to James D. Metros, Mayor of the City of Crown Point, Indiana this 21st day of November, 1994.

Eileen V. Shults
EILEEN V. SHULTS, Clerk/ Treasurer

Approved, signed and returned to the Common Council of the City of Crown Point, Indiana this 21st day of November, 1994.

James D. Metros
JAMES D. METROS, Mayor

Received

September 10, 2012

INDIANA UTILITY

REGULATORY COMMISSION

Starts on Aug bill due
in SeptORDINANCE NO. 2010 07-09

**ORDINANCE AMENDING ORDINANCES 1845, 2003-07-19 AND
2008-07-20 CONCERNING WATER UTILITY RATES AND CHARGES**

WHEREAS, Greg Guerrettaz of Financial Solutions Group, Inc. was retained to review and recommend changes in the Crown Point Water Utility's rates and charges necessary to fund the area-wide rate increase by Indiana American Water Company that was recently approved by the Indiana Utility Regulatory Commission; and

WHEREAS, The City has determined that the "Public Hydrant Rental Charge" contained in Ordinance 2004-10-37, Section 2, should be repealed and abolished; and

WHEREAS, said consultant has determined and recommended that to achieve the above and in the best interests of the City of Crown Point Water Utility it is necessary to amend Ordinance 1845, Ordinance 2003-07-19 and Ordinance 2008-07-20 as found in Municipal Code Section 50.02 (A), (B), (D), & (E).

WHEREAS, The City will undertake a "Cost of Services" study to be completed in 2011; and,

NOW, THEREFORE, IT IS ORDAINED by the Crown Point Common Council, that:

Section 1. That Ordinance 1845, Ordinance 2003-07-19 and Ordinance 2008-07-20 as found in Crown Point Municipal Code §50.02 (A), (B), (D), & (E) are hereby amended to reflect the "new rates " as follows:

§50.02: RATES AND CHARGES FOR WATER

(A) Monthly Metered Rates - Per 1,000 Gallons

	<u>New Rates</u>
First 3,000 Gallons per month	\$9.27
Next 7,000 Gallons per month	7.82
Next 40,000 Gallons per month	6.41
Over 50,000 Gallons per month	5.01

(B) Minimum Monthly Charges

	Gallonage Allowed	
5/8 & 3/4 inch meter	1,500	\$13.91
1 inch meter	5,000	43.45
1 1/2 inch meter	10,000	78.64
2 inch meter	14,000	108.19
3 inch meter	31,000	217.16
4 inch meter	53,000	353.98
6 inch meter	136,000	769.81
8 inch meter	230,000	1,240.75

ORDINANCE NO. 2010 07-09

1

(D) Annual Fee for Fire Sprinkler Protection Systems

2 inch tap	\$ 147.98
3 inch tap	180.08
4 inch tap	267.04
6 inch tap	595.21
8 inch tap	1,055.26

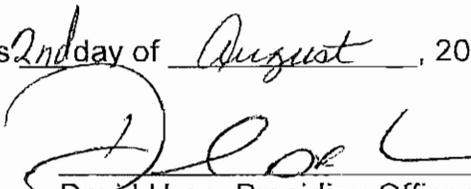
(E) Annual Hydrant Rental Charge Per Hydrant - Private

Per Hydrant	\$831.44
-------------	----------

Section 2. The foregoing amendments to Ordinances 1845, 2003-07-19 and 2008-07-20 as found in Municipal Code §50.02 (A), (B), (D) & (E), shall be in full force and effect upon its passage and adoption and Section 2 of Ordinance 2004-10-37 is hereby repealed and abolished. All other Ordinances and provisions thereof not in conflict with the above shall remain in full force and effect.

ORDINANCE 2010 07-09

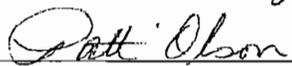
PASSED AND ADOPTED this 2nd day of August, 2010.


David Uran, Presiding Officer

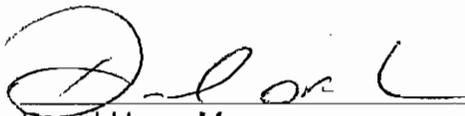
ATTEST.


Patti Olson, IAMC/CMC Clerk Treasurer

Presented by me to David Uran, Mayor of the City of Crown Point, Indiana,
this 2nd day of August, 2010, at 7 p.m.


Patti Olson, IAMC/CMC Clerk-Treasurer

Approved, signed and returned by me to the Common Council of the City of
Crown Point, Indiana, this 2nd day of August, 2010.


David Uran, Mayor



CITY OF CROWN POINT

CLERK-TREASURER

Patti Olson, IAMC, CMC
Clerk-Treasurer

RECEIVED

SEP 28 2012

INDIANA UTILITY
REGULATORY COMMISSION

FAX COVER SHEET

DATE: Sept. 28, 2012

TO: Dana Lynn + Carol Stephan

FROM: Patti Olson, Clerk-Treasurer

NUMBER OF PAGES TO FOLLOW THIS COVER SHEET 3

IF ANY ERROR IN TRANSMISSION OCCURS PLEASE CALL
(219) 662-3235 AND ASK FOR Patti

OUR FAX NUMBER IS (219) 662-3378

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SEP 28 2012

INDIANA UTILITY
REGULATORY COMMISSION

ORDINANCE 2012 09-26

AN ORDINANCE AMENDING CHAPTER 51 OF THE CROWN POINT CODE OF ORDINANCES BY ADDING SECTION 51.39 ENTITLED: SERVICE OUTSIDE CITY LIMITS

WHEREAS, The City has been pursuant to Ordinance No. 772 et seq. lawfully charging sewer system users located outside the City's corporate limits a 25% surcharge and,

WHEREAS, The Crown Point Code of Ordinances book in its present form erroneously does not reflect the surcharge lawfully imposed since 1969 and,

WHEREAS, The omission of said surcharge from the Ordinance Code book and previous revisions over the last 43 years has been occasioned by mistake, inadvertence, excusable neglect or scrivener's error and,

WHEREAS, The correction of said omission is achieved using the City's Home Rule powers, as conveyed in I.C. 36-1-3-1 et seq., by passing an ordinance having a Nunc Pro Tunc effective date as of passage and adoption of Ordinance No. 772, to wit: May 5, 1969.

THEREFORE, NOW BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CROWN POINT, INDIANA, THAT:

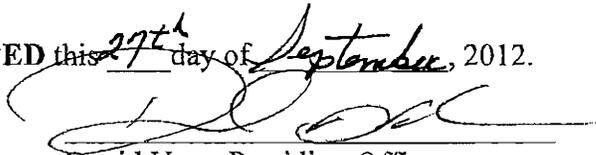
Chapter 51 of the Crown Point Code of Ordinances is hereby amended Nunc Pro Tunc by adding § 51.39 which shall read as follows:

§ 51.39 SERVICE OUTSIDE CITY LIMITS. For users of the City's sewers located outside the corporate limits of the City, an additional charge in the amount of 25% of the billing for said sewer usage computed at the above rates will be imposed.

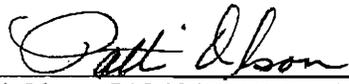
This ordinance shall be effective immediately upon passage and adoption by the Common Council of the City of Crown Point, Indiana and have an effective date retroactive to May 5, 1969.

ORDINANCE NO. 2012 - 09-26

PASSED AND ADOPTED this 27th day of September, 2012.

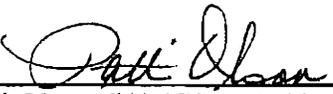

David Uran, Presiding Officer

ATTEST:

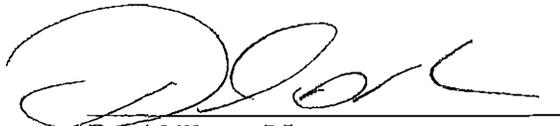

Patti Olson, IAMC/CMC Clerk Treasurer

Presented by me to David Uran, Mayor of the City of Crown Point, Indiana,

This 27th day of September, 2012, at 6 P.M.


Patti Olson, IAMC/CMC Clerk Treasurer

Approved, signed and returned by me to the Common Council of the City of Crown Point, Indiana, the 27th day of September, 2012.


David Uran, Mayor

COUNTY OF LAKE)
)
STATE OF INDIANA)

AFFIDAVIT

Comes now Patti Olson, Clerk/Treasurer for the City of Crown Point, Indiana and avers and says:

1. That she is the duly elected and sworn Clerk/Treasurer for the City of Crown Point, Indiana.
2. That by virtue of her office she is the official keeper of the records for the City of Crown Point.
3. That she has made a diligent search of said records.
4. That she has found no amendments to Ordinance No. 772, passed and adopted on May 5, 1969, that affect the imposition of a 25% surcharge for users of the City's sewer system that are located outside the corporate boundaries of the City of Crown Point.

Further your affiant sayeth not

I affirm under the penalties of perjury that the above representation are true and correct to the best of my knowledge and belief.



Patti Olson, Clerk/Treasurer



Date



CITY OF CROWN POINT

CLERK-TREASURER

Patti Olson, IAMC, CMC
Clerk-Treasurer

RECEIVED

SEP 28 2012

INDIANA UTILITY
REGULATORY COMMISSION

FAX COVER SHEET

DATE: Sept. 28, 2012

TO: Dana Lynn + Carol Stephan

FROM: Patti Olson, Clerk-Treasurer

NUMBER OF PAGES TO FOLLOW THIS COVER SHEET 3

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SEP 28 2012

INDIANA UTILITY
REGULATORY COMMISSIONORDINANCE 2012 09-26

AN ORDINANCE AMENDING CHAPTER 51 OF THE CROWN POINT CODE OF ORDINANCES BY ADDING SECTION 51.39 ENTITLED: SERVICE OUTSIDE CITY LIMITS

WHEREAS, The City has been pursuant to Ordinance No. 772 et seq. lawfully charging sewer system users located outside the City's corporate limits a 25% surcharge and,

WHEREAS, The Crown Point Code of Ordinances book in its present form erroneously does not reflect the surcharge lawfully imposed since 1969 and,

WHEREAS, The omission of said surcharge from the Ordinance Code book and previous revisions over the last 43 years has been occasioned by mistake, inadvertence, excusable neglect or scrivener's error and,

WHEREAS, The correction of said omission is achieved using the City's Home Rule powers, as conveyed in I.C. 36-1-3-1 et seq., by passing an ordinance having a Nunc Pro Tunc effective date as of passage and adoption of Ordinance No. 772, to wit: May 5, 1969.

THEREFORE, NOW BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CROWN POINT, INDIANA, THAT:

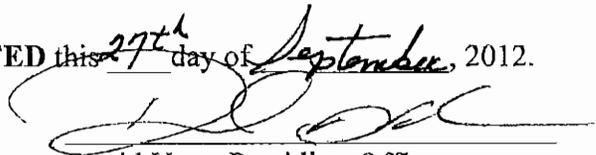
Chapter 51 of the Crown Point Code of Ordinances is hereby amended Nunc Pro Tunc by adding § 51.39 which shall read as follows:

§ 51.39 SERVICE OUTSIDE CITY LIMITS. For users of the City's sewers located outside the corporate limits of the City, an additional charge in the amount of 25% of the billing for said sewer usage computed at the above rates will be imposed.

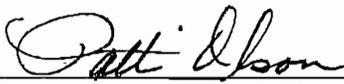
This ordinance shall be effective immediately upon passage and adoption by the Common Council of the City of Crown Point, Indiana and have an effective date retroactive to May 5, 1969.

ORDINANCE NO. 2012 - 09-26

PASSED AND ADOPTED this 27th day of September, 2012.


David Uran, Presiding Officer

ATTEST:

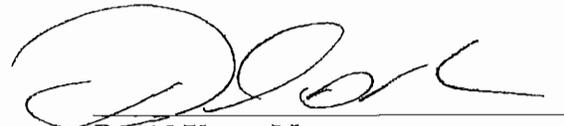

Patti Olson, IAMC/CMC Clerk Treasurer

Presented by me to David Uran, Mayor of the City of Crown Point, Indiana,

This 27th day of September, 2012, at 6 P.M.


Patti Olson, IAMC/CMC Clerk Treasurer

Approved, signed and returned by me to the Common Council of the City of Crown Point, Indiana, the 27th day of September, 2012.


David Uran, Mayor

COUNTY OF LAKE)
)
STATE OF INDIANA)

AFFIDAVIT

Comes now Patti Olson, Clerk/Treasurer for the City of Crown Point, Indiana and avers and says:

1. That she is the duly elected and sworn Clerk/Treasurer for the City of Crown Point, Indiana.
2. That by virtue of her office she is the official keeper of the records for the City of Crown Point.
3. That she has made a diligent search of said records.
4. That she has found no amendments to Ordinance No. 772, passed and adopted on May 5, 1969, that affect the imposition of a 25% surcharge for users of the City's sewer system that are located outside the corporate boundaries of the City of Crown Point.

Further your affiant sayeth not

I affirm under the penalties of perjury that the above representation are true and correct to the best of my knowledge and belief.



Patti Olson, Clerk/Treasurer



Date



CITY OF CROWN POINT

CLERK-TREASURER

Patti Olson, IAMC, CMC
Clerk-Treasurer

COUNTY OF LAKE)
STATE OF INDIANA)

Received
October 05, 2012
INDIANA UTILITY
REGULATORY COMMISSION

AFFIDAVIT

Comes now Patti Olson, Clerk/Treasurer for the City of Crown Point, Indiana and avers and says:

1. That she is the duly elected and sworn Clerk/Treasurer for the City of Crown Point, Indiana.
2. That by virtue of her office she is the official keeper of the records for the City of Crown Point.
3. That she has made a diligent search of said records.
4. That she has found no amendments to Ordinance No. 772, passed and adopted on May 5, 1969, that affect the imposition of a 25% surcharge for users of the City's sewer system that are located outside the corporate boundaries of the City of Crown Point.
5. That she has found no amendments to Ordinance No. 755, passed and adopted on September 3, 1968, that adds a 25% use and service surcharge to the charges levied against all users of the City's sewer system that are located outside the corporate boundaries of the City of Crown Point.

Further your affiant sayeth not

I affirm under the penalties of perjury that the above representation are true and correct to the best of my knowledge and belief.


Patti Olson, Clerk/Treasurer


Date

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Office (219) 662-3235

Fax (219) 662-3378