

ORDINANCE 46, 2005

SEWER CONSTRUCTION

An Ordinance amending Section 51.50 of the City of Valparaiso Municipal Code includes setting fees for connections to the City Sanitary Sewer System.

WHEREAS, IC36-9-23-29 was enacted in 1981 to allow a municipality operating a municipal sewer utility to charge a fee, based on the pro-rata cost of constructing a local or lateral sewer sufficient to serve abutting or adjoining property, for the connection of that property to the municipal sewer system; and

WHEREAS, Ordinance No. 20 was adopted in 1978 and was amended by Ordinance No. 5, 1979, setting fees for connection to the municipal sewer system;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso, Indiana, that;

1. The Common Council hereby finds that the connection fees are 1) imposed on all users whether they are new users requiring additional capacity or services; 2) are not used to fund construction of new infrastructure unless the new infrastructure is of the same type for which the connection fees are imposed and will serve the payer; and 3) constitute reasonable charges for the services provided in accordance with IC 36-1-3-8 (6) or other governing statutes requiring that any connection fees bear a reasonable relationship to the infrastructure provided.

2. FURTHER, BE IT ORDAINED by the Common Council of the City of Valparaiso, Indiana, that the following sections and sub-sections of Chapter 102 of the Municipal Code of the City of Valparaiso, Indiana, said chapter entitled "Sewer Construction", be amended to read in the following manner:

51.50 SEWER CONSTRUCTION

51.51 PERMIT REQUIRED. No person shall expose, repair, abandon, construct, disconnect, clean, alter, plug or disturb any public or private sanitary sewer main or service, or any appurtenance thereto without first obtaining a "Sewer Permit" from the Office of the Valparaiso City Engineer.

51.52 PERMIT APPLICATION. The owner of the property, or his licensed and bonded agent, shall make application on a form provided by the City Engineer or his representative. The application shall be accompanied by plans, sketches, specifications, or other information considered pertinent, in the judgment of the City Engineer or is representative. A sewer permit is valid for one year. A waiver of remonstrance to annexation is required for any sewer permit outside the city's corporate limits.

51.53 PERMIT VALIDITY AND TERM. The permit shall not be considered valid until all fees associated with said permit are paid to the Clerk Treasurer of the City of Valparaiso. Said fees shall include, but may not be limited to the following:

Connection Fee(s)
District (Reimbursable Fee(s))
Non-resident Fee
Inspection Fee
Municipal Inspection Fee(s) (new construction)
Recording Fee(s) (re: waivers, etc)

51.54 INSPECTION FEE. An inspection fee of \$100.00 shall be paid with the filing of application to expose, repair, abandon, construct, disconnect, clean, alter, plug or disturb any public or private sanitary sewer main or service, or any

appurtenance thereto, that is located outside of the building being served. This fee is in addition to any Municipal Inspection Fees required for new construction of mains. All inspection fees shall be paid to the Water Reclamation Operating Fund.

- 51.55 CONNECTION FEE. The Connection Fee for any direct or indirect connections to the Valparaiso Sanitary Sewer System is as shown on the following EXHIBIT "A".
- A. The Connection Fee shall be charged for each connection to any sewer, public, or private, for each retail or wholesale customer whose sewer eventually connects with the Valparaiso Sanitary Sewer system.
 - B. Except as provided in the *Sanitary Sewer Treatment Agreement* with the Valparaiso Lakes Area Conservancy District, for connections outside of the Corporate Limits of the City of Valparaiso, there shall be a \$350.00 non-resident fee charged over and above the connection fee listed herein, for each residential living unit or non-residential connection.
 - C. When a building service sewer is permitted to be extended to additional structures per 102.14 below, the owner shall pay connection fees for the additional structures.
 - D. The Valparaiso City Utilities Board of Directors shall have the right to reduce the amount of the Connection Fee for unique circumstances such as, but not limited to, certain overlapping reimbursable districts, qualifying not-for profit organizations, etc.
 - E. The internal distribution of the Connection Fee shall be 45% paid to Water Reclamation Improvement Fund and 55% paid to the Cumulative Sewer Fund. The City Engineer shall determine the amount of each connection fee allocated to each fund.
 - F. For single family or duplex units that have 1500 sq. ft. or less of living space (not including garages or unfinished basements), the Connection Fee will be equal to the "Multi-Family" rate.
 - G. For residential structures with more than one living unit and that are served with one water meter, the connection fee shall be the "Multi-Family" rate for the appropriate year, times the number of living units in the structure.
 - H. For a structure with multiple tenants and each tenant served with a water meter, the connection fee shall be the sum of the individual fees for each meter.
 - I. For a structure with mixed residential and commercial/industrial uses and one water meter, the connection fee shall be the sum of the "Multi-Family" rate times the number of living units and the single commercial/industrial fee based on the actual water meter size.
 - J. In cases where the structure(s) will not be served with City water service and/or meter, the connection fee shall be based on the City Engineer's estimate of what the meter size would have been if water were provided. For residential users this shall be the ¾" fee.
 - K. If an existing water meter is replaced with a larger size the owner shall pay the difference in cost for the connection fee per the larger size meter. The determination of the fee shall be made as of the date of the change to the meter. No credit shall be given in the case of a decrease in meter size.

- 51.56 REIMBURSABLE DISTRICTS. In the case of a sewer permit that is issued within a reimbursable sewer district, all terms of the reimbursable sewer district agreement shall be met. The Valparaiso City Utilities Board has the right to reduce the sewer connection fee by an amount determined by the Board, if, in the opinion of the Board the cumulative fees become too onerous on the applicant.
- 51.57 DETERMINATION OF FEES. The City Engineer or his representative shall determine the various permit fees to be charged to each applicant. In the event that the applicant objects to the charges, he may appeal to the Valparaiso City Utilities Board of Directors for determination and disposition. In the case of the reduced fee due to units less than 1500 sq. ft., the applicant must specifically apply for such fee reduction and present calculations for review determining such reduction is allowable. The 1500 sq. ft. limit shall be based on gross area.
- 51.58 OWNER RESPONSIBLE FOR MAINTENANCE OF SERVICE LINE. The Owner(s) of a property shall be responsible for all cleaning, maintenance and repair of the service line from the service connection at the main to the structure being served. This includes any portion of sewer service located within public right-of-way and/or under road pavement.
- 51.59 OWNER TO PAY INSTALLATION COST. All costs and expense incident to the installation and connection of the building service sewer shall be borne by the owner.
- 51.60 PERFORMANCE, DAMAGE BOND AND INSURANCE. Any contractor doing work which is or will be connected to the City's sewage system shall be registered with the City and meet all the requirements of said registration.
- 51.61 APPLICANT TO INDEMNIFY CITY FOR LOSS. The applicant agrees to indemnify the City of Valparaiso, Indiana, Valparaiso City Utilities, its officials and employees from any liability due to loss, damage, injured, or other casualties of whatsoever kind, or by whomsoever caused, to the person or property of anyone arising out of, or resulting from the issuance of this permit or the work connected therewith, or from the installation, existence, use maintenance, condition, repair, alteration, or removal of any equipment or material, whether due in whole or in part to the negligent acts or omissions of (1) the City, its officials, agents, or employees; or (2) the applicant, his agents or employees, or other persons engaged in the performance of the work; or (3) the joint negligence of any of them, including any claims arising out of the Worker's Compensation. Act or any other law, ordinance, order, or decree for a period of two (2) years. The applicant also agrees to pay all reasonable expenses and attorney's fees incurred by or imposed on the City in connection herewith in the event that the applicant shall default under the provisions of this paragraph.
- 51.62 EACH BUILDING TO HAVE SEWER CONNECTION. A separate and independent building service sewer shall be provided for every building. Each unit of a duplex is required to have a separate sewer connection. However, where one building stands at the rear of another on any interior lot and no sewer is available or can be constructed to the rear of the building through an adjoining alley, courtyard, or driveway, the building service sewer from the front building may be extended to the rear building.
- 51.63 USE OF OLD BUILDING SEWERS. Old building service sewers may be used in connection with new buildings only when they are found on examination and test by the Sewer Collection Supervisor to meet all requirements of this Code.
- 51.64 LACK OF GRAVITY FLOW. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building service sewer.

51.65 OPEN TRENCH EXCAVATIONS REQUIRED. All excavations required for the installation of a building service sewer shall be open trench work, unless otherwise approved by the Sewer Collections Division Supervisor. Inspections must be made before the trench is closed, with line fully exposed.

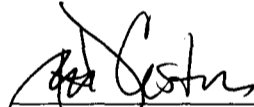
51.66 CITY UTILITIES TO INSPECT CONNECTION. The Applicant for a building service sewer permit shall notify the City Utilities Sewer Collections Division when the building service sewer is ready for inspection and connection to the public sewer 24 hours in advance. Inspection is to be made prior to closing of the trench. The connection of the building service sewer to the public sewer shall be made under the inspection of the Sewer Collections Division Supervisor or his representative. Failure to call for an inspection 24 hours prior to the work being started is subject to rejection of the work. To avoid rejection and disconnect of work for this reason, trench may be re-excavated to expose the building service sewer at which time an inspection shall be made by the Sewer Collections Supervisor. Directed boring is not excluded.

51.67 EXCAVATION SAFETY PRECAUTIONS. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Safety shall be provided for workmen and equipment on the work site as required.


51.68 DAMAGE TO PUBLIC PROPERTY. Any work within public Right-of-Way requires a Right-of-Way Cut Permit. Trees, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City and meeting requirements of the Right-of-Way Cut Permit.

This Ordinance shall be in full force and effect from ^{Jan 1, 2006} ~~and after its passage~~ in the manner provided by law.

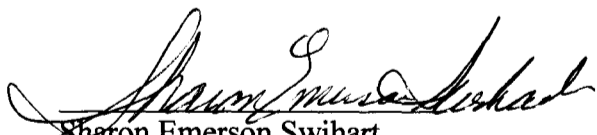
PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of the members present and voting this 14th day of Nov, 2005.


H. Jonathon Costas, Mayor

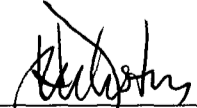
ATTEST:


Sharon Swihart, Clerk Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana this 14th day of Nov, 2005, at 7:45 o'clock ~~A.M.~~/P.M.


Sharon Emerson Swihart,
Clerk Treasurer

This Ordinance approved and signed by me this 14th day of Nov, 2005, at 7:45 o'clock; pm


H. Jonathon Costas, Mayor

Ordinance No. 46- 2005
Exhibit "A"

SUMMARY OF CONNECTION FEES
BY WATER METER SIZE

Meter Size	5/8" - 3/4" (1)	1"	1 1/2"	2"	3"	4"	6"	Multi-Family (3) (4)
Ratio (2)	1.00	1.6	2.4	3.2	4.8	6.4	9.6	0.8
Year	Connection Fees							
2005	\$ 1,932.00	\$3,091.00	\$4,636.00	\$6,182.00	\$9,273.00	\$12,364.00	\$18,547.00	\$1,545.00
2006	2,024.00	3,238.00	4,857.00	6,476.00	9,715.20	12,953.00	19,430.00	1,619.00
2007	2,116.00	3,385.00	5,078.00	6,771.00	10,156.00	13,542.00	20,313.00	1,692.00
2008	2,208.00	3,532.00	5,299.00	7,065.00	10,598.00	14,131.00	21,196.00	1,766.00
2009	2,300.00	3,680.00	5,520.00	7,360.00	11,040.00	14,720.00	22,080.00	1,840.00
2010	2,392.00	3,827.00	5,740.00	7,654.00	11,481.00	15,308.00	22,963.00	1,913.00
2011	2,484.00	3,974.00	5,961.00	7,948.00	11,923.00	15,897.00	23,846.00	1,987.00
2012	2,576.00	4,121.00	6,182.00	8,243.00	12,364.00	16,486.00	24,729.00	2,060.00
2013	2,668.00	4,268.00	6,403.00	8,537.00	12,806.00	17,075.00	25,612.00	2,134.00
2014 & After	2,760.00	4,416.00	6,624.00	8,832.00	13,248.00	17,664.00	26,496.00	2,208.00

- (1) Also includes unmetered residential users.
- (2) Ratio of meter diameters.
- (3) Three living units or greater.
- (4) includes single family residential units or duplex units 1500 sq. ft. or less of gross living area - excluding garages and unfinished basements- excluding garages and unfinished basements.