

ORDINANCE NO. 345-H

**WATER RATE ORDINANCE**

AN ORDINANCE AMENDING AND ESTABLISHING RATES AND CHARGES FOR THE  
USE OF AND SERVICES RENDERED BY THE WATERWORKS SYSTEM OF  
THE TOWN OF MIDDLEBURY, INDIANA

**WHEREAS** the Town Council of the Town of Middlebury, Indiana has authorized the making of extensions and additions to the existing waterworks system of said Town for the purpose of providing an adequate volume of water at proper pressure to the inhabitants of the Town and properly protecting the health, well-being, and property of said Town and its inhabitants;

**WHEREAS** in order to procure the necessary funds, over and above available funds on hand, to pay the cost of construction and installation of said extensions and additions, it is necessary for the Town to issue and sell waterworks revenue bonds payable solely out of the revenues of said waterworks system;

**WHEREAS** the Town Council of the Town of Middlebury, Indiana now finds that the existing rates and charges for the use of and service rendered by the waterworks of said Town are too low and are insufficient to: (1) provide the requisite funds for necessary and planned waterworks system improvements; (2) pay all the legal and other necessary expenses incident to the operation of such waterworks, including maintenance costs, operating charges, upkeep, repairs, depreciation, interest charges on bonds and other obligations; (3) provide a sinking fund for the liquidation of bonds; (4) provide a debt service reserve for bonds; (5) provide adequate funds to be used as working capital; (6) provide adequate funds for making extensions and replacements; (7) provide funds for the payment in lieu of taxes which would be payable in the event the waterworks were privately owned; (8) ensure a reasonable return on the waterworks plant which the Town Council hereby elects; and (9) maintain the waterworks property in a sound physical and financial condition to render adequate and efficient service; and

**WHEREAS** the Town Council of the Town of Middlebury, Indiana now finds that the existing rates and charges should be modified and the structure for and amounts of rates and charges for fire protection services should be amended as stated herein;

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIDDLEBURY, INDIANA as follows:

**Section 1.** That there shall be and there are hereby established for the use of and the services rendered by the waterworks system of the Town of Middlebury, Indiana, the following rates and charges, based on the use and availability of water supplied by said waterworks system:

**(a) Metered Usage Rates**

Each user shall pay a monthly charge based upon metered usage in accordance with the rates set out in the "Consumption Per Month" section as further detailed in Exhibit A, attached hereto and made a part hereof ("Schedule of Rates and Charges").

**(b) Minimum Charge**

Each user shall pay a minimum charge per month in accordance with the applicable size of meter installed, as set out in the "Monthly Minimum Charge" section of the Schedule of Rates and Charges, for which the user will be entitled to the quantity of water the Monthly Minimum Charge will pay for under the Consumption Per Month rates set out in Section 1(a) above.

**(c) Fire Protection Services**

Users with hydrants or sprinkler connections shall pay the applicable rates and charges for such fire protection services, being hydrants and sprinkler connections, in accordance with the "Fire Protection Services" section of the Schedule of Rates and Charges. For the public fire protection surcharge, all users are subject to the surcharge in accordance with the "Fire Protection Services" section of the Schedule of Rates and Charges.

**(d) Temporary Users**

Water furnished to temporary users such as contractors, events, etc., shall be charged on the basis of the metered gallon rates hereinbefore set forth as metered or as estimated and established by the Waterworks Superintendent.

**(e) Collection and Deferred Payment Charges**

All rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges not timely paid shall thereupon attach thereto and be due and owing. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill by the Town to the person responsible therefore. Additionally, the Town hereby reserves any and all collection rights and remedies permitted by applicable Indiana statutes.

**(f) Users Outside the Town**

As indicated in the Schedule of Rates and Charges, charges to users outside the corporate limits of the Town of Middlebury, Indiana will be at 130% of the rates and charges to users within the corporate limits of the Town of Middlebury, Indiana and will be billed accordingly. This surcharge will also apply to any and all other applicable rates and charges to users outside the corporate limits of the Town of Middlebury, Indiana not otherwise identified in the Schedule of Rates and Charges.

**Section 2.** For the purposes of this Ordinance, the “monthly” charges or charges “per month” means those charges coinciding with periodic billing periods as determined and established by the Town of Middlebury rather than a calendar month.

**Section 3.** Upon the effectiveness of the Phase I rates under this Ordinance, Ordinance Number 671 shall be superseded and replaced by this Ordinance. Ordinance Number 345-D shall remain in full force and effect.

**Section 4.** The Phase I rates and charges as set forth herein shall become effective for the first full billing period occurring after April 1, 2024 and continuing thereafter until the Phase II rates are effective. Phase II rates and charges will become effective for the first full billing period occurring after April 1, 2025 and continuing thereafter until the Phase III rates are effective. Phase III rates and charges will become effective for the first full billing period occurring after April 1, 2026 and continuing thereafter.

ORDAINED AND ADOPTED by the Town Council of the Town of Middlebury, Indiana this 18<sup>th</sup> day of December, 2023.

TOWN COUNCIL OF THE TOWN OF  
MIDDLEBURY, INDIANA

By: Miranda Cripe  
Miranda Cripe, President

ATTEST:

Peggy A Hutchison  
Peggy A. Hutchison, Middlebury Clerk-Treasurer

**EXHIBIT A**  
**MIDDLEBURY (INDIANA) MUNICIPAL WATER UTILITY**

**SCHEDULE OF RATES AND CHARGES**

	Phase I (2024)		Phase II (2025)		Phase III (2026)	
	Inside Town	Outside Town (130%)	Inside Town	Outside Town (130%)	Inside Town	Outside Town (130%)
<b>Consumption Per Month:</b> (Rates per 1,000 gallons):						
First 100,000	\$11.03	\$14.34	\$12.68	\$16.49	\$14.33	\$18.63
Over 100,000	7.96	10.35	9.44	12.27	10.92	14.20
<b>Monthly Minimum Charge:</b>						
<u>Size of Meter</u>						
5/8" meter	\$14.80	\$19.24	\$17.02	\$22.12	\$19.23	\$25.00
3/4" meter	22.50	29.25	25.87	33.62	29.23	38.00
1" meter	38.09	49.52	43.80	56.93	49.50	64.35
1 1/2" meter	103.49	134.54	118.99	154.68	134.48	174.82
2" meter	194.97	253.46	224.17	291.41	253.36	329.37
3" meter	644.87	838.33	741.43	963.85	837.98	1,089.37
4" meter	1,206.46	1,568.40	1,390.85	1,808.11	1,575.24	2,047.81
6" meter	2,750.46	3,575.60	3,221.92	4,188.50	3,693.38	4,801.39
8" meter	5,140.24	6,682.31	6,056.04	7,872.85	6,971.83	9,063.38
<b>Fire Protection Services:</b>						
Municipal hydrants - per hydrant - per annum	\$1,541.64		\$1,541.64		\$1,541.64	
Private hydrants - per hydrant - per annum	2,142.72	2,785.54	2,451.61	\$3,187.09	2,760.49	\$3,588.64
Public fire protection surcharge - per month						
5/8" meter	\$5.64	\$7.33	\$8.52	\$11.08	\$11.40	\$14.82
3/4" meter	8.46	11.00	12.78	16.62	17.10	22.23
1" meter	14.10	18.33	21.30	27.69	28.50	37.05
1 1/2" meter	28.20	36.65	42.60	55.38	57.00	74.10
2" meter	45.12	58.64	68.16	88.60	91.20	118.56
3" meter	84.60	109.95	127.80	166.13	171.00	222.30
4" meter	141.00	183.25	213.00	276.88	285.00	370.50
6" meter	282.00	366.50	426.00	553.75	570.00	741.00
<b>Sprinkler Connections - per Annum</b>						
4" connection	\$737.66	\$958.96	\$844.00	\$1,097.20	\$950.34	\$1,235.44
6" connection	2,142.72	2,785.54	2,451.61	3,187.09	2,760.49	3,588.64
8" connection	4,566.29	5,936.18	5,224.55	6,791.92	5,882.81	7,647.65
10" connection	8,211.67	10,675.17	9,395.43	12,214.05	10,579.18	13,752.93