

**SPONSOR: 2nd District Councilman Jack Uylaki
1st District Councilman Mark Kalwinski
Councilwoman at Large Janet Venecz
ORDINANCE NO. 9263**

**An Ordinance Enacting Proposed Amendments to the System of User Rates and Charges
for the Support of the Operation and Maintenance of the Hammond Sanitary District**

WHEREAS, the Common Council (“Council”) of the City of Hammond, Indiana (“City”) has been informed of the determination by the Board of Commissioners (“HSD Board”) of the Hammond Sanitary District (“District”) that it is necessary to secure additional funds for the operation and maintenance of the City wastewater treatment and disposal facilities and the City collection system of pumps, sewers and related appurtenances; and

WHEREAS, the Council has received the following record of recent actions taken by the HSD Board which:

a. has determined that it is necessary, being mindful of the City’s significant and varied water resources, and the need to protect and enhance the ability of the City to safely and efficiently treat and discharge its waste water, to improve, reconstruct, replace or upgrade substantial portions of the City waste water system and collection system in order to provide an environmentally responsible, healthful, efficient and effective means of waste water treatment, all as required by the laws of the United States and the State of Indiana; and

b. commissioned an analysis through Cender & Company, LLC Certified Public Accountants of the costs, both in the recent past and for anticipated future years of providing the minimum amount of funds necessary for the operation and maintenance of the District Waste Water operations and maintenance together with anticipated capital and Long Term Control Plan needs and collection system maintenance and improvements; and

c. considered the adoption of a system of new and updated user fees and charges which justly and equitably distribute the cost for the treatment and disposal of sewage and other waste discharged into the sewerage system of the District together with collection system maintenance and improvements among the various classes of users in the District, all as required by I.C. §36-9-25-11 (a); and

d. adopted and approved Resolution Number 38-2014 on August 26, 2014, which proposed the modification of existing fees and charges for the users of the District’s sewerage system by establishing separate fees and charges for a commercial class of users;

e. desiring to make said new system of fees and charges effective in the City by obtaining the adoption of same in the manner specified by §36-9-25-11, scheduled public hearing upon such proposed amendments on August 26, 2014 at 4:00 o’clock pm at the Offices of the District, 5143 Columbia Avenue,

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Hammond, IN 46327-1794, and gave due notice thereof by publication in the manner required by law; and

f. conducted said public hearing on August 26, 2014 concerning the proposed system as required by the provisions of I.C. §36-9-25-11, and having received and heard no remonstrances either at said hearing or otherwise, at the conclusion of said hearing adopted Resolution No. 38-2014 confirming the new system of sanitary and waste water rates and charges all as proposed in Resolution No. 38-2014, and recommended to the Council the final adoption and enactment of the new user fee system of rates and charges; and

WHEREAS, the Council has concluded that the adoption of the new system of Waste Water rates and charges proposed is in the best interest of all of the residents of the District, that the expense of proper maintenance, planning and development for the Waste Water treatment and disposal system, and the collection system require adequate resources which are not otherwise obtainable, and that failure to address the waste water treatment and disposal needs of the District will expose it to worsening water quality, overflows, legal challenges by governmental authorities and even higher costs to its residents; and

WHEREAS, the Council desires to approve said newly adopted systems of rates and charges for the Hammond Sanitary District and wishes to spread its action upon the public record through this ordinance.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana as follows:

1. There is hereby established a separate user charge for all commercial class of users who are defined as “Any user not classified as residential. Commercial users include but are not limited to businesses, industries (other than industries that pay a high strength surcharge for industrial wastewater), offices and residential uses such as apartments and mobile home parks served by master meters.”
2. The fee charged to the commercial class of users shall be in the amount of \$3.28 per 1,000 gallons of water purchased as determined and billed by the water utility

BE IT FURTHER ORDAINED by the Hammond Common Council that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof and approval by the Mayor.

BE IT FURTHER ORDAINED by the Hammond Common Council that If any part, parts, section, sections, provision, clause or portions of this ordinance shall be adjudged invalid

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or unconstitutional, such invalidity or constitutionality shall not affect the validity or constitutionality of this ordinance as a whole or of any other part, parts, section, sections, provision, clause or portion of this ordinance.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 22nd day of September, 2014.

President Michael Opinker /s/
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 23rd day of September, 2014.

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

The foregoing Ordinance No. 9263 consisting of three (3) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this 24th day of September, 2014.

Thomas M. McDermott, Jr., Mayor /s/
City of Hammond, Indiana

PASSED by the Common Council on the 22nd day of September, 2014 and approved by the Mayor on the 24th day of September, 2014.

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana