

ORDINANCE NO. 2023-3
AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF LOOGOOTEE, INDIANA
AMENDING THE WATER RATES AND CHARGES
FOR LOOGOOTEE, INDIANA

WHEREAS, pursuant to Indiana Code 8-1.5 et seq., as amended (the “Act”) the City of Loogootee, Indiana (the “City”) owns, operates, manages, and controls a municipal water works system; and

WHEREAS, this Common Council of the City of Loogootee, Indiana (“Council”) has previously by ordinance established the existing schedule of user rates and charges for water service; and

WHEREAS, pursuant to Indiana Code 8-1.5-3-8.1, this Council may change or adjust its existing schedule of fees by ordinance after notice and public hearing; and

WHEREAS, Indiana Code 8-1.5-3-8 authorizes this Council to adopt by ordinance a nondiscriminatory, reasonable and just schedule of fees for water services rendered by the City’s water works system; and

WHEREAS, Indiana Code 8-1.5-3-8, authorizes this Council to exercise reasonable discretion in adopting different schedules of fees, or making classifications in schedules of fees, to ensure that the rates and charges produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service, and whereas rates and charges too low to meet these requirements are deemed unlawful; and

WHEREAS, the currently effective rate ordinance did not include East Fork Water, Inc. and Daviess County Rural Water System, Inc. (previously Perry Water) water rates, which has been herein incorporated in this ordinance.

WHEREAS, House Enrolled Act 1002-2022 (“HEA 1002”) repealed the utility receipts tax.

WHEREAS, because of and based upon such changes, it is just, equitable, and reasonable to amend the existing schedules of fees herein for users of the water system; and

WHEREAS, the Council find the schedules of fees adopted herein are nondiscriminatory, reasonable and just; and

WHEREAS, notice of the public hearing on proposed rates has been given pursuant to the Act; and

WHEREAS, a public hearing is to be held before this Council on May 8, 2023, at which time testimony from interested persons was received, after introduction of this ordinance and pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED by this Common Council of the City of Loogootee, Indiana, that:

Section 1. The schedule of user rates and charges attached hereto as Exhibit A, which amends the existing schedule of user rates and charges pursuant to Ordinance No. 2020-4, adopted by the Council on August 10, 2020, shall apply to users and customers of the water service provided by the City of Loogootee, Indiana.

Section 2. The rates and charges provided in this Ordinance shall be effective on and after May 8, 2023.

Tap Charge: All new users shall pay a tap charge of the greater \$700 or the actual cost to the City at the time they initially connect to the system.

Disconnection and Reconnection Charges: Whenever service is to be disconnected for any reason, a disconnection charge of \$25 shall be assessed which must be paid before service will be reconnected. In addition, before service will be reconnected, a reconnection charge of \$25 must be paid.

COMMON COUNCIL OF THE
CITY OF LOOGOOTEE
ATTEST: ROGER DOWNEY,
CLERK-TREASURER

April 26c