

ORDINANCE NO. 2023- 01

**AN ORDINANCE TO AMEND AND RESTATE THE WATER RATES
AND/OR CHARGES FOR THE USE OF THE SERVICES RENDERED BY
THE TOWN OF LONG BEACH WATER DEPARTMENT**

WHEREAS, the Town of Long Beach, Indiana (the “Town”), operates a water works system pursuant to IC 8-1.5-1 et seq. (the “System”), the Long Beach Water Department (the “Department”) or (the “Water Utility”), for the purpose of treating and distributing water to the residents of the Town; and

WHEREAS, the Department by and through the Town Council of the Town (“Council”) have previously by ordinance established the existing schedule of user rates and charges for water service; and

WHEREAS, the Town previously employed Cender & Company, L.L.C. (the “Financial Advisor”) to prepare a rate report reviewing the sufficiency of such existing rates and charges in 2015, which the Council used to adjust the rate structure to the current rates; and

WHEREAS, in 2021, the Council amended specifically the structure of the fire protection related rates and fees; and

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

WHEREAS, Ind. 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 Town’s water works system; and

WHEREAS, Ind. 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, this Council is aware of HEA1002-2022, codified in Ind. Code § 8-1-2-4.3, which repealed the utility receipts tax of 1.4%, effective as of July 1, 2022, and wishes to abide by same; and

WHEREAS, the Council desires to clarify, amend, and restate Ordinance 2022-09 to require owners of vacant and/or unimproved lots to pay fire protections charges; and

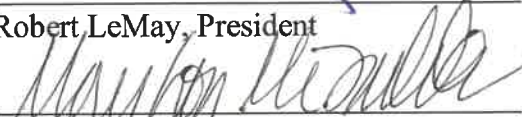
WHEREAS, because of and based upon Ind. Code § 8-1-2-4.3, it is nondiscriminatory, reasonable, and just to amend the existing schedules of fees herein for users of the water system; and

Section 7. This Amended Ordinance replaces Ordinance 2015-08, adopted on September 28, 2015, and Ordinance 2021-02, adopted on March 1, 2021, and Ordinance 2022-09, adopted on July 11, 2022.

ALL OF WHICH IS PASSED AND ADOPTED by the Long Beach Town Council this 12th day of June, 2023.



Robert LeMay, President



Mary Lou McFadden



John Kocher



Michael Johnstone



John Wall



ATTEST: Tim Perry, Clerk-Treasurer