ORDINANCE NO. 1647

AN ORDINANCE REPEALING AND REPLACING CHAPTER 13.04 OF THE MUNICIPAL CODE OF THE CITY OF BLUFFTON, INDIANA

WHEREAS, the Common Council ("**Council**") of the City of Bluffton ("**City**") has authority under the Acts of the Indiana General Assembly to make all necessary regulations for the preservation of the rights, property, health, safety and welfare of its citizens and the Council finds that the interests of the citizens of the City would be best served by amending, repealing, and/or replacing certain ordinances of the Municipal Code of the City of Bluffton, Indiana; and

WHEREAS, the cost of providing electric service to customers has increased and the City deems it necessary to adjust rates to cover those costs.

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA AS FOLLOWS:

Section 1: Chapter 13.04 of the Municipal Code of the City of Bluffton, Indiana shall be completely repealed and replaced with the Chapter 13.04 attached hereto as "**Exhibit A**" which shall be enforced as an ordinance of the City of Bluffton, Indiana.

Section 2: If any part of this Ordinance is found by any competent court of proper jurisdiction to be unconstitutional or otherwise unenforceable, the unenforceable provision shall be deemed severed from the remainder of this Ordinance and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 3: This Ordinance shall take effect and be in force upon adoption and publication as required by law.

Adopted by the Common Council of the City of Bluffton, Indiana, this 17 day of December 2024, by the following vote:

Councilperson	AYES 6	NAYS 0	ABSENT 1
Scott A. Mentzer			
Rickey D. Elwell			
Janella J. Stronczek			
Joshua D. Hunt			
Chandler T. Gerber			
Blake A. Fiechter			
Sarah J. Reed			

Mayor John S. Whicker, Presiding Officer

ATTEST:

Bri Lautzenheiser, City Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, at 5:30 o'clock p.m. this 17 day of December, 2024.

Bri Lautzenheiser, City Clerk-Treasurer

Approved by me this 17 day of December, 2024.

Mayor John S. Whicker

"Exhibit A"

13.04.010 RULES AND REGULATIONS SET BY COMMON COUNCIL FOR THE CITY OF BLUFFTON, INDIANA

Rules and regulations for the use of electricity and the protection of equipment of equipment as well as the fees for non-recurring charges shall be set by the Common Council for the City of Bluffton, Indiana.

13.04.020 EMERGENCY RULES AND REGULATIONS FOR THE CURTAILMENT OF ELECTRIC SERVICE

When an emergency exists which requires the reduction of load or curtailment of electric service, then the plan prepared by the Public Service Commission of Indiana and the Indiana Municipal Electric Association shall be used.

13.04.030 RATE RS - ELECTRIC RESIDENTIAL SERVICE AVAILABILITY

Availability: Residential Services shall be available for single phase residential service including residential lighting, residential space heating, household appliances, refrigeration and cooking appliances, water heating and small motors not exceeding three (3) horsepower individual capacity.

Character of Service: Alternating current, sixty Hertz, single phase, at a voltage of approximately 120/240 volts three wire.

Rate*	Phase I	Phase II	Phase III	Phase IV	Phase V
Customer Charge (per meter per month)	$3.90	$4.05	$4.20	$4.35	$4.50
Energy Charge					
For the first 500 KWH (per KWH)	0.097532	0.100458	0.103472	0.106576	0.109773
For all the KWH above 500 KWH (per KWH)	0.087961	0.090600	0.093318	0.096118	0.099002
Minimum Charge					
The minimum monthly charge shall be the Customer Charge					

* Phase I effective January 1, 2025. Phase II effective January 1, 2026. Phase III effective January 1, 2027. Phase IV effective January 1, 2028. Phase V effective January 1, 2029.

13.04.040 RATE CS - ELECTRIC COMMERCIAL SERVICE

Availability. Commercial Service shall be available for any light and/or power purpose with

a Monthly Maximum Load of 149 kilowatts, or under. Customer must be located on or adjacent to a distribution line of the utility which is adequate and suitable for supplying the service required.

Character of Service. Alternating current, sixty Hertz, at any standard single phase and/or polyphase voltage supplied by Utility in locality for which the service is requested.

Rate*	Phase I	Phase II	Phase III	Phase IV	Phase V
Customer Charge:					
Single-Phase (per meter per month)	$7.75	$8.00	$8.25	$8.50	$8.80
Three Phase (per meter per month)	9.80	10.10	10.45	10.80	11.15
Energy Charge					
For the first 500 KWH (per KWH)	$0.117534	$0.121060	$0.124692	$0.128433	$0.132286
For the next 2000 KWH (per KWH)	0.107720	0.110952	0.114281	0.117709	0.121240
For all the KWH above 2500 KWH (per KWH)	0.095227	0.098084	0.101027	0.104058	0.107180
Minimum Charge					
The minimum monthly charge shall be the Customer Charge					

* Phase I effective January 1, 2025. Phase II effective January 1, 2026. Phase III effective January 1, 2027. Phase IV effective January 1, 2028. Phase V effective January 1, 2029.

Special Terms and Conditions. A customer which has equipment installed having intermittent or violently fluctuating characteristics such as welders, cranes, etc. and which has combined input capacity in excess of 50 KVA, service will be permitted under this rate schedule, provided, however, that such service will be provided only through a separate transformer bank and with separate metering, and billed separately.

13.04.050 RATE MS ELECTRIC MUNICIPAL SERVICE

Availability. Municipal Service shall be available for any light and/or power purpose of a

metered municipal customer.

Character of Service. Alternating current, sixty hertz, at a standard single phase and/or polyphase voltage supplied by Utility in the locality for which the service is requested.

Rate*	Phase I	Phase II	Phase III	Phase IV	Phase V
Customer Charge (per meter per month)	$7.30	$7.55	$7.80	$8.05	$8.30
Energy Charge (per KWH for all KWH)	0.096414	0.099306	0.102285	0.105354	0.108515
Minimum Charge					
The minimum monthly charge shall be the Customer Charge.					

* Phase I effective January 1, 2025. Phase II effective January 1, 2026. Phase III effective January 1, 2027. Phase IV effective January 1, 2028. Phase V effective January 1, 2029.

13.04.060 RATE GS ELECTRIC GENERAL SERVICE

Availability. General Service shall be available through one meter to any customer having a Maximum Load of 150 kilowatts or more. The applicant must be adjacent to the Utility's distribution line that is adequate and suitable for supplying the service requested.

Character of Service. Alternating current having a frequency of sixty Hertz and furnished at a voltage which is standard with the Utility in the area served.

Rate*	Phase I	Phase II	Phase III	Phase IV	Phase V
Maximum Load Charge (monthly)					
Each kilowatt of Billing Maximum Load (per kilowatt)	$10.85	$11.20	$11.55	$11.90	$12.30
Energy Charge (in addition to the Maximum Load charge)					
For all energy used per month	0.067525	0.069551	0.071638	0.073787	0.076001

(Per KWH)					
Minimum Charge					
The minimum monthly charge shall be the Maximum Load Charge.					

* Phase I effective January 1, 2025. Phase II effective January 1, 2026. Phase III effective January 1, 2027. Phase IV effective January 1, 2028. Phase V effective January 1, 2029.

Measurement of Maximum Load and Energy: Maximum Load shall be measured by suitable instruments, and, in any month, the maximum load shall be the average number of kilowatts in the 15-minute interval during which the energy metered is greater than in any other 15-minute interval in such month. For the purpose of billing, the Billing Maximum Load shall be the greater of the maximum load for the month or 150 kilowatts.

Energy shall be measured by suitable integrating instruments.

Metering Adjustment: If service is metered at a voltage of approximately 480 volts or lower, the maximum load and energy measurements shall be increased by two percent (2%) to convert such measurements to the equivalent of metering at the Utility's primary voltage.

Equipment Adjustment: When customer furnishes and maintains the complete substation equipment, including any and all transformers, and/or switches and/or the equipment necessary to take his entire service at the primary voltage of the transmission or distribution line from which service is to be received, a credit of 0.33 per kilowatt of Billing Maximum Load will be applied to each month's net bill.

Special Terms and Conditions: A customer which has equipment installed having intermittent of violently fluctuating characteristics such as welders and cranes and which has combined input capacity in excess of 50 KVA, will be permitted service under this rate schedule, provided, however, that such service will be provided only through a separate transformer bank and with separate metering, and billed separately.

13.04.080 RATE OF OUTDOOR LIGHTING SERVICE

Availability. Outdoor lighting service shall be available only for continuous year-round service for outdoor lighting to any customer located adjacent to an electric distribution line of Utility that is adequate and suitable for supplying the service requested.

Character of Service. Outdoor Lighting Service using lamps available under this rate schedule.

Rate*					
Type of Lamp (Rate per Lamp per Month)	Phase I	Phase II	Phase III	Phase IV	Phase V
175 watt mercury	$5.74	$5.91	$6.09	$6.27	$6.46

vapor					
250 watt mercury vapor	12.78	13.16	13.55	13.96	14.38

* Phase I effective January 1, 2025. Phase II effective January 1, 2026. Phase III effective January 1, 2027. Phase IV effective January 1, 2028. Phase V effective January 1, 2029.

Hours of Lighting: All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4,000 hours per annum.

Ownership of System: All facilities installed by the Utility for service hereunder including fixtures, controls, poles, transformers, secondary lines, lamps and other equipment shall be owned and maintained by the Utility. All service and necessary maintenance will be performed only during regularly scheduled working hours of the Utility. Non-operative lamps will normally be restored to service within two working days after notification by customer.

When customer requests that a lamp be mounted on customer's building or pole, customer shall waive any claim for damages caused by such installation and/or removal of secondary lamp support.

Additional Facilities: This rate schedule is based on lighting fixtures which can be installed on an existing distribution type wood pole or other supporting device and served from existing secondary facilities, with not more than one span of secondary. If additional facilities are required to furnish service, the Utility will install, operate and maintain such facilities. The labor, materials, and overhead cost of installation of such additional facilities and maintenance expense thereof shall be at the customer's expense.

13.04.090 FUEL COST ADJUSTMENT (APPLICABLE TO RATES RS. CS. GS. AND MS.)

The energy charges set forth in the above rate schedules shall be increased or decreased, to the nearest 0.001 mill ($0.000001) per KWH. in accordance with the following adjustment factor:

Adjustment Factor = F/S - prior month's tracker, where:

A. "F" is the estimated expense of the month immediately following the current calendar month and consisting of the following costs:

1. The average cost of fossil fuel consumed in the Company's own plants, such cost being only those items listed in Account 151 of the Federal Energy Regulatory Commission's Uniform System of Accounts for Class A and B Public Utilities and Licensees;
2. The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in (c) below;
3. The net energy cost. exclusive of capacity or demand charges, of energy purchased on an economic dispatch basis, and energy purchased as a result of a scheduled outage, where the costs thereof are less than the Utility's fuel cost of replacement net

generation from its own system at that time; less

4. The cost of fossil fuel recovered through intersystem sales including fuel costs related to economy energy sales and other energy sold on an economic dispatch basis.

B. "S" is the estimated kilowatt-hour sales for the same estimated period set forth in "F", consisting of the net sum in kilowatt-hours of:

1. net generation;
2. purchases;
3. interchange-in; less
4. inter-system sales; and less
5. energy losses and company use.

The adjustment factor shall be modified each calendar month to reflect the difference between the incremental fuel cost billed and the incremental fuel cost actually experienced during the period.

The factor as computed above shall be further modified to allow the recovery of gross receipts taxes and other similar revenue based tax charges occasioned by the fuel cost charge revenues.

The fuel cost charge shall be per kilowatt-hour.

13.04.100 NON-RECURRING CHARGES. Bluffton Utilities Non-Recurring Charges with services to be performed by Utility Personnel.

Description:	Charges:
Security Deposit:	
Residential Users:	$25.00 with an excellent credit rating from a previous Utility Co. or a credit report obtained by this Utility at Customer's expense, $50,00 otherwise.
Small Commercial Users:	The greater of estimated one month's usage or $150,00.
Large Users, including Restaurants:	Amount is to be determined by the Board of Public Works & Safety, minimum based on estimated one-months usage.
Late Payment Fee (after due date):	Electric and Water billings, 10% of first $3.00 and 3% on the amount above $3.00.
Bad Check Charges:	$35.00
After normal working hours service calls:	$35.00 trip fee.
Electric and Water services to reconnect	

following a disconnection:	
8am – 4pm, Monday – Friday:	$40.00
All other times and days:	$60.00
Electric Temporary Service:	$50.00 for first 100 feet. Thereafter, actual costs less value of salvageable materials.
Temporary Users:	Commercial Electric Rate for all usage as metered or estimated. Water Rate as scheduled for all usage metered or estimated.
Meter Test Rates:	
Electric	$50.00
Water	
5/8"-1" meter	$35.00
1¼" -2" meter	$45.00
Greater than 2" meter	$300.00 (may be refunded if meter is defective)
Meter Tampering:	Cost to replace damaged equipment and possible prosecution, if applicable.
Electric Secondary Services	
Overhead Conductors:	Actual labor cost and material in excess of cost of 120/240 volts, 200 ampere and 100 ft. service.
Underground Conductors:	Actual cost of labor and materials.
Electric Metering Secondary Voltage Service:	Actual cost of instrument transformers and cabinet for metering in excess of cost of 120/240 volt, 200 amperes, service.
Primary Voltage Service	Actual cost of labor and materials.
Water Coliform Testing:	$25.00
24-hour inspection turn on	
Electric	$25.00
Water	$25.00