

ORDINANCE NO. 2017-1

SEWER RATE ORDINANCE

An Ordinance establishing a schedule of rates and charges to be collected by the Tri-Lakes Regional Sewer District from the owners of property served by the sewage works of said District and other matters connected therewith.

WHEREAS, the District owns and operates a sewage works for the purpose of collecting and disposing of the sewage of the District in a sanitary manner financed in part by a grant from the U.S. Environmental Protection Agency; and

WHEREAS, it is necessary to amend the existing schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, and to pay the principal and interest on the proposed revenue bonds in accordance with the applicable bond ordinance, all in a manner in accordance with the guidelines of the U.S. Environmental Protection Agency; now, therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TRI-LAKES REGIONAL SEWER DISTRICT:

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) “Ammonia” (or $\text{NH}_3\text{-N}$) shall have the same meaning as defined in the Sewer Use Ordinance.
- (b) “Board” shall mean the Board of Trustees of the Tri-Lakes Regional Sewer District, or any duly authorized officials acting in its behalf.
- (c) “BOD” (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (d) “CBOD” (or Carbonaceous Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Rate Ordinance.
- (e) “COD” (or chemical Oxygen Demand) shall have the same meaning as defined in the Sewer Rate Ordinance.
- (f) “District” shall mean the Tri-Lakes Regional Sewer District acting by and through the Board of Trustees.
- (g) “Debt Service Costs” shall mean the average annual principal and interest

payments on all proposed revenue bonds or other long-term capital debt.

- (h) “Excessive Strength Surcharge” shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of ‘normal domestic sewage.’”
- (i) “Industrial Wastes” shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (j) “NPDES” (or National Pollutant Discharge Elimination System) shall have the same meaning as defined in the Sewer Rate Ordinance.
- (k) “Normal Domestic Sewage” (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

S.S. not more than 250 mg/l
BOD not more than 250 mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from industrial processes.

- (l) “Operation and Maintenance Cost” include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (m) “Other Service Charges” shall mean tap charges, connection charges, area charges, and other identifiable charges other than excessive strength surcharges.
- (n) “Person” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (o) “Phase I Service Area” is the area where public sewers provide service around Big Cedar, Little Cedar, Shriner, Karen, Crooked, Little Crooked, and Round Lakes.
- (p) “Phase II Service Area” is the area where public sewers provide service around Big, Loon, New, Old, and Goose Lakes, County Line Road (700N), State Road 109, and County Road 500 N.
- (q) “Phase I - Full Rate Connections” are those connections within the Phase I

Service Area that pay both the user charge and debt service portions of the monthly sewer bill.

- (r) “Phase I - Partial Rate Connections” are those connections within the Phase I Service Area that, in lieu of paying the monthly debt service portion of the sewer bill, for the Phase I project made a lump-sum payment prior to commencement of the Phase I sewer system.
- (s) “Phase II - Full Rate Connections” are those connections within the Phase II Service Area that pay both the user charge and debt service portions of the monthly sewer bill.
- (t) “Phase II - Partial Rate Connections” are those connections within the Phase II Service Area that, in lieu of paying the monthly debt service portion of the sewer bill, for the Phase I project made a lump-sum payment as described in Section 18 of this Ordinance.
- (u) “Phosphorus” shall have the same meaning as defined in the Sewer Rate Ordinance.
- (v) “Replacement Costs” shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (w) “S.S.” (or suspended solids) shall have the same meaning as defined in the Sewer Rate Ordinance.
- (x) “Shall” is mandatory; “may” is permissive.
- (y) “Sewage” shall have the same meaning as defined in the Sewer Rate Ordinance.
- (z) “Sewer Use Ordinance” shall mean a separate and companion enactment to this Ordinance which regulates the connection to and use of public and private sewers.
- (aa) “User Charge” shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500.

- (bb) “User Class” shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the District discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the District discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the costs of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

- (b) The various classes of users of the treatment works for the purpose of this Ordinance shall be as follows:

Class I - Residential
 Commercial
 Governmental
 Institutional
 Industrial

Section 3. For the use of the service rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the District’s sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the District. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows:

- (a) The sewage rates and charges shall be based on the quantity of water use on or in the property or premises subject to such rates and charges as the same is determined by equivalent single-family-dwelling units. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

All Class I – Connections^R

All Phase I & Phase II Full & Partial Rate Connections

Billing Costs - Per Monthly Bill	<u>Monthly Rate</u> \$2.69
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	<u>Monthly Rate</u>	
<u>Residential:</u>	<u>Equivalent</u>	<u>User</u>
	<u>Factor</u>	<u>Charge</u>
Single family residence/unit	1.0	\$22.06
Mobile home park space available for rent	1.0	\$22.06
Apartments, condos and townhouses/unit	1.0	\$22.06
Duplexes per family unit	1.0	\$22.06
Shop or office in residence	1.0	\$22.06

	<u>Monthly Rate</u>	
	<u>Equivalent Factor</u>	<u>User Charge</u>
<u>Commercial:</u>		
Barber or beauty shop - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Retail establishment - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Gasoline service station/auto repair		
W/O car wash - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
With car wash - per cash wash bay	2.5	\$55.15
Grain elevator - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Laundromats & washeterias per washer	.75	\$16.55
Motel, rooming houses, bed & breakfasts, resorts, & similar establishments		
Office/manager residence	1.0	\$22.06
Nightly rental w/cooking facilities	1.0	\$22.06
Nightly rental w/o cooking facilities	.50	\$11.03
Professional offices - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Restaurants, drive-ins, bars, and organizations with eating and/or drinking facilities		
1 st 2 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Telephone company - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Veterinarian's office - 1 st 2 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Campgrounds		
Per common bath house	1.0	\$22.06
Per other common facilities	1.0	\$22.06
Per camp site	.15	\$ 3.31
<u>Institutions:</u>		
Schools per pupil enrolled (5 day school week)	.10	\$ 2.21
Churches and other religious organizations w/o eating and/or drinking facilities - 1 st 200 members/attendees	1.0	\$22.06
Each 50 additional members/attendees	.25	\$ 5.52

Monthly Rate

	<u>Equivalent Factor</u>	<u>User Charge</u>
<u>Governmental:</u>		
Community center	1.0	\$22.06
Offices - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Post Office - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52
Fire department w/o sleeping quarters	1.0	\$22.06
Each truck bay	2.5	\$55.15
 <u>Industrial:</u>		
Manufacturing (unmetered) - 1 st 3 employees	1.0	\$22.06
Each additional employee	.25	\$ 5.52

(An industry with industrial process effluent discharged into the sanitary sewage system shall install, operate and maintain, at the user's expense, a measuring device satisfactory to the District for the measurement of the volume of flow discharged for sanitary sewers and shall be charged for the quantity of flow under Section 3(a).)

All Phase I and Phase II Full-Rate Connections:

	<u>Mo. Rate</u>
Phase I - Debt Service - per monthly bill	\$ 0.00
Phase II - Debt Service - per monthly bill	\$31.04
Mobile Home Park - per space available for rent	\$31.04

- (b) For the service rendered to the District said District shall be subject to the same rates and charges established in harmony therewith.
- (c) The monthly rates and charges provided herein shall be applied throughout the year based upon the maximum sewage service required in any month in any calendar year. For example, the user charges based upon employment shall be applied throughout the year based upon the employment of the user for such single maximum employment month, and such maximum usage shall be applied throughout the year.
- (d) In order to recover the cost of monitoring industrial wastes, the District shall charge the user not less than \$10 per sampling event plus the actual cost for collecting and analyzing the sample(s) as determined by the District or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. The quantity of water discharged into the sanitary sewage system shall be determined by the District in such manner as the District shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this section, the District may make proper allowances in determining the sewage bill for quantities of water consumed, but which are also shown to the satisfaction of the District that such quantities do not enter the sanitary sewage system.

- (a) In the event a lot, parcel of real estate or building other than a single-family dwelling unit discharging sanitary sewage, industrial wastes, water or other liquids into the District's sanitary sewage system, either directly or indirectly, and the water used thereon on therein is not measured by a water meter, or is measured by a water meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the District for the determination of sewage discharge.
- (b) In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the District shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The District shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner, by such method and at such times as the District may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the District at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid or suspended solids in excess of 250 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (1) **Rate Surcharge Based Upon Suspended Solids** - There shall be an additional charge of 15 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

- (2) **Rate Surcharge Based Upon BOD** - There shall be an additional charge of 15 cents per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.
- (b) The determination of Suspended Solids, five-day Carbonaceous Biochemical Oxygen Demand, Biochemical Oxygen Demand, Ammonia-Nitrogen, Phosphorus, Ammonia and COD contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage and Industrial Wastes," as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," 40 CFR Part 136.

Section 6. Such rates and charges shall be prepared, billed and collected by the District in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. Annually, each user shall be notified of the rates charged for operation, maintenance and replacement for that user during the next year in conjunction with a regular bill.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners or properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the District for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

- (c) As is provided by statute, all rates and charges not paid by the 20th day of the month following receipt are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges shall thereupon attach thereto.

Section 7. In order to produce an amount sufficient to meet the interest on the revenue bonds, and other expenses, payable prior to the completion of the Phase II Project, after the contract for construction of the sewer system has been let and actual work commenced there under, the owners of each and every lot, parcel of real estate or building in the Phase II Service Area to be connected with the District's sanitary sewage system, as a result of construction of said works, shall pay an amount sufficient to pay debt service, each month forty percent (40%) of the rates and charges established above, for each such building to be connected. Beginning with the first month after the sanitary sewers are available for connection and use to any lot, parcel of real estate or building, the full rates and charges become effective for such lot, parcel of real estate or building; but in any event, said full rates and charges shall become effective not later than August 1, 2001, so that billings for full rates and charge shall be rendered no later than September 1, 2001.

Section 8. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the District shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which this ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the cost associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the wastewater treatment systems.

Section 9. The District shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the District's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system and for the regulation, collection and rebating and refunding of such rates and charges.

Section 10. That the rules and regulations promulgated by the District, after approval by the Board of Trustees shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Trustees and that any decision concerning the sewage system or user charges of the Board of Trustees may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 11. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which shall be given effect without such invalid part or parts.

Section 12. The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and such reduction shall be limited to such reduced

costs.

Section 13. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance.

Section 14. The Board shall not grant free service or use of the sewage treatment system to any person, group or entity. It is not necessary for an area or parcel of real estate to be annexed to the District to receive sewage treatment.

Section 15. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Section 16. The owner of any lot, parcel of real estate, or building in the Phase I & Phase II Service Area connecting to the sewage works, prior to being permitted to make a connection, shall comply with all applicable Federal, State, County, and District laws, rules, and regulations, and shall pay a connection charge which shall be determined as follows:

- (a) \$5,960 plus 3% for each year from 2001 to the year of connection.

In addition, each property owner shall be responsible for connecting the building lateral sewer to the public sewer as defined in Section 1 of the Sewer Use Ordinance.

Applicable fees described in Section 16 shall be paid at the time the inspection permit is issued.

Tim Brower

Priscilla Peters

George Schrupf

Tom Wise

Ruth Orr

Linda Parker

ATTEST: _____, **Susan Schroeder, Secretary**