LAGRANGE COUNTY REGIONAL UTILITY DISTRICT

ORDINANCE NO. 2015-9-29(A)

RESTATED AND AMENDED SEWER RATE ORDINANCE

AN ORDINANCE RESTATING, AMENDING, UPDATING, AND COMBINING ALL PREVIOUS SEWER RATE ORDINANCES TO ADJUST THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE LAGRANGE COUNTY REGIONAL UTILITY DISTRICT FROM OWNERS OF PROPERTY SERVED OR TO BE SERVED BY THE SEWAGE WORKS OF SAID DISTRICT IN THE SERVICE AREA OF THE DISTRICT COMMONLY KNOWN AS FAWN RIVER CROSSING AND ADDRESSING OTHER MATTERS RELATED THERETO OR ARISING THEREFROM.

WHEREAS, the LaGrange County Regional Utility District, hereinafter "the District," is duly constituted and authorized to provide sewer service inside and outside the District, pursuant to I.C. 13-26 *et seq.*, and its predecessor statutes; and

WHEREAS, the District has heretofore authorized the maintenance and operation of works to provide sewer service under I.C. 13-26 *et seq.*; and

WHEREAS, the District is authorized, pursuant to I.C. 13-26-11-1 *et seq.*, to fix, alter, charge, and collect reasonable rates and other charges in the area served by its works to every person whose premises are, whether directly or indirectly, provided with sewer services by the works for the purpose of providing for payment of the expenses of the District, the construction, acquisition, improvement, extension, repair, maintenance, and operation of its works and properties, the payment of principal and interest on its obligations, and to fulfill the terms of agreements made with the purchasers or holders of any obligations, or with a person or eligible entity; and

WHEREAS, the District Board of Trustees, pursuant to I.C. 13-26-11-8, shall, by ordinance, establish just and equitable rates or charges for the use of and service rendered by a works, payable by the owner of each lot, parcel of land, or building that is connected with and/or uses a works, that is to be connected to and that is to use a works, or that in any way uses or is served by the works; and

WHEREAS, pursuant to I.C. 13-26-11-9, just and equitable rates are considered to be those rates that provide sufficient revenue to pay all expenses incident to the operation of the works to include maintenance cost, operating charges, upkeep, repairs, and interest charges on bonds or other obligations; provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds; and provide adequate funds to be used as working capital, as well as funds for making improvements, additions, extensions, and replacements; and

WHEREAS, the District now finds that it is necessary to adjust rates and charges for the

service area of the District commonly known as Fawn River Crossing in order to enable the District to properly operate and maintain its works and finance necessary extensions, betterments and improvements to the system; and

WHEREAS, said I.C. 13-26-11-1 *et seq.* require that the rates and charges to be collected for the use of and the service rendered by such works to be fixed by ordinance, finally adopted after due notice and public hearing, and authorizes the collection of rates and charges; and

WHEREAS, the District previously has adopted ordinances pertaining to the sewer rates and charges for service provided to owners of property in Fawn River Crossing; and

WHEREAS, the Board recognizes that by the very passage of time updating, clarification, and consistency is needed; and

WHEREAS, the Board has determined that combining all rates and charges matters into one document would be beneficial to the public so that the public can reference one document instead of several documents;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE LAGRANGE COUNTY REGIONAL UTILITY DISTRICT AS FOLLOWS:

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

a. "Board" shall mean the Board of Trustees of the LaGrange County Regional Utility District, or any duly authorized officials acting on its behalf.

b. "District" shall mean the LaGrange County Regional Utility District acting by and through the Board or it designees.

c. "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 authorized by Indiana law.

d. "Service area" shall mean that portion of the District's territory commonly known as Fawn River Crossing and more particularly described in certain interlocal agreements by, between, and among the District, the LaGrange County Board of County Commissioners, and the LaGrange County Redevelopment Commission.

e. "Works" shall have the same meaning as the term is defined in I.C. 13-11-2-269(2).

f. "Shall" is mandatory; "may" is permissive.

Section 2. Every person whose premises are made available to be served by or that are

served by the District's works in the Service Area shall be charged for the sewer service provided or to be provided by the District. These charges are established in order that the District shall recover revenue which is proportional to the availability and use of the works.

Section 3. For the availability of sewer service rendered by or to be rendered by the sewage works or for the use of and sewer service rendered or to be rendered by the 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, that will be connected, that is required to be connected to the District's systems by Indiana statute and/or local ordinance, or that otherwise discharges sanitary sewage, industrial waste, water, or other liquids, either directly or indirectly into the sanitary sewage system of the District in the Service Area. Such rates and charges shall be payable as hereinafter provided, and shall be in an amount determined as follows: See Exhibit "A" attached hereto and incorporated herein by reference.

a. After considering the District's current and future financial needs, the statutes that govern rate making by a regional sewer district, and the advice and recommendations of its financial consultant, the Board hereby finds that the rates and charges identified in the aforementioned exhibit are just and equitable, as those terms are defined by Indiana law.

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

c. For services rendered to the District, said District shall be subject to the same rates and charges established herein.

Section 4. The aforementioned 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 identified in item I of Exhibit A shall be prepared and billed monthly. All other rates and charges identified in Exhibit A shall be billed as indicated in Exhibit A.

b. The rates and charges shall be billed to and shall be payable by the owner of each lot, parcel of land, or building that is connected with and uses the works, that is to be connected with and use the works, that is required by Indiana law and/or local ordinance or by contract to be connected with and use the works, or that in any way uses or is served by the works.

Section 5. The District shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the District's works, for

the construction and use of said works, for connection to said works, and for the regulation, collection, crediting, rebating or refunding of such rates and charges. No free service shall be provided to any user of the works.

Section 6. 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 can be given effect without such invalid part or parts.

Section 7. The rules and regulations promulgated by the District, after being approved by the Board, shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the District staff. Any decision of the Board concerning the sewage system or user charge system may be appealed to the circuit or superior court of the county under the appeals procedure of the Indiana Administrative Adjudication Act.

Section 8. This ordinance repeals and supersedes Ordinance No. 2010-9-8(B) and Ordinance No. 2013-9-19(A); provided, however, if any party has a liability under any such prior ordinance that is not captured by this ordinance, that individual shall not be relieved of such liability.

Section 9. The rates and charges as herein set forth shall become effective on the dates identified in Exhibit A.

Section 10. This ordinance shall take effect upon promulgation according to law.

[Signatures follow on next page.]

ALL OF WHICH IS DULY ORDAINED THIS 29th DAY OF SEPTEMBER, 2015.

LAGRANGE COUNTY REGIONAL
UTILITY DISTRICT
BOARD OF TRUSTEES

Patrick J. Wiltshire

Philip R. Malone

Dennis Davis

Kathy Wonderly

ATTEST:

Dennis Davis

Nancy J. Teagarden

LAGRANGE COUNTY REGIONAL UTILITY DISTRICT

FAWN RIVER SEWER RATES

I. Metered Rate:	Phase I Effective 1/1/2016	Phase II Effective 1/1/2017	Phase III Effective 1/1/2018
Rate per 1,000 gallons	$5.20	$5.46	$5.73

Plus:

Base Charge:

Each user shall pay a base charge in accordance with the following applicable size of meter.

Meter Size				
5/8	inch	$21.50	$22.55	$23.65
3/4	inch	25.75	27.00	28.35
1	inch	53.70	56.35	59.15
1 1/4	inch	86.00	90.30	94.80
1 1/2	inch	124.75	130.95	137.45
2	inch	215.05	225.80	237.05
3	inch	494.60	519.30	545.25
4	inch	860.20	903.20	948.35
6	inch	1,956.95	2,054.80	2,157.55
8	inch	3,483.85	3,658.05	3,840.95

Plus:

II. Late Payment - Non-payment within fifteen (15) days from the due date, will be subject to a penalty of ten (10) percent of the past due amount.

III. Surcharges for Wastewater in Excess of Domestic Strength:

BOD	$0.80	$0.84	$0.88
Suspended Solids	0.50	0.52	0.54
Phosphorus	2.22	2.33	2.44
Nitrates	0.65	0.68	0.71

IV. Pretreatment Program Charges:

Composite Sampler - each (24) collection period	$ 50.00
Ph Grab Sample - per sample	3.00
Labor w/vehicle - one laborer/hr.	35.00
- two laborers/hr.	55.00

V. Inspection Fee $ 70.00

VI. Tap Fees - Customers connecting to the sewage works shall pay a tap fee in an amount equal to the costs of labor and materials, including the meter and and any other necessary components, for connection to the District.