

ORDINANCE NO. 2013-1

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF
THE LAPORTE COUNTY REGIONAL SEWER
DISTRICT ESTABLISHING INITIAL SCHEDULE OF
SEWER RATES AND CHARGES FOR THE
ROLLING PRAIRIE AREA**

WHEREAS, pursuant to Ind. Code §§ 13-26-1-1 *et seq.* and 13-26-5 *et seq.*, the LaPorte County Regional Sewer District (the "District") will own, operate and manage a sewage works collection system in the Rolling Prairie Area; and

WHEREAS, in order to provide sewer service, the District will construct sewage works improvement to be funded by LaPorte County loan; and

WHEREAS, this LaPorte County Regional Sewer District Board of Trustees ("Board") must, by ordinance, establish an initial schedule of user rates and charges for the Rolling Prairie Area for the operation, maintenance, and to provide funds for necessary replacements and improvements to the sewage works and local capital charges to pay debt service on loans and bonds outstanding; and

WHEREAS, pursuant to Ind. Code §§ 13-26-11-8, 11 and 12, this Board may adopt a schedule of fees by ordinance after notice and public hearing; and

WHEREAS, Ind. Code § 13-26-11-8, authorizes this Board to adopt by ordinance a just and equitable schedule of fees; and

WHEREAS, based upon the advice of the expert financial advisor retained by the District, the Board has determined that the schedule of fees set forth herein is necessary to produce sufficient revenue to commence paying the District's lawful obligations and expenses; provide funds for necessary replacements and improvements to the sewage works and provide for funds to pay debt service on loans and bonds outstanding; and

WHEREAS, the schedules of fees adopted herein are just and equitable.

NOW, THEREFORE, BE IT ORDAINED by this Board of Trustees of the LaPorte County Regional Sewer District, that:

Section 1. That there shall be and there is hereby established for the use of and the service rendered by the Rolling Prairie sewage works system of the LaPorte County Regional Sewer District, the following schedule of rates and charges by equivalent single family dwelling units ("EDU"), which is based on a flat monthly rate for paying preliminary capital and administrative costs for the sewage works improvements.

The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows:

- Class I - Residential
- Class II - Commercial
 - Governmental
 - Institutional
 - Industrial

(a) Monthly Charge

Monthly rates and charges are as follows:

Class 1 – Residential Users

Operation, Maintenance and Replacement Charge per EDU	\$ 60.00
Local Capital Charge per EDU	<u>10.00</u>
Total Charge per EDU per month	<u>\$ 70.00</u>

Class 2 – Non-Residential Users

For the First Equivalent Dwelling Unit

Operation, Maintenance and Replacement Charge	\$ 60.00
Local Capital Charge	<u>40.00</u>
Total Charge for First EDU per month	<u>\$ 100.00</u>

For the each Equivalent Dwelling Units Greater than 1

Operation, Maintenance and Replacement Charge per EDU	\$ 60.00
Local Capital Charge per EDU	<u>10.00</u>
Total Charge per EDU per month	<u>\$ 70.00</u>

(b) Returned Check Charge

A returned check charge of Forty Dollars (\$40.00) will be billed for each check returned as non-sufficient funds by a financial institution.

(c) Equivalency Factors

An equivalent single family dwelling unit is considered to be one (1) EDU. One (1) EDU shall mean water usage of 175 gallons per day. The District shall reasonably determine the equivalency factors for all commercial or industrial

users and shall make such a determination as deemed necessary by the Board from time to time.

(d) Multiple Units

In the event two (2) or more dwelling units are connected to the same sewage discharge line including such a mobile homes, apartments or multi-family units discharging sanitary sewage, water or other liquids into the District's sanitary sewage system, either directly or indirectly, and are users of the sanitary sewage system, each mobile home, apartment or multi-family unit shall be billed one (1) equivalent dwelling unit for each dwelling unit. In the case of a mobile home court, the number of dwelling units shall be interpreted as the total number of mobile home spaces available for rent plus any other dwelling units.

(e) Late Charges

All rates and charges not paid by the 25th day of the month following receipt are hereby declared to be delinquent and shall be subject to a penalty of ten percent (10%) of the amount of the rates and charges shall thereupon attach thereto.

Section 2. Such rates and charges shall be prepared, billed and collected by the District in the manner provided by law and ordinance.

The rates and charges for all users shall be prepared and billed monthly.

Section 3. 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 or usage determined by equivalent dwelling units, 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 Biochemical Oxygen Demand (BOD₅) in excess of 300 milligrams per liter (mg/l) of fluid, Total Suspended Solids (TSS) in excess of 300 milligrams per liter of fluid and Ammonia Nitrogen (NH₃-N) in excess of 50 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 Biochemical Oxygen Demand

There shall be an additional charge of \$0.380 (0.380¢) per pound of Biochemical Oxygen Demand received in excess of 300 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon Total Suspended Solids

There shall be an additional charge of \$0.381 (0.381¢) per pound of Total Suspended Solids received in excess of 300 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon Ammonia-Nitrogen

There shall be an additional charge of \$0.819 (0.819¢) per pound of Ammonia-Nitrogen received in excess of 50 milligrams per liter of fluid.

- (b) The determination of Biochemical Oxygen Demand, Total Suspended Solids, , and Ammonia-Nitrogen 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 4. Capacity, Connection and Inspection Fees

- (a) Capacity Fee. All one-time connections to the Rolling Prairie sewage works system will be subject to a Wastewater Treatment Capacity Fee prior to connection. This one-time charge shall not apply to existing homes connecting to the Rolling Prairie sewage works system by June 30, 2014. The capacity fee shall be \$500.00 per equivalent dwelling unit. An equivalent dwelling unit is defined in Section 1, paragraph c.
- (b) Connection Fee. In addition to the Capacity Fees noted above, all connections shall be subject to a one-time Connection Fee. The Connection Fee shall be based upon \$500.00 per equivalent dwelling unit that will be connected to the Rolling Prairie sewage works system. An equivalent dwelling unit is defined in Section 1, paragraph c. The Connection Fee shall not apply to existing homes connecting to the Rolling Prairie sewage works system by June 30, 2014.
- (c) Inspection Fee. Inspection fees for residential connections shall be \$50.00 per residential connection, per inspection. Commercial inspection fees shall be \$150.00 per connection. The District shall reserve the right to assess additional inspection fees if based, upon the previous inspection, the connection was not completed in an acceptable manner.

Section 5. The District shall charge applicable non-residential users who are determined to be subject to the District's pretreatment and monitoring program as promulgated by the United States Environmental Protection Agency as follows:

Pretreatment Permit Fee (one-time fee)	\$500.00
Pretreatment Permit Renewal Fee	\$250.00
Inspection Fee (per occurrence)	\$100.00
Monitoring Fee (per occurrence)	\$300.00 Plus additional charges by a laboratory other than that of the City of LaPorte.
Investigation Fee	\$ 40.00/hour, one hour minimum
Attorney's Fees For Assisting With Investigation and Enforcement Action	

Section 6. 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 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.

The District is hereby authorized to prohibit dumping of wastes into the District's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the District, or to require method affecting pretreatment of said wastes to comply with the pretreatment standards included in the City of LaPorte's National Pollutant Discharge Elimination System (NPDES) permit, rules, regulations and ordinances that govern the sewage works or as contained in the EPA General Pretreatment Regulations, 40 CFR Part 403 and any amendments thereto or the District's Pretreatment Program Plan.

Section 7. That the rules and regulations promulgated by the District, after approval by the Board of Trustees shall, among other things, provide for an appeal procedures 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 8. That the rates herein approved shall provide for a reasonable return on the sewage utility plant of the District and such other legal and necessary expenses as provided in I.C. 13-26-11-9.

Section 9. 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.

This ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED THIS 12 DAY OF July 2013.

LAPORTE COUNTY REGIONAL SEWER DISTRICT, by and through its Board of Trustees



Board Member



Board Member



Board Member



Board Member



Board Member

ATTEST BY:



Secretary of the Board