

LAPORTE COUNTY REGIONAL SEWER & WATER DISTRICT

ORDINANCE NO. 2018-01  
WATER RATE ORDINANCE

AN ORDINANCE ESTABLISHING A WATER RATE ORDINANCE TO SET THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE LAPORTE COUNTY REGIONAL SEWER & WATER DISTRICT FROM OWNERS OF PROPERTY SERVED OR TO BE SERVED BY THE WATERWORKS OF SAID DISTRICT IN THE SERVICE AREA OF THE DISTRICT COMMONLY KNOWN AS ROLLING PRAIRIE SERVICE PLAZAS AND ADDRESSING OTHER MATTERS RELATED THERETO OR ARISING THEREFROM.

WHEREAS, the LaPorte County Regional Sewer & Water District (the "District") is duly constituted and authorized to provide water service inside and outside the District, pursuant to I.C. 13-26 *et seq.*, and its predecessor statues; and

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

WHEREAS, the District has heretofore authorized the acquisition of the Waterworks to provide water 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 Waterworks to every person whose premises are, whether directly or indirectly, provided with water services by the Waterworks for the purpose of providing for payment of the expenses of the District, the construction, acquisition, improvement, extension, repair, maintenance, and operation of its Waterworks 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 (as hereinafter defined) 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 Waterworks, payable by each class of owner of each lot, parcel of land, or building that is connected with and/or uses a Waterworks, that is to be connected to and that is to use a Waterworks, or that in any way uses or is served by the Waterworks; 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 Waterworks 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 establish rates and charges for the service area of the District in order to include a new class of user to affect the expanded service area, known as Class III - "Rolling Prairie Travel Plazas" as defined by the District in Section 1 below enabling the District to properly acquire, operate and maintain its Waterworks and finance necessary extensions, betterments and improvements to the system; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE LAPORTE COUNTY REGIONAL SEWER & WATER 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 LaPorte County Regional Sewer & Water District, or any duly authorized officials acting on its behalf.
- b. "Class III User" shall mean the Rolling Prairie Travel Plazas.
- c. "District" shall mean the LaPorte County Regional Sewer & Water District acting by and through the Board or its designees.
- d. "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.
- e. "Service area" shall mean that portion of the District's territory commonly known as Rolling Prairie Travel Plazas operated by the Indiana Toll Road Concession Company.
- f. "Waterworks" shall have the same meaning as the term is defined in I.C. 13-11-2-269(1).
- g. "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 Waterworks in the Service Area shall be charged for the water services 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 Waterworks.

Section 3. For the availability of water services rendered by or to be rendered by the Waterworks or for the use of and water service rendered or to be rendered by the Waterworks, 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, or that is required to be connected to the District's systems by Indiana statute and/or local ordinance or by contract. 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 water 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. 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, policy and ordinance.

- a. The rates and charges for all users identified in item I (Class III Rolling Prairie Travel Plaza) 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 Waterworks, that is to be connected with and use the Waterworks, that is required by Indiana law and/or local ordinance or by contract to be connected with and use the Waterworks, or that in any way uses or is served by the Waterworks.
- c. Returned Check Charge: A returned check charge of Twenty-Five Dollars (\$25.00) for each check returned as non-sufficient funds by a financial institution.
- d. Late Charge: 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 collection or deferred payment charge of ten percent (10%) of the first three dollars (\$3.00) and three percent (3%) of the excess over three dollars (\$3.00) of the amount of the rates and charges shall thereupon attach thereto.
- e. In the event a property owner fails to pay a charge for water service within thirty (30) days of the date the charge is due, the District shall shut off the water to the owner's property. The District shall give the owner written notice of its intent to shut off water service by certified mail, return receipt requested. Notice shall be considered adequate when sent to the address most recently given to the District by the owner or to the address to which the most recent property tax bill for the subject property was sent. The District shall shut off the water to the owner's property no

sooner than ten (10) days from the date of the notice of the District's intention.

- f. Reconnection Charge: When the service is turned off for non-payment of a bill, or whenever for any reason beyond the control for the waterworks a re-establishment of service is required by any one customer, a charge of \$200.00 will be made by the waterworks to cover the cost of discontinuance and reestablishment of the service.

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 Waterworks, for the construction and use of said Waterworks, for connection to said Waterworks, 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 Waterworks.

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 Waterworks providing water service or user charge may be appealed as permitted by Indiana law.

Section 8. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance or upon the transfer of the Waterworks facilities to the District.

Section 9. This ordinance shall take effect upon promulgation according to law.

*[Signatures follow on next page.]*

ALL OF WHICH IS DULY ORDAINED THIS 12<sup>th</sup> DAY OF JULY, 2018.

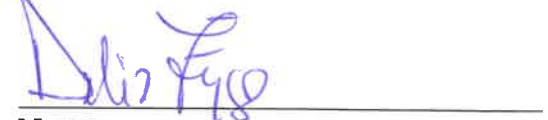
LAPORTE COUNTY REGIONAL SEWER &  
WATER DISTRICT  
BOARD OF TRUSTEES

  
Name

  
Name

  
Name

  
Name

  
Name

  
Name

ATTEST:

  
Name *SECRETARY*

EXHIBIT A  
LAPORTE COUNTY REGIONAL SEWER & WATER DISTRICT  

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WATER RATES FOR ROLLING PRAIRIE TRAVEL PLAZA

There is hereby established for the use of and the service rendered by the Rolling Prairie Travel Plazas water works system of the Laporte County Regional Sewer and Water District, the following schedule of rates and charges:

(a) Monthly Charge

**Class III (Rolling Prairie Travel Plaza)**

Water Operation, Maintenance and Replacement User Charge      \$ 11,675.00

(b) Surcharge Fees - If the average annual daily water usage exceeds 26,500 gallons per day, there shall be a Surcharge Fee equal to 50% of the Class III Water Operation, Maintenance and Replacement User Charge (equivalent daily charge) on the excess flows of 26,500 gallons per day and billed on a monthly basis.