

**ADAMS COUNTY REGIONAL SEWER DISTRICT
AMENDATORY ORDINANCE NO. 2022-4**

AN ORDINANCE AMENDING AND RESTATING ORDINANCE 2022-2 ESTABLISHING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE ADAMS COUNTY REGIONAL SEWER DISTRICT FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF THE SAID DISTRICT AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Board of the Adams County Regional Sewer District, hereafter “the District” heretofore approved plans, specifications and estimates and determined to establish, construct, equip, own, operate and maintain the Sewage Works provided for therein, pursuant to Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967 and all acts supplemental thereto, and

WHEREAS, the District is the recipient of a Rural Development (“RD”) loan from the U.S. Department of Agriculture to fund that portion of the cost of improvements not covered by government grants; and

WHEREAS, the District is the recipient of a loan and forgivable bond anticipation note (“BAN”) from the State Revolving Fund Loan Program (“SRF”) to fund the cost of improvements; and

WHEREAS, following a public hearing for which notice was duly provided, the District previously adopted Ordinance No. 2022-02 on March 10, 2022 (the “Existing Rate Ordinance”), establishing a schedule of rates and charges to be collected from owners of property served by the Sewage Works of the District and it is necessary to amend said ordinance to include additional service areas for the purpose of establishing a schedule of rates and charges 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 proposed revenue bonds in accordance with the applicable bond ordinances; and

WHEREAS, the District desires to amend and restate the Existing Rate Ordinance to add additional service areas in the definition of the term “Project” in the Existing Rate Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE ADAMS COUNTY REGIONAL SEWER DISTRICT THAT ORDINANCE NO. 2022-02 IS HEREBY AMENDED AND RESTATED AS FOLLOWS:

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

- (a) “Board” shall mean the Board of Trustees of the Adams County Regional Sewer District, or any duly authorized officials acting on its behalf.
- (b) “District” shall mean the Adams County Regional Sewer District acting by and through the Board.

- (c) “Debt service costs” shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- (d) “Industrial wastes” shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (e) “NPDES (National Pollutant Discharge Elimination System) Permit” shall have the same meaning as defined in the Sewer Use Ordinance.
- (f) “Operation and maintenance costs” 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.)
- (g) “Other service charges” shall mean tap charges, connection charges, area charges, and other identifiable charges, other than billing charges, service charges and excessive strength surcharges.
- (h) “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.
- (i) “Project” shall mean the construction of the wastewater facilities and collection system to provide sewer service to the following and surrounding areas:
 - Monmouth – Roe Acres service area
 - Arcadia Village service area
 - Pleasant Mills service area
 - Rivare (Bobo) service area
 - US 33 and Salem Road service area
 - Linn Grove service area
 - Preble service area
 - Peterson service area
 - Barrington Woods service area
 - Monmouth Extended CR 900N service area
 - Clem’s Lake service area
 - Sunnybrook Addition – CR 100W – CR 200W service area
 - Oakwood Addition (Yost Woods Fringe) service area
 - Magley – CR 600W service area
 - NW Winchester – CR 200W service area
 - Clem’s Lake South – US 224 service area
- (j) “Replacement costs” shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of treatment works to maintain the capacity and performance for which such works were designed and constructed

- (k) "Shall" is mandatory; "May" is permissive.
- (l) "Wastewater Facilities" shall mean the structure, equipment, and processes required to collect, carry away, and treat domestic and commercial wastes and dispose of the effluent.

Section 2. Every person whose premises are served by said Sewage Works shall be charged for the services provided. These charges are established for each user in order that the District shall recover, from each user, revenue which is proportional to its use of the treatment works in terms of volume and load.

Section 3. For the use of and the service rendered by said 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 sewerage system of the District. Which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (a) Each lateral connection shall pay a bill which shall consist of the sewer rate per month of:

Billing Charge per bill	\$ 3.35
Service Charge per equivalent single family dwelling unit	89.95
Total Monthly Bill	\$93.30*

*Additional minimum electric service charge (if applicable) **\$24.00/meter.**

- (b) The service charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is determined by equivalent single family dwelling units as found on Appendix A.
- (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 service charges based upon employment shall be applied throughout the year based upon the maximum employment (full- and part-time) of the user for such single maximum employment month, and such maximum usage shall be applied through the year.
- (d) An additional monthly service charge (*) for the cost of electric service to power grinder stations shall be charged to those customers who do not provide electric power to a grinder station in a Project that requires customers to supply such power.

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 Project, after the contract for construction of sewer system has been let and the actual work commenced thereunder, the owners of each and every lot, parcel or real estate or building to be connected with the District's sanitary sewage system, as a

result of the construction of said Works, shall pay each month the Monthly Billing Charge of \$3.35 plus the Service Charge of \$26.65 per equivalent single family dwelling unit for a total monthly interim rate in the amount of \$30.00/month during construction. 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 shall become effective for such lot, parcel of real estate or building; but in any event, said full rates and charges shall become effective, with respect to Magley – CR 600W, NW Winchester – CR 200W, and Clem’s Lake South - US 224, no later than January 1, 2024, so that billings for full rates and charges shall be issued for the month of January and each month thereafter on a schedule to be determined and/or approved by the Board of Trustees.

Section 4. The owner of any lot, parcel of real estate or building connecting to the Sewage Works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$2,000.00 for each connection. The Board of Trustees now finds such a connection charge to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property so connecting and the cost of providing a connection to the sewer system.

Provided, however, no connection charge will be required of any customer that was part of the original plans and specifications prepared for a District financed Project connecting to a local or lateral sewer within 90 days of the date on which said sewer was available for connection. Each customer making a connection to the sewer system shall be required to pay an inspection fee of \$75.00 to the District to cover the cost of inspecting the customer’s connection to the system before the work is commenced and in accordance with any policies and procedures adopted or approved by the Board of Trustees for connections.

Unless otherwise determined by the Board of Trustees, connection charges will be imposed on any connection made after 90 days of availability for connection and on all connections made to future extensions of the system based on the actual cost to make a lateral connection plus the connection fee of \$2,000.00. The Board may waive or reduce a connection charge to the District’s sewer system upon a finding by the Board of one or more of the following circumstances or conditions:

- (a) The Owner of property requesting an exemption has granted an easement to the District that will permit the District to extend lines to immediately serve additional users other than the person requesting the exemption.
- (b) The Owner requesting an exemption is paying a portion of the cost to extend a line that will provide current or future benefit to the District.
- (c) The Owner has paid monthly sewer charges to the District before requesting or making a connection.
- (d) Any other condition that the Board finds will substantially benefit the District according to a policy approved by the Board.

Section 5. 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.
- (b) The rates and charges will be billed to the deeded owner of the property unless otherwise determined by a policy approved by the Board. Any billing issued to a person or entity other than the deeded owner shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of 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 said 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 when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto unless some additional grace period is approved by the Board. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill or the due date stated upon the bill, whichever is later.

Section 6. 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 once reliable operating revenue and expenses are known and regularly as needed thereafter. Such study shall include, but not be limited to, an analysis of the costs 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 waste treatment systems. The District shall adjust its rates and charges to reflect the results of the study.

Thereafter, within a reasonable period of time following the normal accounting period, the District may cause a similar study to be made for the purpose of reviewing the fairness, equity and proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the District, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the District shall determine to be best under the circumstances. The District shall, upon completion of said study revise and adjust the rates and charges, as necessary in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 7. 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 sewerage system, pumping stations and sewage conveyance system, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges.

The District is hereby authorized to prohibit dumping of wastes into the Districts' sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the District or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the City of Decatur and the City of Berne.

Section 8. 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 9. That the rules and regulations promulgated by the District, after approval of 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 user charge to the Board of Trustees and that any decision concerning user charges of the Board of Trustees may be appealed to a court of competent jurisdiction under the Appeal Procedures provided for in the Indiana Administrative Adjudication Act.

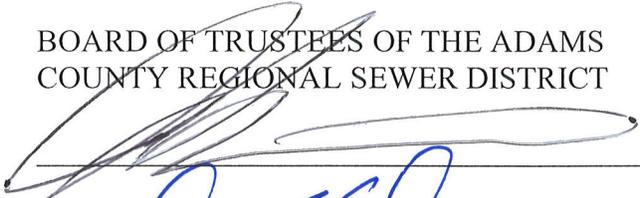
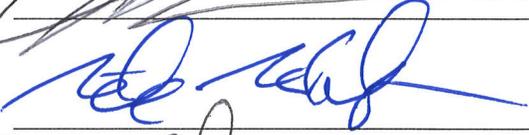
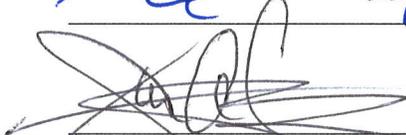
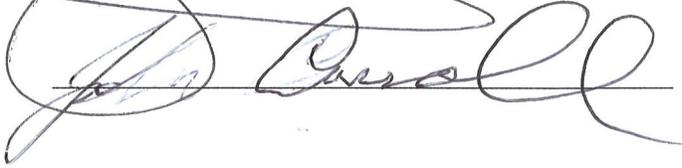
Section 10. The Board is hereby further authorized to enter into special rate contracts with customers of the Sewage Works where clearly definable cost to the Sewage Works can be determined, and such rate shall be limited to such costs.

Section 11. 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.

[Signatures follow on next page.]

Passed and adopted by the Board of Trustees for the Adams County Regional Sewer District on the 10th day of November, 2022.

BOARD OF TRUSTEES OF THE ADAMS COUNTY REGIONAL SEWER DISTRICT

Attest:



Secretary

ADAMS COUNTY REGIONAL SEWER DISTRICT
Adams County, Indiana

APPENDIX A

EQUIVALENT SINGLE-FAMILY DWELLING UNITS

	<u>ESFDU</u> <u>Determinant</u>	<u>ESFDU</u>
Residential:		
Single family residence	Per unit	1.000
Apartment	Per unit	0.750
Commercial:		
Assembly Hall	Per seat	0.010
Food Service Operation – Restaurant or Tavern	Per Seat	0.110
Office Building (without showers)	Per employee	0.060
Office Building (with showers)	Per employee	0.110
Other Commercial		
Per 1,000 square feet	Per square feet	0.300
PLUS: Per Employee	Per employee	0.060
Governmental:		
First 3 employees		1.000
Each additional employee	Per employee	0.06
Fire department	Per unit	1.000
Institutional:		
Church without kitchen	Per sanctuary seat	0.010
Church with full kitchen	Per sanctuary seat	0.020
Daycare Center	Per person	0.060
Schools:		
For each enrolled student:		
Full-time	Per student	0.100
Part-time	Per student	0.050
Industrial: (sanitary flow only)		
Factory without showers	Per employee	0.060
Factory with showers	Per employee	0.110

*All uses: Minimum of 1 EDU or per unit whichever is greater.