

BASS LAKE CONSERVANCY DISTRICT

ORDINANCE NO. 24- 01

AN ORDINANCE AMENDING THE RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE SEWAGE WORKS SYSTEM OF THE BASS LAKE CONSERVANCY DISTRICT

WHEREAS, the Bass Lake Conservancy District (the “District”) by and through its Board of Directors (the “Board”) has established, constructed and financed a municipal sewage works system for the purpose of providing for the collection, treatment and disposal of sewage throughout the District (the “System”); and,

WHEREAS, the Board has established a schedule of user rates and charges for the operation and maintenance of the System, set forth in Ordinance No. 95-1, as amended from time to time by Ordinance Nos. 01-01, 02-4, and 1-2017; and,

WHEREAS, the Board recently completed an Asset Management Plan study on January 23, 2023 with the assistance of the Board’s accountants, Baker Tilly, which study identified recommended incremental rate increases to ensure the District’s future budgets are able to keep pace with inflation and maintain appropriate and sufficient operating funds and funds for capital improvements in the coming years; and,

WHEREAS, the Board has also identified the need to amend the existing rate schedule to account for residential properties serviced by the District that place additional burdens on the System by virtue of their use as short-term rentals advertised and used to accommodate greater numbers of occupants in residential units than would ordinarily be found in single-family households; and,

WHEREAS, the Board has further identified the need to amend the existing rate schedule to account for users with auxiliary structures on their properties, such as pole barns, workshops, garages, and other outbuildings, that connect to and make use of the System’s resources due to the installation of restroom facilities in these auxiliary structures; and,

WHEREAS, the Board has found the existing rate schedule should be revised to simplify and update existing rate classifications pertaining to residential dwelling units; and,

WHEREAS, Section 14 of Ordinance No. 01-01, the Sewer Rate Ordinance, as amended, specified a formula for the calculation of the connection charge (tap-on fee) to the system for owners not included in the initial approved sewer project when it was constructed, which formula was based in part upon the debt financing of the system at the time of that Ordinance’s passage in 2001 and was found to result in an undesired escalation of the connection charge for new users, and whereas the Board had previously set a flat connection charge of \$3,700.00 for all new connections; and,

WHEREAS, the Board has considered the aforementioned issues and proposed the amended rate schedule set forth on the attached **Exhibit A**; and,

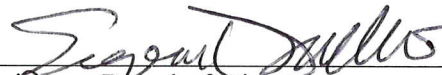
WHEREAS, notice of a public hearing on the proposed rates and charges has been duly given by publication as required by law, and said public hearing was held before this Board on January 8, 2024, at which users of the System, owners of property served or to be served by the System and other interested persons had an opportunity to appear and express their views relating to the proposed rates and charges;

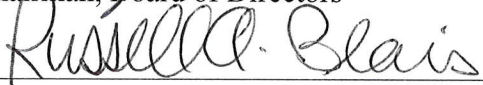
NOW THEREFORE BE IT ORDAINED by the Board of Directors of the Bass Lake Conservancy District that:


1. The Board finds and determines that the proposed amended rates and charges set forth in **Exhibit A** hereto are nondiscriminatory, reasonable and just, and are hereby adopted.
2. The following definitions should be added to those enumerated in Ordinance No. 01-01, the Sewer Rate Ordinance:
 - a. "Short-term rental" shall have the meaning ascribed to the term by Indiana law, specifically, Ind. C. § 36-1-24-6, or any revisions, restatements, or successor statutes thereto.
 - b. "Auxiliary structure" shall mean any building or structure not a dwelling unit but constructed to compliment or for the benefit and use of the occupants of any residential building or dwelling unit, including but not limited to pole barns, workshops, garages, and the like, and which is connected to the sanitary sewer system.
3. Section 14 of the Sewer Rate Ordinance, Ordinance No. 01-01, as amended, shall be modified to eliminate the formula specified in former Exhibit A to that Ordinance, and the Ordinance shall specify a flat connection/tap-on fee of \$3,700.00 per new user connecting to the system, which amount may be amended from time to time.
4. Except as specifically amended hereby, all other parts or provisions of prior rate ordinances, including but not limited to Ordinance Nos. 95-1, 01-01, 02-4, and 1-2017 not previously amended or repealed by the Board shall remain in full force and effect.
5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, reestablished and confirmed.
6. In the event of any one or more of the provisions contained in this Ordinance should be held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired and shall remain in full force and effect.


7. This Ordinance shall be in full force and effect from and after February 1, 2024

ADOPTED by the Board of Directors of the Bass Lake Conservancy District, Starke County, Indiana, on January 8, 2024.



Chairman, Board of Directors


Member


Member


Member

Attest:


Secretary

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Handwritten signature

**EXHIBIT A
BASS LAKE CONSERVANCY DISTRICT**

ALL CLASS I USERS

| | |
|----------------------------------|-------------------------------|
| Billing Costs - per monthly Bill | <u>Monthly Rate</u> \$0.99 |
|----------------------------------|-------------------------------|

| | <u>Equivalent Factor</u> | <u>Monthly Rate User Charge</u> | <u>Total</u> |
|---|------------------------------|-------------------------------------|--------------|
| Residential: | | | |
| Single-family residence/residential dwelling unit, including apartments, condominiums, townhouses, mobile home court spaces, and multi-plex units | 1.00 | \$33.11 | \$33.11 |
| Auxiliary structures (pole barns, workshops, etc.) connected to sanitary sewage system | 1.00 | \$33.11 | \$33.11 |
| Short-term rentals (Airbnb, Vrbo, and similar services) | | | |
| With rental occupancy of 1-10 | 1.50 | \$49.67 | \$49.67 |
| With rental occupancy of 11-20 | 1.75 | \$57.94 | \$57.94 |
| With rental occupancy of 20+ | 2.00 | \$66.22 | \$66.22 |
| Commercial: | | | |
| Barber or beauty shop: | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Retail establishments | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Gasoline service station: | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Grain elevator: | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Laudromats & washeterias/washer | 0.75 | \$24.83 | \$24.83 |
| Hotels & motels | | | |
| First rented room | 1.50 | \$49.67 | \$49.67 |
| Each additional rented room | 0.50 | \$16.56 | \$16.56 |
| Restaurants, drive-ins, bars and organizations with eating and drinking facilities: | | | |
| First 2 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Service stations/auto repair: | | | |
| Without car wash: | | | |

| | | | |
|-----------------------------|------|---------|---------|
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| With car wash: | | | |
| Per car wash bay | 2.50 | \$82.78 | \$82.78 |
| Shop or office in residence | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Telephone company: | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Veterinarian's office: | | | |
| First 2 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Campground/per campsite | 0.20 | \$6.62 | \$6.62 |

Institutions:

Churches and other religious organizations without eating and/or drinking facilities:

| | | | |
|---|------|----------|----------|
| For each 200 members, or fraction thereof | 1.00 | \$33.11 | \$33.11 |
| Aquatic research facility | 8.00 | \$264.88 | \$264.88 |

Governmental:

| | | | |
|--------------------------|------|---------|---------|
| Community center | 1.00 | \$33.11 | \$33.11 |
| Offices: | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Post Office: | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |
| Fire Department | 1.00 | \$33.11 | \$33.11 |

Industrial:

| | | | |
|----------------------------|------|---------|---------|
| Manufacturing - unmetered: | | | |
| First 3 employees | 1.00 | \$33.11 | \$33.11 |
| Each additional employee | 0.25 | \$8.28 | \$8.28 |

(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.)