

ORDINANCE NO. 95-1

**SEWER RATE ORDINANCE**

An Ordinance establishing a schedule of rates and charges to be collected by the Bass Lake Conservancy District, Starke County, Indiana, from the owners of property served by the sewage works of said District and other matters connected therewith.

**WHEREAS**, the District proposes to construct and operate a sewage works for the purpose of collecting and disposing of the sewage of the District in a sanitary manner financed in part by a loan from the Indiana Department of Environmental Management; and

**WHEREAS**, it is necessary to establish a schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance operation, and to provide funds for necessary replacements and improvements to the sewage works, and to pay the principal and interest on the proposed revenue bonds in accordance with the applicable bond ordinance(s), all in a manner in accordance with the guidelines of the Indiana Department of Environmental Management; now, therefore,

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BASS LAKE CONSERVANCY DISTRICT, STARKE COUNTY, INDIANA:**

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

- (a) "Ammonia" (or  $\text{NH}_3\text{-N}$ ) shall have the same meaning as defined in the Sewer Use Ordinance.
- (b) "Board" shall mean the Board of Directors of the Bass Lake Conservancy District, or any duly authorized officials acting in its behalf.
- (c) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (d) "CBOD" (or Carbonaceous Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (e) "COD" (or Chemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (f) "Debt Service Costs" shall mean the average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.
- (g) "District" shall mean the Bass Lake Conservancy District acting by and through the Board of Directors.
- (h) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".

- (i) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (j) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (k) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

S.S. not more than 250 mg/l  
BOD not more than 250 mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from industrial processes.

- (l) "Operation and Maintenance Cost" 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.)
- (m) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than excessive strength surcharges.
- (n) "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.
- (o) "Phosphorus" shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (q) "S.S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (r) "Shall" is mandatory; "May" is permissive.
- (s) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (t) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.



- (u) "User Charges" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500.
- (v) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities, (i.e. residential, commercial, industrial, institutional, and governmental in the Sewer Charge System).

**Residential User** - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

**Commercial Users** - shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the District discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

**Institutional User** - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the District discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

**Governmental User** - shall mean any Federal, State or local governmental user of the wastewater treatment works.

**Industrial User** - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

**Section 2.** Every person whose premises are served by said sewage works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows:

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

**Section 3.** For the use of the service 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 with the District sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids either directly or indirectly, into the sanitary sewage system of the District. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (a) The sewage rates and charges shall be determined by equivalent single family dwelling units (ESFDU), except as herein provided. Sewage service bills shall be rendered for periods of service equaling a month. The schedule on which said rates and charges shall be determined is as follows:

**All Class I Users**

Billing costs - per monthly bill

**Monthly Rate**  
\$.99

	<b><u>Equivalent Factor</u></b>	<b><u>Monthly Rate</u></b>		
		<b><u>User Charge</u></b>	<b><u>Debt Service</u></b>	<b><u>Total</u></b>
Residential:				
Single family residence/unit	1.0	\$ 9.41	\$48.25	\$57.66
Apartments, condominiums and townhouses/unit	.75	7.06	36.20	43.26
Mobile home court/space available for rent	.75	7.06	36.20	43.26
Duplexes	.75	7.06	36.20	43.26
Commercial:				
Barber or beauty shop:				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Retail establishments:				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Gasoline service stations:				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Grain elevator:				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Laundromats & washeterias/washer	.75	7.06	36.20	43.26



	Equivalent	Monthly Rate		
	Factor	User Charge	Debt Service	Total
Commercial: (Continued)				
Motel, rooming houses and similar establishments:				
First rented room	1.5	\$14.12	\$72.39	\$86.51
Each additional rented room	.5	4.71	24.15	28.86
Restaurants, drive-ins, bars and organizations with eating and/or drinking facilities:				
First 2 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Service stations/auto repair:				
Without car wash:				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
With car wash:				
Per car wash bay	2.5	23.53	120.63	144.16
Shop or office in residence	1.0	9.41	48.25	57.66
Telephone company:				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Veterinarian's office:				
First 2 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Institutions:				
Churches and other religious organizations without eating and/or drinking facilities:				
For each 200 members, or fraction thereof	1.0	9.41	48.25	57.66
Governmental:				
Community center	1.0	9.41	48.25	57.66
Offices:				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Post office:				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41
Fire department	1.0	9.41	48.25	57.66
Industrial:				
Manufacturing - unmetered				
First 3 employees	1.0	9.41	48.25	57.66
Each additional employee	.25	2.35	12.06	14.41

(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).

- (b) For the service rendered to the District, said District shall be subject to the same rates and charges established in harmony therewith.
- (c) In order to recover the cost of monitoring industrial wastes, the District shall charge the user not less than \$25.00 per sampling event plus the actual cost for collecting and analyzing the sample(s) as determined by the District or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

**Section 4.** The quantity of water discharged into the sanitary sewage system shall be determined by the District in such manner as the District shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this section, the District may make proper allowances in determining the sewage bill for quantities of water consumed, but which are shown to the satisfaction of the District that such quantities do not enter the sanitary sewage system.

- (a) In the event a lot, parcel of real estate or building other than a single family dwelling unit discharging sanitary sewage, industrial wastes, water or other liquids into the District's sanitary sewage system, either directly or indirectly, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the District for the determination of sewage discharge.
- (b) In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

**Section 5.** 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, 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 suspended solids in excess of 250 milligrams per liter of fluid or biochemical oxygen demand in excess of 250 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 Suspended Solids**

There shall be an additional charge of \$.04 per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

**(2) Rate Surcharge Based Upon BOD**

There shall be an additional charge of \$.04 per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.

- (b) The determination of Suspended Solids, five day Carbonaceous Biochemical Oxygen Demand, Biochemical Oxygen Demand, Ammonia-Nitrogen, Phosphorus, Ammonia and COD 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 6.** 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. Annually, each user shall be notified of the portion of the total billing charged for operation, maintenance and replacement for that user during the preceding year.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners or 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 such 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 by the 15th day of the month following receipt are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges shall thereupon attach thereto.

**Section 7.** 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 of user classes,



the District shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which this ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the cost 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 wastewater treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the District shall 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 8.** 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 National Pollutant Discharge Elimination System (NPDES) permit issued to 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 9.** That the rules and regulations promulgated by the District, after approval by the Board of Directors 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 sewage system and user charge system to the Board of Directors and that any decision concerning the sewage system or user charges of the Board of Directors may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

**Section 10.** 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.

**Section 11.** The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and such reduction shall be limited to such reduced costs.



**Section 12.** The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance.

**Section 13.** The owner of any lot, parcel of real estate or building, which was included in the initial approved sewer project as defined in the final plans and specifications prepared by McDonough Associates, Inc., the consulting engineers, connecting to the sewage works plant, prior to being permitted to make a connection shall comply with all applicable federal, state, county and District laws, rules and regulations.

Any such owner so connecting shall install all components of the private and public sewer as required by the District to connect such private sewer into the public sewer system and shall pay the cost of such components and their installation.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE BASS LAKE  
CONSERVANCY DISTRICT, STARKE COUNTY, INDIANA, ON THE 9th DAY OF  
December, 1995.

William Gladusky

Michael C. M. M.

June A. Mene

J. J. Allen

Norman Barthold

ATTEST:

Donna S. Jesenski  
Secretary