

**ORDINANCE NO. 04-09-2024**

An ordinance establishing a Utility-wide schedule of monthly user rates, late fees, connection fees, interceptor fees, application fees, reinspection fees and charges to be collected from the owners of property served by the sewage works of TriCo Regional Sewer Utility and matters connected therewith, replacing Ordinance 05-9-2022,

WHEREAS, pursuant to Indiana Code 13-26 TriCo Regional Sewer Utility (Utility) is a regional sewer district that owns, operates, manages and controls a sewage works and related facilities to collect, convey, treat and dispose of wastewater from residences, businesses, industries and institutions located within the boundaries of the Utility's service area; and

WHEREAS, Indiana Code 13-26-11 authorizes the Utility's Board of Trustees to adopt by ordinance a just and equitable schedule of rates, fees, and charges for sewer services rendered by the Utility, and may adjust its schedule of rates, fees, and charges by ordinance after notice and public hearing; and

WHEREAS, based upon a financial analysis conducted by Utility staff and recommended by LWG CPAs and Advisors, the Board of Trustees desires to update the rates, fees, and charges previously established pursuant to Ordinance 05-9-2022.

Now, therefore, be it ordained by the Board of Trustees of TriCo Regional Sewer Utility, Indiana:

Section 1. Every person or entity whose premises are served by the sewage works shall be charged for the services provided. These charges are established in order that the Utility shall recover, from each user, 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 sewage works.

Section 2. 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 to and discharges, either directly or indirectly, sanitary sewage, industrial wastes, water or other liquids into said sewage works. Any customer may, at his or her sole expense, install and maintain metering devices approved by the Utility (which approval shall not be unreasonably withheld) for determining the industrial wastes, water or other liquids discharged by said customer into said sewage works. The rates and charges to be collected by the Utility and paid by the customer shall 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) **Metered Users:**

For users of the sewage works who are served by a metered water supply whose sewage discharge flows into the sewage works is measured by a metering device approved by the Utility, the sewage rates and charges shall consist of a Treatment Rate based upon the quantity of sewage flow discharged into the sewage works

as measured by said sewage flow measuring device then in use, and a Base Rate based on the size of the water meter(s) through which such user receives water utility service. For users of the sewage works whose sewage discharge flow into the sewage works is not measured, but whose water supply is metered, the sewage rates and charges shall consist of a Treatment Rate based upon the water used on or in the property or premises subject to such sewage rates and charges, as the same is measured by the water meter(s) through which such user receives water utility service, and a Base Rate based upon the size of the water meter(s) through which such user receives water utility service. For the purpose of billing and collecting the charges for sewage service, the water meter(s) or sewage flow measuring device shall be read monthly (or period equaling a month). The sewage rates and charges for said users shall be the sum of the Treatment Rate and the applicable Base Rate as set forth in the attached exhibits for each service area.

(b) Unmetered Users:

For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or a period equaling a month). The rate shall include a base rate according to the estimated meter size as listed above plus an estimated treatment charge as outlined on the schedule of rates and charges set forth in the attached exhibits for each service area.

### Schedule of Monthly User Charges

Metered Users: User Charge

(1) Treatment Rate per 1,000 gallons of sewage flow, if measured or per 1,000 gallons of water usage if sewage flow is not measured ..... \$3.15

(2) Base Rate - per month, as follows:

|                              |            |
|------------------------------|------------|
| 5/8-inch water meter .....   | \$14.28    |
| 3/4-inch water meter* .....  | \$14.28    |
| 3/4-inch water meter .....   | \$18.84    |
| 1-inch water meter* .....    | \$14.28    |
| 1-inch water meter .....     | \$31.28    |
| 1 1/4-inch water meter ..... | \$48.48    |
| 1 1/2-inch water meter ..... | \$68.99    |
| 2-inch water meter .....     | \$116.87   |
| 3-inch water meter .....     | \$265.06   |
| 4-inch water meter .....     | \$458.84   |
| 6-inch water meter .....     | \$1,040.19 |
| 8-inch water meter .....     | \$1,850.67 |

\*Residential customers with a 3/4-inch meter or 1-inch meter shall be charged a base charge for a 5/8 inch meter. A residential customer shall mean a user of the sewage works whose premises or connected building is used primarily as a single-family residence.

| Unmetered Users:                  | User Charge |
|-----------------------------------|-------------|
| <u>Residential:</u>               |             |
| Single family residence/unit..... | \$36.33     |
| Duplexes.....                     | \$72.66     |

(c) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the sewage works, either directly or indirectly, has a metered water supply and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Utility, then the amount of water used shall be otherwise measured or determined by the Utility. In order to ascertain the rates or charges, the owner or other interested party shall, at its expense, install and maintain measuring devices approved by the Utility for the determination of sewage discharge.

(d) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the sewage works, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge, the flow rates and charges and minimum charge shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(e) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the sewage works either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Utility that a portion of the water as measured by the water meter or meters does not and cannot enter the sewage works, then the owner or other interested party shall, at its expense, install and maintain a metering device approved by the Utility for the determination of actual quantity discharged to the sewage works.

(f) In the event two or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the sewage works, either directly or indirectly, are users of water and the quantity of water is measured by one or more water meters, then in such case billing shall be for a single service in the manner set elsewhere herein, except that in addition to the computed monthly bill: the number of dwelling units with two or more bedrooms multiplied by the monthly base rate for a 5/8-inch water meter shall be included, plus the number of one-bedroom dwelling units multiplied by 0.75 and the monthly base rate for a 5/8-inch water meter shall be included. In the case of mobile home courts, the number of dwelling units shall be computed and added to any other dwelling units served through the meter(s). A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(g) In order to recover the cost of monitoring industrial wastes, the Utility shall charge the user the actual cost of the monitoring. This charge will be reviewed and revised on the same basis as all other rates and charges in the ordinance.

(h) Where the Utility determines that a customer's sewage, water, or other liquids discharged into the sewage works exceeds any limits established in the Utility's current

Sewer Use Ordinance, the Utility shall, at its sole discretion, determine and apply additional charges for treating the stronger-than-normal waste, and charge the customer for any costs to determining user-specific waste strength.

(i) Such rates and charges shall be prepared, billed and collected by the Utility in the manner provided by law and any other applicable ordinance. The rates and charges for all users shall be prepared and billed monthly. The rates and charges may be billed to the tenant or tenants occupying properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from liability in the event payment is not made as herein required. The owner of the property or properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Utility for the purpose of determining whether bills have been paid by such tenant or tenants.

(j) Rates and charges established herein shall apply to each and every lot, parcel of real estate or building connected to the sewage works and located within the Utility's service area. Rates and charges applicable to all lots, parcels of real estate, buildings, or utilities connected to the sewage works and located outside the Utility's service area shall be incorporated in and established by separate agreement with interested parties.

(k) For the service rendered to TriCo Regional Sewer Utility, said Utility shall be subject to the same rates and charges herein above provided, or to rates and charges established in harmony therewith.

Section 3. The Return Check Charge for NSF (Non-Sufficient Funds) shall be charged in the amount of \$30.00 per check.

Section 4. Any current charges on the monthly user invoice that remain unpaid after the listed due date shall be assessed a late fee. The late fee assessed will be 10% of the unpaid current charges. This fee will be added to the following month's user invoice.

Section 5. A Reinspection fee of \$100.00 shall be charged to the property owner for each reinspection if a property fails an inspection or requires more than two inspections.

Section 6. An application fee of One Hundred Fifty Dollar (\$150.00) per EDU, up to a maximum of Three Thousand Dollars (\$3,000.00) per permit, is due and payable at the time of submittal or issuance of the connection permit. Requested revisions to previously issued permits shall be considered a new permit and shall be subject to the application fee of \$150.00.

Section 7. Utility Wide Connection Fee

Prior to receiving a permit to connect to Utility sewer, the owner, lessee or developer of any real estate within the Utility's service area shall pay to the Utility a connection fee of Two Thousand Eighty- Three Dollars (\$2,083.00) per EDU. Wherever practical the Utility shall utilize Indiana Administrative Code 327 IAC 3-6-11 to determine estimated average daily flow, based upon 310 gallons per day per EDU, and the proposed use of the real estate to be served. The minimum connection fee per parcel is one EDU.

The owner, lessee or developer of the real estate may submit data to the Utility which

purports to provide a more accurate estimation of the average daily flow (for example from water bills or other actual data setting forth flow from similar facilities). BOD, suspended solids, and other wastewater loadings may similarly be considered. Upon receipt and review of the data provided, the Utility may, in its absolute discretion, agree to an EDU amount that is other than the amount determined as specified above. The Utility may review real estate's usage from time to time; if real estate is found to exceed the previously agreed amount, then upon notice by the Utility, the owner, lessee, or developer of said real estate shall promptly pay Utility the difference in EDUs at the current rate. Any change in use or additions, renovations or alterations of said real estate may trigger review of usage by the Utility.

Residential lots previously containing a dwelling that was connected to the Utility's sanitary sewers and having paid a monthly sewer service billing are exempt from the connection charge in the event the dwelling is demolished, and new residential dwelling built on the same real estate.

#### Section 8. Utility Wide Interceptor Fee

In addition to the connection charge set forth above based upon EDU's there is also due prior to the receipt of a permit, an Interceptor Fee of Four Thousand Seventy-five Dollars (\$4,075.00) per acre. Residential lots previously containing a dwelling that was connected to the Utility's sanitary sewers and having paid a monthly sewer service billing are exempt from the Interceptor Fee in the event the dwelling is demolished, and new residential dwelling built on the same real estate. Lots and parcels that are part of a Utility neighborhood sewer extension project in which local sewer charges are assessed by ordinance are also exempt.

#### Section 9. Prior Schedule of Monthly User Charges

This ordinance shall preempt, supersede, and wholly replace Ordinance 05-9-2022 and any other prior Ordinances of the Utility as the same may be amended from time to time by the Utility. Nothing in the Ordinance shall be construed as limiting the applicability of the Utility's various use ordinances or other definitions or terms contained in other Ordinances, with exception only to the specific Schedule of Monthly User Charges set forth therein.

Section 10. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part or parts.

Section 11. The revised rates shall become effective for service received June 1, 2024, and thereafter.

PASSED AND ADOPTED by the Board of Trustees of the TriCo Regional Sewer Utility on the 13 day of May, 2024.

BOARD OF TRUSTEES: Approve Oppose Abstain

Carl Mills  
Carl Mills President ☒ ☐ ☐

Jeff Kimbell  
Jeff Kimbell Vice President ☒ ☐ ☐

Michael McDonald  
Michael McDonald Secretary ☒ ☐ ☐

Jane Merrill  
Jane Merrill Treasurer ☒ ☐ ☐

Eric Hand  
Eric Hand ☒ ☐ ☐

Steve Pittman  
Steve Pittman ☒ ☐ ☐

A BSENT  
Charles Ryerson ☐ ☐ ☐

A BSENT  
Jeffery Hill ☐ ☐ ☐

Amanda Foley  
Amanda Foley ☒ ☐ ☐

ATTEST: Andrew Williams  
Andrew Williams  
Utility Director