

TURKEY CREEK REGIONAL SEWER DISTRICT

ORDINANCE NO. 2020-01

AMENDED AND RESTATED SEWER RATE ORDINANCE

AN ORDINANCE RESTATING, AMENDING, AND UPDATING, ORDINANCE NO. 2015-1 TO ADJUST THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE DISTRICT (AS HEREINAFTER DEFINED) FROM OWNERS OF PROPERTY SERVED OR TO BE SERVED BY THE SEWAGE WORKS (AS HEREINAFTER DEFINED) OF SAID DISTRICT AND ADDRESSING OTHER MATTERS RELATED THERETO OR ARISING THEREFROM ("ORDINANCE").

WHEREAS, the District is duly constituted to provide for the collection, treatment, and disposal of Sewage (as hereinafter defined) inside and outside the District, pursuant to IND. CODE §13-26 *et seq.*; and

WHEREAS, the District has heretofore authorized the construction, maintenance and operation of Sewage Works for the collection and disposal of Sewage under the provisions of IND. CODE §13-26 *et seq.*; and

WHEREAS, the District is authorized, pursuant to IND. CODE §13-26-11-1 *et seq.*, to fix, alter, charge, and collect reasonable rates and other charges in the area served by its Sewage Works to every Person (as hereinafter defined) whose premises are, whether directly or indirectly, provided with Sewage services by the Sewage Works (or such Sewage Works are available) for the purpose of providing for payment of the expenses of the District; the construction, acquisition, improvement, extension, repair, maintenance, and operation of its Sewage Works 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 Board of Trustees (as hereinafter defined), pursuant to IND. CODE §13-26-11-8, shall, by ordinance, establish just and equitable rates or charges for the use of and service rendered by a Sewage Works, payable by the Owner (as hereinafter defined) of each lot, parcel of land, or building that is connected with and uses the Sewage Works, that is required to be connected and that is to use the Sewage Works or that in any way uses or is served by the Sewage Works; and

WHEREAS, pursuant to IND. CODE §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 Sewage Works 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 Board of Trustees, pursuant to I.C. 13-26-5-9, and may, by ordinance, authorize the receipt of payments owed to the District by electronic funds transfer (defined herein); and

WHEREAS, the District now finds that to better serve the owners of property served or to be served by the District's sewage works and water works, and to provide for convenient and flexible manner of payment of its rates charged, that it should accept payments owed to the District by electronic funds transfer (defined herein); and

WHEREAS, it is necessary to amend and restate said Sewer Rate Ordinance No. 2015-1 and the Capital Charge Ordinance No. 2015-2 for the purpose of accurately reflecting the billing practices and procedures of the District but this Ordinance does not contain any increase in the monthly user charges for each equivalent single family dwelling unit ("ESFDU").

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TURKEY CREEK REGIONAL SEWER DISTRICT AS FOLLOWS:

SECTION 1. Definitions

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

- 1.1 "Ammonia" (or $\text{NH}_3\text{-N}$) shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.2 "Billing Charges" shall mean a charge levied on the Users of the wastewater treatment Sewage Works for the cost of the District to produce, collect, and account for each bill sent to the User.
- 1.3 "Board of Trustees" shall mean the Board of Trustees of the Turkey Creek Regional Sewer District, or any duly authorized officials acting on its behalf.
- 1.4 "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.5 "CBOD" (or Carbonaceous Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.6 "COD" (or Chemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.7 "Credit Card" as defined by IC 36-1-8-11, shall mean a credit card, debit card, charge card, or stored value card.
- 1.8 "District" shall mean the Turkey Creek Regional Sewer District acting by and through the Board of Trustees or its designees.
- 1.9 "Debt Service Charges" shall mean a charge levied on Users of the wastewater treatment Sewage Works for the cost of, including but not limited to, a share of Debt Service Costs of the Sewage Works, or such Debt Service Costs as may be required pursuant to 33 USCS §1284(b) or The Code.

- 1.10 “Debt Service Costs” shall mean the average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.
- 1.11 “Electronic Funds Transfer” as defined by IC 13-26-5-9, shall mean a transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, a telephone, a computer, magnetic tape, or other electronic means to order, instruct, or authorize a financial institution to debit or credit an account.
- 1.12 “Eli Lilly Road Service Area” shall mean the area of Turkey Creek Township, Kosciusko County, which is located on both the northerly and southerly sides of Eli Lilly Road from 7133 E. Eli Lilly Road on the west to 7527 E. Eli Lilly Road on the east, both exclusive and within the Turkey Creek Service Area.
- 1.13 “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”.
- 1.14 “Industrial Wastes” shall mean the wastewater discharges from industrial, trade, or business processes as distinct from employee wastes or wastes from sanitary convenience.
- 1.15 “Marina” shall mean a structure or area that:
- 1.15.1 Provides, for a fee, one (1) or more of the following:
- (a) Boat engine fuel;
 - (b) Boat repair;
 - (c) Boat sales or rentals; or
 - (d) Boat slip rental.
- 1.16 “NPDES (National Pollutant Discharge Elimination System) Permit” shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.17 “Normal Domestic Sewage” (for the purpose of determining surcharges) shall mean as defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from industrial processes.
- 1.18 “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.)
- 1.19 “Other Service Charges” shall mean tap charges, connection charges, availability charges, capital assessment charges, area charges, and other identifiable charges other than Excessive Strength Surcharges.
- 1.20 “Owner” means an owner of real property within the District.

- 1.21 "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.
- 1.22 "Phosphorus" shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.23 "Reasonable Convenience Fee" as defined by IC 36-1-8-11, shall mean a fee that may not exceed three dollars (\$3.00) and that is uniform as to its application regardless of the bank card or credit card used.
- 1.24 "Recapture Costs" shall mean sums for which the District is contractually obligated to collect and use to reimburse any Person that installed sewer sub-systems and dedicated them to District in the sum of Ten Thousand Four Hundred Sixteen and 97/100 Dollars (\$10,416.97) for property to which such costs are applicable in the Eli Lilly Road Service Area.
- 1.25 "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.
- 1.26 "S.S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.27 "Shall" is mandatory; "May" is permissive.
- 1.28 "Service Area(s)" means individually one of / or collectively the Eli Lilly Road Service Area, and Turkey Creek Service Area.
- 1.29 "Services Charges" shall mean a charge levied on Users of the wastewater treatment Sewage Works for the cost of, including but not limited to, a share of Operation and Maintenance Charges, reserves and maintenance of the Sewage Works, Debt Service Charges, or such costs as may be required pursuant to 33 USCS §1284(b) or The Code.
- 1.30 "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.31 "Sewage Works" shall have the same meaning as defined in the Sewer Use Ordinance.
- 1.32 "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, as amended from time to time.
- 1.33 "The Code" means IND. CODE §13-26 et seq.
- 1.34 "Turkey Creek Service Area" shall mean the area of the District serviced by sanitary sewers that carry sewage to the Turkey Creek Regional Sewer District treatment plant.

- 1.35 “User or Users” shall mean Residential User, Commercial User, Institutional User, Governmental User, Industrial User or any other User as that term has meaning and as defined in the Sewer Use Ordinance.
- 1.36 “User Charges” shall mean the total of Services Charges and Billing Charges levied on Users.
- 1.37 “User Class” shall mean User Class I.
- 1.38 “User Class I” shall mean the User Types served in the Country Club Acres Service Area, Eli Lilly Road Service Area, Syracuse Service Area, and Turkey Creek Service Area.
- 1.39 “User Type” shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities, (i.e. residential, geographic area, commercial, industrial, institutional, and governmental in the User Charge System).
- 1.39.1 Residential User – shall mean a user of the treatment works whose premises or building is used as a residence for one or more persons, including all dwelling units.
- 1.39.2 Commercial User – 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.
- 1.39.3 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.
- 1.39.4 Governmental User – shall mean any Federal, State, or local governmental user of the wastewater treatment works.
- 1.39.5 Industrial User – shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

SECTION 2. Every Person, User and/or Owner whose premises connects to, uses, is required to be connected to, or is served by the District’s Sewage Works shall be charged and be liable for the services provided by the District. These charges are established for each User Type and User Class, in order that the Sewage Works shall recover from each User Class and User Type therein revenue, which is determined by its use or potential peak use of the Sewage Works in terms of volume and load—and where obligatory on the District, the proportionate cost of construction. Service Charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. Service Charges shall be uniform in magnitude within a User Class. Those charges representing Recapture Costs as payable by the Owners of the parcels described on Exhibit A attached hereto, shall not constitute revenues of the District as such related to payment

of any bond indebtedness of District. There shall be on class of users of the treatment works for the purpose of this Ordinance:

User Class I

- Residential
- Commercial
- Governmental
- Institutional
- Industrial

SECTION 3. For the availability or use of and 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, required to be connected to the District's sanitary system, or otherwise discharges sanitary sewage, Industrial Waste, water, or other liquids, either directly or indirectly, into the Sewage Works of the District. Such rates and charges include User Charges, Excessive Strength Surcharges, and Other Service Charges, which shall be payable as provided hereinafter and in the amounts determined as provided for in Table 1 and Exhibit B, attached hereto and incorporated herein by reference

- 3.1 The monthly rates and charges provided shall be applied throughout the year based upon the maximum Sewage service capacity required in any month in any calendar year. For example, Service Charges based upon employment shall be applied throughout the year based upon the maximum employment of the User (or potential User if not connected as required) for such single maximum employment month, and such maximum usage shall be applied throughout the year.
- 3.2 Sewage rates and charges shall be determined by equivalent single family dwelling units, except as herein provided. Sewage service bills shall be rendered for periods of service equaling a month. Each lateral connection shall pay a sewage service bill which will consist of a User Charge. The schedule on which said rates and charges shall be determined for a single User Class and each User Type therein is as shown in Table 1 attached hereto and incorporated herein by reference.
- 3.3 Any Owner constructing a new structure on any lot or parcel of real estate or filing an application to connect a new structure to the Sewage Works, pursuant to the District's Sewer Use Ordinance, and being permitted to connect by the District, shall pay a Capital Assessment Charge and Availability Charge per ESFDU, in the amounts and at the times as follows:
 - 3.3.1 The Capital Assessment Charge shall be a one-time charge, being the amount necessary to "buy down" the size of the District's ultimate bond issues sold by the District. The amount of the capital assessment will be in accordance with Table 2.
 - 3.3.2 The Availability Charge shall be a one-time charge to allow new customers to pay their proportionate share of the debt service previously paid by already connected customers for the sewer infrastructure into which new customers will be

connecting. New customers will pay an availability charge of \$2,500.00 per ESFDU.

3.3.3 The Capital Assessment Charge and Availability Charge per ESFDU shall be due for each tap to the District's the Sewage Works on the date the application to connect to the District's Sewage Works is filed in accordance with the District's Sewer Use Ordinance.

3.3.3.1 Notwithstanding, Section 3.3.3, customers may elect to participate in a surcharge program and pay the District a monthly surcharge to cover the Capital Assessment Charge and Availability Charge over a 60 month period at an interest rate equal to the District's cost of borrowing funds or 2.5%, whichever is higher.

3.3.4 The cost of making the public sewer suitable for connection, including excavation, backfill, pavement replacement, and the components of the public sewer required for connection including, but not limited to, the grinder pump if applicable, shall be the financial responsibility of the Owner.

3.4 If any lot, parcel of real estate, or building connects to the sewage works, the User Charge shall continue to be due notwithstanding the removal of any building or improvement, or the disconnection of the lot or parcel of real estate from the sewage works unless permanently waived by the District as provided in Section 4.1.

3.5 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.

SECTION 4. Once the District has begun charging an Owner or User, charges shall not cease nor shall charges be reduced so long as there is a structure capable of producing sewage or potentially capable of producing sewage located on the property being served the District's Sewage Works.

4.1 In the event that an Owner shall render its property permanently incapable of producing sewage in a manner satisfactory to the District (or prove in accordance with the following that no such structure existed), the Board of Trustees may authorize the discontinuance of all monthly User Charges to the Owner. Provided however, as a condition of the Board of Trustee's approval of the discontinuance of all User Charges, the Owner shall do the following:

4.1.1 Remove from any and all structures on the property external plumbing, including, but not limited to, toilets, sinks, showers, tubs, and faucets; and

4.1.2 Disconnect, cut, and/or cap in a manner satisfactory to the District all water supply lines running from any water source to any structures on the property; and

4.1.3 Disconnect, cut, and/or cap in a manner satisfactory to the District all sanitary sewer lines running from any structure on the property to the District's line; and

- 4.1.4 Pay all User Charges, other Service Charges and all other charges due on or before the date of discontinuance;
 - 4.1.5 Pay a disconnection charge to the District of \$50.00; and
 - 4.1.6 Pay all costs related to, associated with, or arising from the disconnection of the Owner's property and uses from the District's Sewage Works. Said costs shall include, but not be limited to, those costs related to, associated with, or arising from removal of any grinder pump, pump chamber, and/or other equipment owned by the District and located on said property; closing, capping, or terminating any lateral or other sewer line from the property to the District's collection line in a manner and at a point acceptable to the District; reconnecting to the District's Sewage Works to the property of any other User that was connected to the removed grinder pump, pump chamber, or related equipment; inspections of said work performed by or on behalf of the District; and administrative costs; and
 - 4.1.7 Perform or cause to be performed all work related to, associated with, or arising from disconnection of the Owner's property from the District's Sewage Works in a manner acceptable to and approved by the District; and
 - 4.1.8 Execute an acknowledgment, in recordable form, approved by the Board of Trustees stating that the Owner has been given a copy of this Ordinance, that he or she has read it, that he or she has understood this Ordinance, and that he or she shall abide by and comply with this Ordinance.
- 4.2 If the Board approves the discontinuation of charges, the Owner shall thereafter report to the Board of Trustees if the property has been restored to the extent that it is capable of producing sewage.

SECTION 5. The aforementioned rates and charges shall be prepared, billed and collected by the District in the manner provided by law and ordinance:

- 5.1 The rates and charges for all users identified in Table 1 shall be prepared and billed monthly, except that the District may use a coupon book, mailing it once a year, or a User may elect to pay the rates and charges on an annual basis and the District shall prepare and make one annual bill.
- 5.2 Charges shall be paid within fifteen (15) days after the date of the mailing of the bill, except that when a coupon book is mailed, each monthly payment shall be due by the 15th day of each month. Payment is considered made when it is received by the District at its office, or received through Electronic Funds Transfer.
- 5.3 As permitted by The Code the District may bring a civil action to recover any delinquent charges and shall be entitled to recover in addition all penalties, reasonable attorney fee and the costs and disbursements of said action. The District may also pursue any other remedy available at law or equity.

- 5.4 As permitted by The Code, all rates and charges (as described herein) not paid when due are hereby declared to be delinquent, incurring a one-time Penalty of ten percent (10%) of the amount of the rates and charges declared delinquent. Such Penalty shall not be compounded over time. For example, should User have a current monthly rate of \$25.00 and not pay it when due, the District shall impose a one-time Penalty of ten percent (10%) on that given amount (i.e., \$2.50). Should the owner then fail to pay the monthly rate and its one-time Penalty of ten percent (10%) by the time another month has passed, the District shall impose no further Penalty on the first month, but shall impose a one-time Penalty of ten percent (10%) on the second month rate (i.e., \$2.50). The total owed by the owner at that time would then be \$27.50 for the first month and \$27.50 for the second month, which would remain the same regardless of whether the owner paid such amounts the next day or the next year.
- 5.5 Regardless of the manner of payment, if any payment to the District is taken back by a bank or other financial institution as a result of said payment being dishonored for insufficient funds, the Owner shall pay to the District an insufficient funds fee of \$30.00, and the District shall charge the dishonored amount to the Owner again, subject to the penalty imposed under Section 5.4 if such dishonorment results in any rate or charge not being paid when due.
- 5.6 All rates, charges, fees, and penalties assessed under this Ordinance or under any other Ordinance of the District shall be the primary responsibility of the Owner of a property receiving such service, and such amount may be filed as a lien upon such real estate pursuant to law.

SECTION 6. As authorized by IND. CODE §13-26-5-9(c) and IND. CODE §36-1-8-11(c)(6) the District may pay claims owed by the District and receive payments owed to the District by cash, check, bank draft, money order, bank card, Credit Card, or Electronic Funds Transfer. As authorized by IND. CODE §36-1-8-11, the District may collect from a person using a bank card or credit card an official fee that may not exceed the sum of: (1) the actual transaction charge or discount fee charged to the District by bank or credit card vendors, and (2) a Reasonable Convenience Fee. The Reasonable Convenience Fee to be charged shall be \$3.00, unless otherwise set by Board resolution, which may not be in excess of \$3.00.

SECTION 7. The District shall charge to the owner the costs associated with recording special agreements, easements, liens, releases of liens, and any other required recording with a local or state government. In addition, the District shall pass through any other cost associated with any filing, any charge, or any activity that is charged to the District on behalf of any action for, on behalf of or for the benefit of an Owner or User.

SECTION 8. In accordance with the Sewer Use Ordinance, any owner, by itself or through and agent or contractor, found to have obstructed or damaged the District's Sewage Works on his or her property shall be held liable for the costs to repair (or replace) the damaged portion of the Works. Moreover, any owner found to have improperly discharged certain prohibited discharges, as identified in the Sewer Use Ordinance, shall be held liable for any and all costs associated with

cleaning out, rebuilding and repairing the Sewage Works. To hold such owner liable, the District shall bill owner and the charges shall be placed on the owner's account and collected in the same manner as all other charges.

SECTION 9. In addition to paying the monthly charges, each owner shall pay the electrical bill required for the operation of the effluent pump, if any, that serves the owner's property which is a part of the public sewer system.

SECTION 10. To the extent available by law, the District shall recoup all costs associated with service to Owners and/or Users, including, but not limited to, services relating to connections, repairs, and collections. In addition to the District's right to collect direct "out of pocket" expenses from an Owner or User, the District may recoup other costs by resolution or other action permitted by The Code.

SECTION 11.

- 11.1 In the event a lot, parcel of real estate, or building other than a single family dwelling unit discharging sanitary sewage, industrial wastes, water, polluted water, or other liquids into the District's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the District, 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.
- 11.2 In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the District's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the District, 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 District, then the amount of water used shall be otherwise measured or determined by the District. In order to ascertain the rates or charges, the owner or other interested parties 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.
- 11.3 In the event two (2) or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the District's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

- 11.4 In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the District's sanitary sewage system, 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 District that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then 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 measurements acceptable to the District for the determination of sewage discharge.

SECTION 12.

- 12.1 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 the strength and character of the stronger-than-Normal Domestic Sewage and wastes, of which it is required to treat and dispose. The District shall require the User to determine the strength and content of all the Sewage and wastes discharged, either directly or indirectly into the Sewage Works, in such manner and by such method 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.
- 12.2 The standards for Normal Domestic Sewage waste strength in the Turkey Creek Service Area, together with the surcharges as applicable are as follows: Normal Domestic Sewage waste strength should not exceed suspended solids in excess of 200 milligrams per liter of fluid, biochemical oxygen demand in excess of 200 milligrams per liter of fluid, or ammonia in excess of 40 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
- 12.2.1 *Rate Surcharge Based Upon Suspended Solids* – There shall be an additional charge of \$0.37 per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.
- 12.2.2 *Rate Surcharge Based Upon BOD* – There shall be an additional charge of \$0.37 per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.
- 12.2.3 *Rate Surcharge Based Upon Ammonia* – There shall be an additional charge of \$0.75 per pound of ammonia received in excess of 40 milligrams per liter of fluid.
- 12.2.4 *Rate Surcharge Based Upon Phosphorus* – There shall be an additional charge of \$1.79 per pound of phosphorus received in excess of 10 milligrams per liter of fluid.
- 12.3 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 13. Recapture Costs are applicable to the Service Areas and the Users therein as follows:

- 13.1 Eli Lilly Road Service Area: Recapture Costs are applicable to the parcels in the Eli Lilly Road Service Area on as described on Exhibit A attached hereto and made a part hereof. Such Recapture Costs shall not be considered revenues of the works of the District for purposes of payment of principal and interest on the Bonds issued by the District, but shall be used to meet the obligations of the District under the Agreements relating to Recapture Costs, as defined herein, which Agreements and the Addenda to each are recorded as Document Number F2001091070 (Addendum recorded as F2001091071, respectively) in the records of Kosciusko County, Indiana. Such Recapture Costs shall constitute charges of the District for purposes of the Code. The Recapture Cost defined herein shall be charges upon the properties listed on said Exhibit A. Other Owners of properties in the Eli Lilly Road Service Area not listed Exhibit A are those who provided the initial construction cost and are, therefore, not subject to paying the Recapture Costs, all as provided in said Agreements and the respective Addenda thereto.
- 13.2 Any Owner who has paid or whose successors in interest have paid Recapture Costs for the structure to which service is provided, prior to the passage of this Ordinance, shall not be charged the Recapture Costs imposed hereby, regardless of being listed on Exhibit A.

SECTION 14. Pursuant to IND. CODE §13-26-11-9, on at least a biennial basis, within a reasonable period of time following the normal accounting period, the District shall cause a rate study to be made for the purpose of reviewing proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by (1) officers or employees of the District, (2) a firm of certified public accounts, or a firm of consulting engineers, which firms shall have experience in such studies, or (2) 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 rates and charges as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates and to meet its contractual obligations relative to Recaptured Costs or bond repayment.

SECTION 15. The District shall make and enforce such ordinances, resolutions and regulations as may be deemed necessary for (1) the safe, economical, and efficient management of the District's sewage system, pumping stations, and Sewage Works, (2) the construction and use Owner and/or User owned sewer infrastructure and connections to the Sewage Works, (3) the sewage collection system, and (4) the regulation, collection, and rebating and refunding of such rates and charges, including any Recapture Cost.

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.

SECTION 16. Any differences that may arise between Users and officials of the Sewage Works that cannot be resolved at that level may be appealed to the Board of Trustees.

SECTION 17. For the inherent costs associated with permitting and the inspection of new connections, disconnections or reconnections, 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 an inspection fee in the amount of One Hundred Dollars (\$100.00) for each connection. An additional charge will be assessed for each trip the District representative makes to the lot, parcel of real estate, or building, as shown on Exhibit B, attached hereto and made a part hereof. Other additional charges for services rendered or materials and equipment provided by the District are found on Exhibit B.

SECTION 18. 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 19. The fiscal officer of the district may make claim payments in advance of Board of Trustee's allowance as permitted by IND. CODE §13-26-5-9.

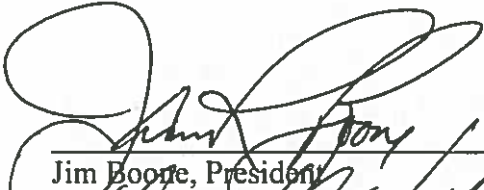
SECTION 20. The rates and charges set forth in Table 1 shall become effective on the dates contained therein; all other rates and charges as herein set forth shall become effective after the adoption of this ordinance.

SECTION 21. The District shall not grant free service or use of the sewage treatment system to any person, group, or entity.

SECTION 22. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

ALL OF WHICH IS DULY ORDAINED THIS ____ DAY OF _____, 2020,
BY A VOTE OF ____ FOR, ____ AGAINST, AND ____ ABSTAIN.

TURKEY CREEK REGIONAL
SEWER DISTRICT
BOARD OF TRUSTEES




Jim Boorte, President

Robert Dumford, Vice President



Don Dewitt, Treasurer

Rex Heil, Trustee



Keith Ort, Trustee



James Young, Trustee



Dan Mikolajczak, Trustee

Table 1

Rates Effective February 1, 2021 through January 31, 2022

All User Class 1 Connections

Billing Charge - per monthly bill		\$ 2.80
	<u>Equivalency Factor</u>	<u>Service Charge</u>
Residential:		
Single Family Residence/Unit	1.00	65.10
Apartments, condominiums & townhouse/unit	1.00	65.10
Mobile home subdivisions (per dwelling unit)/ mobile home available for rent	1.00	65.10
Duplexes and apartment houses/unit	1.00	65.10
Commercial:		
<u>Retail Establishments:</u>		
First 3 employees	1.00	65.10
Each additional employee	0.25	16.30
<u>Gasoline service stations:</u>		
First 3 employees	1.00	65.10
Each additional employee	0.25	16.30
<u>Laundromats per washeterias/washer</u>	0.75	48.85
<u>Professional offices:</u>		
First 3 employees	1.00	65.10
Each additional employee	0.25	16.30
<u>Restaurants, drive-ins, bars & organizations with eating and/or drinking facilities:</u>		
Per 2 seats	0.10	6.50
<u>Office or shop in residence</u>	1.00	65.10
<u>Recreational areas:</u>		
Campgrounds - per available campsite	0.30	19.55
Marinas or Pier Rental Facility - per boat slip	0.15	9.80
Plus:		
First 3 employees	1.00	65.10
Each additional employee	0.25	16.30
Institutions:		
Schools, per pupil enrolled	0.10	6.50
Churches & other religious organizations: For each 200 seats and fraction or portion thereof	1.00	65.10
Parsonage:	1.00	65.10
Governmental:		
Community Center	1.00	65.10
Offices:		
First 3 employees	1.00	65.10
Each additional employee	0.25	16.30
Fire Department	1.00	65.10
Each Truck Bay	2.50	162.75

Table 1
Rates Effective February 1, 2022 through January 31, 2023

All User Class 1 Connections

Billing Charge - per monthly bill		\$ 2.90
	<u>Equivalency</u>	<u>Service</u>
	Factor	Charge
Residential:		
Single Family Residence/Unit	1.00	67.00
Apartments, condominiums & townhouse/unit	1.00	67.00
Mobile home subdivisions (per dwelling unit)/ mobile home available for rent	1.00	67.00
Duplexes and apartment houses/unit	1.00	67.00
Commercial:		
<u>Retail Establishments:</u>		
First 3 employees	1.00	67.00
Each additional employee	0.25	16.75
<u>Gasoline service stations:</u>		
First 3 employees	1.00	67.00
Each additional employee	0.25	16.75
<u>Laundromats per washeterias/washer</u>	0.75	50.25
<u>Professional offices:</u>		
First 3 employees	1.00	67.00
Each additional employee	0.25	16.75
<u>Restaurants, drive-ins, bars & organizations</u>		
<u>with eating and/or drinking facilities:</u>		
Per 2 seats	0.10	6.70
<u>Office or shop in residence</u>	1.00	67.00
<u>Recreational areas:</u>		
Campgrounds - per available campsite	0.30	20.10
Marinas or Pier Rental Facility - per boat slip	0.15	10.05
Plus:		
First 3 employees	1.00	67.00
Each additional employee	0.25	16.75
Institutions:		
Schools, per pupil enrolled	0.10	6.70
Churches & other religious organizations:		
For each 200 seats and fraction or portion thereof	1.00	67.00
Parsonage:	1.00	67.00
Governmental:		
Community Center	1.00	67.00
Offices:		
First 3 employees	1.00	67.00
Each additional employee	0.25	16.75
Fire Department		
Each Truck Bay	2.50	167.50

Table 1
Rates Effective February 1, 2023 and thereafter

All User Class 1 Connections

Billing Charge - per monthly bill		\$ 3.00
	<u>Equivalency Factor</u>	<u>Service Charge</u>
Residential:		
Single Family Residence/Unit	1.00	68.85
Apartments, condominiums & townhouse/unit	1.00	68.85
Mobile home subdivisions (per dwelling unit)/ mobile home available for rent	1.00	68.85
Duplexes and apartment houses/unit	1.00	68.85
Commercial:		
<u>Retail Establishments:</u>		
First 3 employees	1.00	68.85
Each additional employee	0.25	17.20
<u>Gasoline service stations:</u>		
First 3 employees	1.00	68.85
Each additional employee	0.25	17.20
<u>Laundromats per washeterias/washer</u>	0.75	51.65
<u>Professional offices:</u>		
First 3 employees	1.00	68.85
Each additional employee	0.25	17.20
<u>Restaurants, drive-ins, bars & organizations with eating and/or drinking facilities:</u>		
Per 2 seats	0.10	6.90
<u>Office or shop in residence</u>	1.00	68.85
<u>Recreational areas:</u>		
Campgrounds - per available campsite	0.30	20.65
Marinas or Pier Rental Facility - per boat slip	0.15	10.35
Plus:		
First 3 employees	1.00	68.85
Each additional employee	0.25	17.20
Institutions:		
Schools, per pupil enrolled	0.10	6.90
Churches & other religious organizations:		
For each 200 seats and fraction or portion thereof	1.00	68.85
Parsonage:	1.00	68.85
Governmental:		
Community Center	1.00	68.85
Offices:		
First 3 employees	1.00	68.85
Each additional employee	0.25	17.20
Fire Department		
Each Truck Bay	2.50	172.15

Table 2

The following capital charges are hereby established for owners of property connecting to the public sanitary sewer system of District after passage of this Ordinance:

<u>User Classification</u>	<u>ESFDU</u>	<u>Capital Charge</u>
Residential:		
Single family residence/unit	1.00	\$3,300.00
Apartments, condominiums & townhouses/unit	1.00	\$3,300.00
Mobile home subdivision (per dwelling unit)/mobile home available for rent	1.00	\$3,300.00
Duplexes and apartment houses/unit	1.00	\$3,300.00
Commercial:		
<u>Retail establishments:</u>		
First 3 employees	1.00	\$3,300.00
Each additional employee	0.25	\$825.00
<u>Gasoline service stations:</u>		
First 3 employees	1.00	\$3,300.00
Each additional employee	0.25	\$825.00
Laundromats per washerterias/washer	0.75	\$2,475.00
<u>Professional offices:</u>		
First 3 employees	1.00	\$3,300.00
Each additional employee	0.25	\$825.00
<u>Restaurants, drive-ins, bars & organizations with eating and/or drinking facilities:</u>		
Per 2 seats	0.10	\$330.00
Shop or office in residence	1.00	\$3,300.00
<u>Recreational areas:</u>		
Campgrounds – per available campsite	0.30	\$990.00
Marinas or Pier Rental Facility – per boat slip	0.15	\$495.00
Plus: First 3 employees	1.00	\$3,300.00
Each additional employee	0.25	\$825.00
<u>Institutions:</u>		
Schools, per pupil enrolled	0.10	\$330.00
Churches & other religious organizations:		
For each 200 seats and fraction or portion thereof	1.00	\$3,300.00
Parsonage:	1.00	\$3,300.00
Governmental:		
Community Center	1.00	\$3,300.00
Offices:		
First 3 employees	1.00	\$3,300.00
Each additional employee	0.25	\$825.00
Fire Department	1.00	\$3,300.00
Each truck bay	2.50	\$8,250.00
Industrial		
Manufacturing		
First 2 employees	0.10	\$330.00
Storage facility with water	0.10	\$330.00

EXHIBIT A**ELI LILLY ROAD SERVICE AREA****PROPERTIES SUBJECT TO RECAPTURE COSTS**

<u>ADDRESS</u>	<u>TAX KEY NO.</u>	<u>TAX DESCRIPTION</u>
7654 E. Eli Lilly Rd.	7-38-34A	Lot 1 Country Club Acres Phase I
7133 E. Eli Lilly Rd.	7-38-62	Lots 15 & 16 Wrights Place
7261 E. Eli Lilly Rd.	7-38-46	Lot 6 Eli Lillys 2nd Addition
7196 E. Eli Lilly Rd.	7-38-20	PT SW NW 10-34-7. .30 A
7274 E. Eli Lilly Rd.	7-38-31	PT S RR S 1/2 NE FRCL 1/4 & PT SE NW 10-34-7 .20 A
7229 E. Eli Lilly Rd.	7-38-52	Lot 2 Eli Lillys 2nd Addition
7179 E. Eli Lilly Rd.	7-38-57	E 12 Ft lot 19 & 20 Wrights Place
7192 E. Eli Lilly Rd.	7-38-18	Tract S RR SW NW 10-34-7. .32 A
7191 E. Eli Lilly Rd.	7-38-56	Lot 21 Wrights Place
7253 E. Eli Lilly Rd.	7-38-47	Lot 5 Eli Lillys 2nd Addition
7269 E. Eli Lilly Rd.	7-38-45	Lot 7 Eli Lillys 2nd Addition
7221 E. Eli Lilly Rd.	7-38-53	Lot 1 Eli Lillys 2nd Addition
Unknown	7-38-24 and/or 7-38-25	Lot 1C Campbells Addition to Lillys 2nd Addition
7527 E. Eli Lilly Rd.	7-40-7	Lot 39 Eli Lillys 2nd Addition
7245 E. Eli Lilly Rd.	7-38-48	Lot 4 Eli Lillys 2nd Addition
7199 E. Eli Lilly Rd.	7-38-54	Lots 22 & 23 & Tract N Lots Wrights Place Addition
7277 E. Eli Lilly Rd.	7-38-44	Lot 8 Eli Lilly 2nd Addition Kingston GN
7289 E. Eli Lilly Rd.	7-38-43	Lot 9 All Bet Bishop Rd & Lake Eli Lilly 2nd Addition
7441 E. Eli Lilly Rd.	7-38-3	Lot 28 Eli Lillys 2nd Addition
7491 E. Eli Lilly Rd.	7-39-7	Lots 32, 33 & 34 Eli Lillys 2nd Addition
7143 E. Eli Lilly Rd.	7-38-60	Lot 18 Wrights Place
7313 E. Eli Lilly Rd.	7-38-41	Lots 10 & 11 Eli Lillys 2nd Addition
7270 E. Eli Lilly Rd.	7-38-30	E PT SE NW 10-34-7. .40 A
7140 E. Eli Lilly Rd.	7-38-11A	TR S RR SW NW 10.34-7. .42 A

**CHARGES OTHER THAN FOR MONTHLY SERVICE
EXHIBIT B**

Fees and charges for services other than monthly sanitary sewer collection and treatment services shall be payable as hereinafter provided:

a. Grant of Easement or Encroachment Agreement or the cost to the District of dealing with any easement or encroachment shall include the cost of preparing any agreement, any attorney's fees, recording fees, and other expenses incurred by the District at a rate of:

Attorney's Fees:	\$225.00 per hr.
Supervisor or Staff:	\$60.00 per hr.
Technician:	\$55.00 per hr.

b. Any job or service performed by the District will be charged at the following rates:

Supervisor or Staff:	\$50.00 per hr.
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Equipment charges:	
Sewer Vacuum Truck	** See Below
Service Truck	\$80.00 per hr.
Portable Generator	\$100.00 per hr.
Small Generator	\$60.00 per hr.

Rental equipment and materials and necessary contracted labor, equipment and materials will be charged cost plus 30% for administrative, service and other overhead costs.

** Vacuum Truck use shall be \$760.00 for four (4) hour minimum plus \$125.00 per hour for each hour or portion thereof over four (4) hours.

An inspection fee for each trip to a site shall be \$50.00 per trip after the first trip.