#### ORDINANCE 2024-03

# RESTATING AND AMENDING RATES AND CHARGES ORDINANCE OF THE TAYLOR REGIONAL SEWER DISTRICT BOARD

An Ordinance restating, amending, updating, the previous rate ordinance which outlined a schedule of rates and charges to be collected by the Taylor Regional Sewer District (hereinafter, District);

WHEREAS, the District has been in existence since December 1, 2005 and the Board has, over the years, adopted various ordinances and resolutions establishing and amending the District's rates, charges and matters relating thereto;

WHEREAS, the District is required by law to establish just and equitable rates or charges for both direct and indirect service provided by the District, pursuant to Indiana Code (IC)  $\S$  13-26-11-8; and,

WHEREAS, just and equitable rates or charges are those that produce sufficient revenue to pay all expenses of the District including but not limited to operations, maintenance, interest charges on debt; provide for a sinking fund to repay debt; provide adequate working capital and a capital fund to make improvements, extensions, and replacements; and gives due consideration to the interests of the ratepayers; pursuant to Indiana Code (IC) § 13-26-11-9; and,

WHEREAS, the District is authorized pursuant to IC § 13-26-11-1 et seq. to fix, alter, charge and collect reasonable rates and other charges in the area served by the District to every Person (as defined below) whose premises are, whether directly or indirectly, provided with Sewage services by the District 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 an 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, pursuant to IC § 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 of each lot, parcel of land, or building that is connected with and uses the Sewage Works, that is 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, the Board has determined it necessary to restate and amend its existing sewer rates and charges ordinance; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD AS FOLLOWS:

The below Sewer Rates and Charges Ordinance is hereby adopted by the Taylor Regional Sewer District ("District") and shall be effective immediately.

All financial values herein are denominated in United States Dollars.

#### **ARTICLE 1 – Definitions**

Unless otherwise defined herein, terms shall be as adopted in the latest approved edition of "Standard Methods for the Examination of Water and Wastewater" (Standard Methods) published by

the American Public Health Association, and American Water Works Association, and the Water Environment Federation and as set forth in 40 CFR Part 136. Waste constituents and characteristics shall be measured by techniques prescribed in 40 CFR Part 136 and amendments thereto unless a mutually agreed upon acceptable alternative method is adopted, or in such other method established by state or federal regulatory agencies.

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

- 1) Whenever used herein, the verb "shall" is mandatory and "may" is permissive.
- 2) "Person" any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agency or assigns. The masculine gender shall include the feminine and the singular shall include the plural as indicated by the context.
- 3) "Board" The Regional Sewer or Water District Board pursuant to IC § 13-26, or any duly authorized officials acting on its behalf.
- 4) "District" The Taylor Regional Sewer District located in Howard County, Indiana.
- 5) "User" A person who introduces or could introduce into or discharges into, including both the owner and occupant of real estate from which is introduced or discharged into the sewage system, or tributary of such, whether directly or indirectly, any substance whatsoever.
- 6) "Building drain" That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer outside of the building.
- 7) "Building sewer" The extension from the building drain, through and including a suitable septic tank to the public sewer.
- 8) "Natural outlet" Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- 9) "Public sewer" A common sewer controlled by a governmental agency or public utility. Sometimes use as synonymous with "publicly owned treatment works" (POTW).
- 10) "Sewer Lateral" or "Lateral Sewer" The extension from the building drain to the public sewer or another place of disposal.
- 11) "Sanitary sewer" A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- 12) "Sewage" All refuse, human excreta, garbage, waste or waste products, or any combination of these substances that is potentially capable of contaminating the environment and may be collected and carried off in a pipe, ditch or channel. It is also the spent water of a community. The preferred term is "wastewater."
- 13) "Wastewater" Liquid or water-carried wastes from industrial, municipal, agricultural, or other sources. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.
- 14) "Sewer" A pipe or conduit that carries wastewater.
- 15) "Storm drain" A drain for conveying water, groundwater, subsurface water or unpolluted water from any source.

- 16) "Effluent" The water, together with any waste that may be present, flowing out of a drain, sewer, receptacle or outlet.
- 17) "Unpolluted water" water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 18) "Wastewater facilities" The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent. This includes by is not limited to the collection system (sewer mains, lift stations, etc.) and the wastewater treatment plant (WWTP) or similar buildings, equipment and infrastructure.
- 19) "Wastewater treatment works" an arrangement of devices and structures for treating wastewater and sludge. Sometimes used as synonymous with "treatment plant" or "water pollution control plant" or similar.
- 20) "Biochemical Oxygen Demand" (BOD) or "Carbonaceous Biochemical Oxygen Demand" (CBOD), in reference to sewage, sewage effluent, polluted waters or industrial wastes the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees Celsius. The laboratory determinations of BOD shall be made in accordance with procedures set forth in *Standard Methods*, therein and conventionally referred to as BODs.
- 21) "Suspended Solids" Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter (mg/L) unless otherwise presented. Quantitative determinations shall be made in accordance with procedures set forth in *Standard Methods*.
- 22) "Total Suspended Solids" (TSS) The value of the test for Total Suspended Solids, as described in the latest approved edition of *Standard Methods*.
- 23) "Ammonia" The compound NH<sub>3</sub>, which is a colorless gas with a pungent odor. It is commonly found in wastewater due to the decomposition of organic matter and the excretion of nitrogenous waste by living organisms.
- 24) "Ammonium nitrogen" Nitrogen content in the form of ammonia (NH3N) in wastewater.
- 25) "Inflow" water, other than wastewater, entering the sewerage system from sources such as cellars, yard areas, foundation drains, sump pumps, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff or drainage.
- 26) "Infiltration" The water, other than wastewater, entering the sewage system directly or via private sewers, building drains and building sewers connected therewith, from the ground, through such means as, but not limited to, defective pipe joints, connections, or manhole walls.
- 27) "Easement" An acquired legal right for the specific use of land owned by others, including but not limited to the right of access to the property's septic tank for the purpose of inspection.
- 28) "Inspector" A person authorized by the District to perform inspection duties.
- 29) "Replacement" 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 designated and constructed. The term "operation and maintenance" includes replacement.

- 30) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities. The classes shall be as follows:
  - Residential shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, producing domestic wastewater.
  - Commercial shall mean any establishment or organization, both government or not, involved in an enterprise, business or service whether for profit or not which based on a determination by the District discharges primarily segregated domestic wastes or wastes from sanitary conveniences or toilet facilities.
  - o Industrial shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater collection system and/or treatment works.
- 31) "Equivalent Dwelling Unit" (EDU) is a standard measure used to represent the average wastewater flow and strength generated by a single-family residential household. E.g. Domestic waste at the flow rates of 310 gallons per day.
- 32) "Fee" any charge, whether a regular rate applied to a flow of wastewater or otherwise, levied on users of the wastewater treatment works, public sewer, and all related facilities or functions to cover the cost of providing services.
- 33) "FOG" (All Fats, Oils and Grease, Petroleum Products and By-Products.) Fats, Oils and Grease as found in food service facilities include but are not limited to, any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions. Petroleum, Oils and Grease as found in auto service facilities include but are not limited to any substance such as petroleum oil, non-biodegradable cutting oil or products of mineral oil origin that is used in, or is a by-product of, an automotive process. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time.
- 34) "Floatable FOG" Fat, oil and/or grease in a physical state, such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the District.
- 35) "FOG Facility" Any non-domestic User or combination of Users that generates FOG.
- 36) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:
  - o CBOD (carbonaceous biochemical oxygen demand) not more than 250 mg/L of fluid or ammonia in excess of 15 mg/L of fluid or phosphorous in excess of 8 mg/L of fluid.
  - o TSS not more than 300 mg/L
  - o Ammonia Nitrogen (NH3N) not more than 15mg/L
  - See Section 5.04 of the Use Ordinance 2024-2 for additional concentrations.

As defined by origin, wastewater from segregated domestic and/or sanitary convenience as distinct from wastes from industrial processes.

- 37) "Excessive Strength Surcharge" An additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- 38) "Industrial Wastes" The wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences or toilet facilities.

- 39) "Debt Service Costs" The annual principal and interest payments on all proposed short-term obligations, revenue bonds, or other long-term capital debt.
- 40) "Replacement Costs" 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.
- 41) "Operation and Maintenance Costs" 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 costs".
- 42) "Sewer Use Ordinance" A separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers within the District.

#### **ARTICLE II - Users**

Section 2.01. Every person who owns any lot, parcel of land or building that is served, directly or indirectly, by the District shall be charged for the services provided or the availability of such services. 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 or availability of 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 and debt service) of the treatment works. User charges shall be uniform in magnitude within a user class.

Section 2.02. User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency (EPA) and Indiana Department of Environmental Management (IDEM). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

Section 2.03. The various classes of users of the treatment works for the purposes of this ordinance, shall be as follows:

- Residential
- Commercial
- Industrial

## **ARTICLE III - Rates**

Section 3.01. Rates and charges are established for the availability or use of and the services rendered by the District. Rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected to or could be connected to the District's sewage system, is served by the District's sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the 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 below.

Section 3.02. The sewage rates and charges shall be based on the estimated quantity of wastewater discharged on or in the property or premises subject to such rates and charges as determined by the District Engineer or other, similar representative of the District. The users shall be billed monthly at the rate set in the *Schedule of Fees* below.

Section 3.03. The flow factor calculations to assess the EDU for a user are given in *Exhibit A* affixed to this Ordinance. A minimum of 1 EDU shall be charged to any user.

# ARTICLE IV - Monitoring and Sampling

Section 4.01. In order to recover the cost of monitoring industrial wastes or the wastewater of any user suspected of discharging wastewater with characteristics that exceed that of normal domestic sewage the District shall charge the user the actual cost of monitoring but not less than \$75 per sampling event and not more than \$250. This charge will be reviewed on the same basis as all other rates and charges in the ordinance.

# ARTICLE V - Excessive Strength Surcharges

Section 5.01. In order that the rates and charges may reflect the costs of providing 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 shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the District may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the Sewer Use Ordinance, available to the District at all items.

Section 5.02. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

- Per pound of excess FOG
- Per pound of excess TSS
- Per pound of excess CBOD
- Per pound of excess ammonia or ammonium nitrogen (NH<sub>3</sub>N)
- Per pound of excess phosphorous

Refer to Schedule of Fees section below for rates.

Section 5.03. All FOG facilities shall pay a \$75.00 flat monthly surcharge to defray the District's monitoring cost as well as treatment and maintenance cost incurred by FOG discharge. Refer to Article VI and other relevant sections of the most updated Sewer Use Ordinance for details.

# **ARTICLE VI - Billing and Late Payment Penalty**

Section 6.01. Such rates and charges shall be prepared, billed and collected by the District in the manner provided by law and ordinance.

Section 6.02. The rates and charges for all users shall be prepared and billed monthly, due by the last day of the month (e.g. June  $30^{th}$ ). Failure to receive a bill each month does not relieve the user of payment.

Section 6.03. The rates and charges may be billed to the tenant(s) 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 of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the District for the purpose of determining whether bills have been paid by such tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

Section 6.04. As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto.

Section 6.05. If the District in the future accepts credit card or similar payment processing, a surcharge of 4% shall be affixed to defray the cost of such payment processing services.

Section 6.06. Rates, fees, or charges made, assessed, or established by the District are a lien in accordance with I.C. 13-26-14 et. seq. The District may file, collect and foreclose liens in accordance with the same.

## ARTICLE VII - Rate Study

Section 7.01. 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 uses of user classes, the District shall cause a study to be made within a reasonable period of time following the first 2 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 costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvement to the waste treatment systems.

Section 7.02. Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the District shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) maintaining proportionality among the user classes of the rates and charges for sewage services.

Section 7.03. Said studies shall be conducted by officers or employees of the District, or by a firm of certified public accountants, or a firm of which shall have experience in such studies, or by such combination of officers, employees, certified public accountants or consultants 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.

## ARTICLE VIII - No Free Service

Section 8.01. 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 sewage system, pumping stations and connections to the sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connection to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges.

No free service shall be provided to any user of the wastewater treatment facility.

## **ARTICLE IV - Severability**

Section 9.01. The Invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

## **ARTICLE X - Appeal**

Section 10.01. That the rules and regulations promulgated by the District, after approval by the Board 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 District and that any decision concerning the sewage system or user charges of the District may be appealed to the circuit court of Howard County under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

# **ARTICLE XI - Implementation**

Section 11.01. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance. It is not necessary for an area or parcel of real estate to be annexed to the District to receive sewage treatment.

## **ARTICLE XII - Repeal of Conflict**

Section 12.01. All other ordinances or parts of ordinances that are inconsistent with or in conflict with any part of this ordinance are hereby repealed, but only to the extent of such inconsistency or conflict.

#### Schedule of Fees

#### Regular sewer bills:

For all classes of users, a rate of \$89.24 per EDU shall be billed monthly.

FOG facility surcharge fee of \$75.00 each month

## Excessive strength surcharges:

Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

- \$1.00 per pound of FOG in excess of 100 mg/L of fluid
- \$1.00 per pound of TSS in excess of 300 mg/L of fluid
- \$0.50 per pound of CBOD in excess of 250 mg/L of fluid.
- \$1.00 per pound of ammonia or ammonium nitrogen (NH<sub>3</sub>N) per 15 mg/L of fluid.
- \$5.00 per pound of phosphorous received in excess of 8 mg/L of fluid.

Monitoring fee of at least \$75 per event and up to \$250 for each sampling or monitoring event.

#### New users:

Capacity fee (once at connection) of \$1,750 per EDU

At the time the application is filed, a permit and inspection fee shall be paid to the District of:

- \$125 for a single-family residential user, or
- \$185 for a multi-family residential user, or
- \$250 for a non-residential user (commercial, industrial, or other).

### Other fees:

Pump and Haul billed at actual cost passed through to user

Bad Check / Nonsufficient Funds (NSF) Fee of \$35 per event

Late payment penalty of 10% of billed amount

Lien fee for uncollectible accounts of \$95

Credit card or similar electronic payment processing surcharge of 4%

Adopted this <u>14<sup>th</sup></u> day of _	January	, 202 <u></u> 5
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ATTESTED: \_\_

Exhibit A – Gallons Per Day (GPD) Flow Factor Calculations (FCF) A single-family home or 1 EDU is equal to 310 GPD. Therefore, GPD / 310 = # of EDUs

<u>Description</u>	<u>GPD</u>	<u>Unit</u>
Agricultural labor camp	50	per occupant
Airport, passenger	3	per passenger
Airport, employee	20	per employee
Assembly hall	3	per seat
Athletic field	1	per participant and spectators (plus concessions)
Auction and flea market, full kitchen	5	per customer
Auction and flea market, warming kitchen	4	per customer
Auction and flea market, w/o kitchen	3	per customer
Automatic self-cleaning bathroom	60	per day; 20 per cycle (3 per day)
Banquet caterer	10	per person
Bar, w/o food	10	per seat
Beauty salon: perm or color changes	35	per customer
Beauty salon: cut with wash	10	per customer
Beauty salon: cut w/o wash	5	per customer
Bed and breakfast	150	per bedroom
Bowling alley, with bar and/or food	125	per lane
Bowling alley, w/o bar and/or food	75	per lane
Bus station	3	per passenger
Campground (org) with flush toilets, showers, central kitchen	40	per camper
Campground (org) w/o flush toilets, privy use, central dining hall, no showers, handwashing	20	per camper

Campground (recreational) with individual sewer connection	100	per campsite
Campground (recreational) w/o individual sewer connection	50	per campsite
Church, with full kitchen	5	per sanctuary seat
Church, with warming kitchen	4	per sanctuary seat
Church, w/o kitchen	3	per sanctuary seat
Condominium, multi-family dwelling: 1 bedroom	200	per unit
Condominium, multi-family dwelling: 2 bedroom	300	per unit
Condominium, multi-family dwelling: 3 bedroom	350	per unit
Condominium, 1 and 2 family dwelling	150	per bedroom
Conferences	10	per attendee
Correctional facilities	120	per inmate
Day care center	20	per person
Dentist, chairs	200	per chair
Dentist, employees	75	per employee
Doctor's office, doctor / nurse / medical staff	75	per medical staff
Doctor's office, support staff	20	per support staff
Factory with showers	35	per employee
Factory w/o showers	20	per employee
Fire station: manned	75	per firefighter
Fire station: unmanned	35	per firefighter
Food service operations: cocktail lounge or tavern	35	per seat
Food service operations: restaurant (not open 24 nours)	35	per seat
Food service operations: restaurant (open 24 hours)	50	per seat

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Food service operations: restaurant (not open 24-hrs ocated along an interstate)	50	per seat	
Food service operations: restaurant (open 24-hrs located along an interstate)	70	per seat	
Food service operations: curb service (drive-in)	50	per car space	
Golf comfort station	3	per 50% of max number of golfers	
Golf main clubhouse	5	per golfer with additions for food service and showers	
Hospital, medical facility	200	per bed	
Hotel	100	per room	
Kennels and vet clinics, cages	5	per cage	
Kennels and vet clinics, inside runs	10	per run	
Kennels and vet clinics, outside runs	20	per run	
Kennels and vet clinics, grooming	10	per animal	
Kennels and vet clinics, surgery	50	per surgery room	
Kennels and vet clinics, staff - vet, assistant	75	per vet / vet assistant	
Kennels and vet clinics, staff - support staff	20	per support staff	
Mental health facility	100	per patient	
Mobile home park	200	per lot	
Motel	100	per room	
Nursing home	100	per bed	
Office building w/o showers	20	per employee	
Office building with showers	35	per employee	
Outpatient surgical center	50	per patient	
Picnic area	5	per visitor	
Race tracks, attendee	5	per attendee	

Race tracks, staff	20	per staff
School: elementary	15	per pupil
School: secondary	25	per pupil
School: w/ dormitory	100	per bed
Service station: convenience store/service center	1000	with additions for food prep and seating
Service station: with only 2 restrooms	400	per restroom
Service station: with only unisex restroom	600	per restroom
Service station: automatic self-cleaning bathroom	60	per day
Shopping center, floor space	0.1	per square foot
Shopping center, employee	20	per employee
Swimming pool bathhouse	10	per swimmer
Theater: drive-in	5	per car space
Theater: inside	5	per seat