

RESOLUTION 2025-1

WHEREAS, Taylor Regional Sewer District (the "District") has been in existence since December 1, 2005; and

WHEREAS, the District passed Ordinance 2024-2 (Amended Sewer Use Ordinance) and 2024-3 (Amended Rates and Charges Ordinance); and

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) § 13-26-11-8; and,

WHEREAS, 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.

WHEREAS, the District passed a Resolution on July 26th, 2005, requiring property owners to connect to the District unless they were otherwise exempt.

WHEREAS, I.C. 13-26-5-2.5 provides for an exemption when the following conditions are met:

(1) The property owner's septic tank soil absorption system was new at the time of installation and was approved in writing by the local health department, the department's designee, or a qualified inspector.

(2) The property owner, at the property owner's own expense, obtains a written determination from the local health department or the department's designee that the septic tank soil absorption system is not failing. The local health department or the department's designee shall provide the owner with a written determination not later than sixty (60) days after receipt of the owner's request. If the local health department or the department's designee fails to provide a written determination within the time established in this subdivision, the owner, at the owner's expense, may obtain a written determination from a qualified inspector. If the local health department or the department's designee determines that a septic tank soil absorption system is failing, the property owner may appeal the determination to the board of the local health department. The decision of the board is final and binding.

(3) The property owner provides the district with:

(A) the written notification of potential qualification for the exemption described in subsection (f); and

(B) the written determination described in subdivision (2);
within the time limits set forth in subsection (f).

If a property owner, within the time allowed under subsection (f), notifies a district in writing that the property owner qualifies for the exemption under this section, the district shall, until the property owner's eligibility for an exemption under this section is determined, suspend the requirement that the property owner discontinue use of a septic tank soil absorption system and connect to the district's sewer system.

A property owner who qualifies for the exemption provided under this section may not be required to connect to the district's sewer system for a period of ten (10) years beginning on the date of the written determination of the local health department, the department's designee, or a qualified inspector under subsection (b)(2) that the property owner's septic tank soil absorption system is not failing. A property owner may apply for two (2) five (5) year extensions of the exemption provided under this section by following the procedures set forth in subsections (b) and (c). If ownership of an exempt property is transferred during a valid exemption period, including during an extension of an initial exemption:

(1) the exemption applies to the subsequent owner of the property for the remainder of the exemption period during which the transfer occurred; and

(2) the subsequent owner may apply for any remaining extensions.

However, the total period during which a property may be exempt from the requirement to connect to a district's sewer system under this section may not exceed twenty (20) years, regardless of ownership of the property.

WHEREAS, the District believes that all property owners (current or prior) were given legal notice of the establishment of the District and the opportunity to be exempt from connection and to have said exemption(s) extended have lapsed.

WHEREAS, the District understands the expense involved to connect to the District's sanitary sewer system and desires to provide the opportunity for additional limited exemptions that may not otherwise qualify per Indiana Code so long as those persons seeking the exemption pay the current sewer rate. In as much, the District is permitting those persons/businesses that have not yet connected to the District, but are otherwise required by law to do so, and had failed to initially seek an exemption when the District was originally established and notices mailed, to now seek an exemption if they would otherwise so qualify pursuant to I.C. 13-26-5-2.5. Additionally, the District understand that not all property owners had their septic systems "approved in writing by the local health department" when installed as such is required by I.C. 13-26-5-2.5. That so long as the property owner obtains a written determination from the local health department or the department's designee that the septic tank soil absorption system is not failing and otherwise complies with the provisions of I.C. 13-26-5-2.5, and further agrees in writing to pay the current sewer rate, they shall qualify for the exemption under I.C. 13-26-5-2.5.

WHEREAS, the District shall draft an agreement to be executed by individuals seeking such exemption.

ADOPTED THIS 14th day of October, 2025.

Lee Wynne

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Larry Hayes
