

**RESOLUTION NO. 2024-07-13A**

**RESOLUTION AMENDING AND RESTATING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE VAN BIBBER LAKE CONSERVANCY DISTRICT FROM THE USERS OF THE SEWAGE WORKS OF THE CONSERVANCY DISTRICT AND OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF THE CONSERVANCY DISTRICT, AND OTHER MATTERS CONNECTED THEREWITH, AND REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH**

WHEREAS, the Van Bibber Lake Conservancy District ("District") is an Indiana conservancy district created and operating pursuant to I.C. 14-33; and,

WHEREAS, in accordance with one of the purposes for which the District was created and in accordance with the District Plan, the District owns and maintains a sewage works; and,

WHEREAS, it is required that the Board of Directors of the District ("Board") fix by resolution the rates and charges to be imposed upon properties connected to or served by the sewage works to provide sufficient funds to operate and maintain the sewage works, and to repay any indebtedness incurred by the District in connection with constructing, operating and maintaining the sewage works.

**NOW BE IT THEREFORE RESOLVED by the Board:**

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

(a) "BENEFITED PROPERTY" shall mean every lot and parcel of real property within the boundaries of the District served by the Treatment Works.

(b) "BOARD" shall mean the Board of Directors of the Van Bibber Lake Conservancy District, or any duly authorized officials acting in its behalf.

(c) "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20E C expressed in milligrams per liter (mg/l).

(d) "DISTRICT" shall mean the Van Bibber Lake Conservancy District, acting by and through the Board of Directors.

(e) "DEBT SERVICE COST" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

(f) "EDU" (Equivalent Dwelling Unit) shall mean the average daily amount of sewage flow from a residential unit based upon industry standards.

(g) "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 (as defined herein).

(h) "INDUSTRIAL WASTES" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

(i) "NH<sub>3</sub>N" (Ammonia Nitrogen) shall have the same meaning as in the Use Resolution.

(j) "NEW CONSTRUCTION" shall mean any connection to the sewage system that requires the activation of a lateral that has never previously been placed into service.

(k) "NORMAL DOMESTIC SEWAGE" (for the purposes of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

B.O.D.	not more than	250 mg/l
S.S.	not more than	250 mg/l
NH <sub>3</sub> N	not more than	30 mg/l

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

(l) "NPDES (National Pollutant Discharge Elimination System) PERMIT" shall mean the permit issued by the Indiana Department of Environmental Management for the discharges of wastewater to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.

(m) "OPERATION AND MAINTENANCE COSTS" include all costs, direct and indirect, including but not limited to, Replacement Costs (as defined herein) necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and to produce discharges to receiving waters that conform with all related Federal, State and local requirements.

(n) "OTHER SERVICE CHARGES" shall mean tap-on charges, connection charges, Facility utilization Charges, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges.

(o) "CAPITAL IMPROVEMENT CHARGE" shall mean a charge levied on all Benefited Properties for construction work of the Treatment Works.

(p) "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.

(q) "REPLACEMENT COSTS" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of Treatment Works to maintain the capacity and performance for which such works were designed and constructed.

(r) "RESIDENTIAL UNIT" shall mean a single-family dwelling unit, including campers, trailers, and mobile homes, and curtilage, or in the case of a multiple-family structure, each apartment.

(s) "SANITARY SEWER" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(t) "SHALL" is mandatory; "MAY" is permissive.

(u) "SERVICE AREA" shall mean the area within the boundary of the Van Bibber Lake Conservancy District as amended from time-to-time and described in Putnam Circuit Court, Cause No. 67C01-7906-MI-000187.

(v) "SEWAGE" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.

(w) "SEWER MAINTENANCE COSTS" shall mean the costs to transport sewage and to repair the collection system.

(x) "S.S." (Suspended Solids) shall have the same meaning as defined in the Use Resolution.

(y) "SEWER USE RESOLUTION" shall mean a separate enactment to this Resolution, which regulates the connection to and use of public and private sewers.

(z) "TREATMENT WORKS" shall mean any devices and systems including, but not limited to, all buildings utilized by the District for the sewage system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include, but are not limited to, intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process and collection system or is used for ultimate disposal of residues resulting from such treatment (including land for composing sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

(aa) "USER CHARGE" shall mean a charge levied on users and Benefited Properties of the wastewater treatment works and property served

by the works for the cost of operation, maintenance, repayment of debt, and all other costs incurred by the District in connection with the construction, reconstruction, operation and maintenance of the sewage works.

(bb) "USER CLASS" shall mean the division of wastewater treatment customers by sewer availability, source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental).

(cc) "RESIDENTIAL USER" shall mean an owner of real estate not utilized for commercial, institutional, governmental, or industrial purposes.

(dd) "COMMERCIAL USER" shall mean any establishment involved in a commercial enterprise, business or service. Each separate commercial enterprise shall be considered one Commercial User whether or not located in a singular building.

(ee) "INSTITUTIONAL USER" shall mean the owner of any establishment involved in a social, charitable, non-profit, religious, and/or educational function which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(ff) "GOVERNMENTAL USER" shall mean any Federal, State, or local governmental user of the wastewater treatment works.

(gg) "INDUSTRIAL USER" shall mean the owner of any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

## **SECTION 2.**

(A) Rates and charges shall be collected from the owners of each and every lot and parcel of real estate located within the boundaries of the District, which is served by the sewage works, and from the owners of each and every lot and parcel of real estate located within and outside the boundaries of the District that is connected to the District's sanitary sewer system, or otherwise

discharges sewage, industrial wastes, water or other liquids, either directly or indirectly into the sanitary sewer system of the District. Such rates and charges include operation and maintenance, user charges, debt service costs, excessive strength surcharges, capital improvement charges, and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in the amount determined as follows:

(B) The sewage rates and charges for users of the sewage works and properties served by the sewage works shall consist of two components: a flat capital improvement charge to be paid by owners of all Benefitted Property, and a flat operation and maintenance charge to be paid in addition to the capital improvement charge by owners of all property within and outside the boundaries of the District using the sewage works for the treatment and disposal of sewage. The schedule of said rates and charges is as follows:

1. RESIDENTIAL USERS:
  - (a) Capital Improvement Charge: \$21.00 per month.
  - (b) Operation and Maintenance Charge: \$39.06 per month for each Residential Unit separately connected to the treatment works.
2. COMMERCIAL USER, GOVERNMENTAL USER, INSTITUTIONAL USER, AND INDUSTRIAL USER:
  - (a) Capital Improvement Charge: \$21.00 per month.
  - (b) Operation and Maintenance Charge: \$39.06 per EDU per month per connection to the treatment works for each commercial, institutional, governmental, or industrial entity or enterprise conducting business within the boundaries of the District, provided, however, each Commercial User, Governmental User, Institutional User, and Industrial User shall be charged a minimum of one EDU.

The EDU's shall be determined by the District Engineer based upon the classification of the commercial, institutional or governmental Flow Calculation Factors as set forth in 327 IAC 3-6-11 with a minimum of one (1) EDU per

commercial, institutional, non-profit, profit, or governmental entity or enterprise, notwithstanding the fact that a structure may house more than one type of commercial, institutional, non-profit or governmental entity.

(c) Non-Recurring Charges and Other Service Charges:

1. FACILITY UTILIZATION FEE:

Residential Users:

\$1,500.00 per Residential Unit connected to the sewage works.

All Classes and users except Residential Users:

\$1,500 per EDU times the number of EDU's indicated for design purposes in 327 IAC-3-6-11.

2. CONNECTION INSPECTION FEE:

\$125.00 for each connection or reconnection made to the District's sewage system. This fee is due and payable each time a sewer lateral is connected to the District's Treatment Works collection system.

3. CONSTRUCTION INSPECTION FEE:

(a) \$50.00 per residential lot.

(b) All other development inspection costs shall be billed by District at District's cost for said service.

4. ENGINEERING EVALUATION FEE:

\$65.00 per hour for Residential, Commercial Institutional, or Industrial as charged by District Engineer.

5. SEWER CONNECTION APPLICATION FEE:

\$25.00 per connection.

6. BAD CHECK CHARGE:

\$55.00 per bad check.

7. DISCONNECT INSPECTION FEE:

\$125.00 per disconnection from the District's sewage system. This fee shall be due and payable each time a sewer lateral is disconnected from the District's Treatment Works Collection System; provided,

however, if a lot owner is in the process of exchanging a structure located on the lot, no disconnect fee shall be due unless the structure is not hooked up to the District's system for a period of 14 days or more.

8. TRANSFER FEE: \$25.00 for a change of name as a result of a new contract, purchase or lease.
9. EMERGENCY CALL OUT CHARGE: \$55.00 for emergency call out inspection of sewer problems if the problem is not in sewer lines owned by the District.

(d) In order to recover the cost of monitoring commercial, institutional and industrial wastes, the District shall charge the User the actual cost of sampling and analysis.

(e) Facility Utilization Fees shall be charged for any New Connection to the sewer system after the effective date of this Resolution.

### **SECTION 3.**

(a) In order that the rate and charges may be justly and equitably adjusted to the service rendered to users, the District shall base its charges 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 discharges, either directly or indirectly into the sewage system, 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 control manhole suitable located which shall be available to the District at all times.

(b) Normal Domestic Sewage strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid or suspended solids in excess of 250 milligrams per liter of fluid or total Kjeldahl nitrogen in excess of 30 milligrams per liter of fluid. Additional charges for treating stronger-than-Normal Domestic Sewage shall be made on the following basis:



- (1) Rate Surcharge Based Upon Suspended Solids:  
There shall be an additional charge of .20 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.
- (2) Rate Surcharge Based Upon BOD:  
There shall be an additional charge of .20 cents per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.
- (3) Rate Surcharges Based Upon Ammonia:  
There shall be an additional charge of .20 cents per pound for ammonia in excess of 30 milligrams per liter of fluid.

(c) The determination of Suspended Solids and Five-day Biochemical Oxygen Demand and Ammonia contained in the water shall be in accordance with the latest copy of "Standard Methods for the Examination 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 conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973. The volume shall be determined by the Flow Calculation Factors as set forth in 327 IAC 3-6-11.

**SECTION 4.** Such rates and charges shall be prepared, billed and collected by the District monthly.

(a) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners 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 tenant or 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.

(b) As is provided by statute, all rates and charges not paid when due, which is 15 days after the due date of the bill, are hereby declared delinquent. A penalty of ten percent (10%) of the amount of the billed rate attaches to the delinquent fee. This amount (being the billed rate plus the penalty) becomes the rate and charge for the next billing cycle for which no payment was made. If no payment is made for the billing cycle, the ten percent (10%) penalty shall be assessed against the sum of the previous billed fee plus ten percent (10%) penalty plus the subsequent charges. For all bills not paid when due, the methodology above described shall be used. The ten percent (10%) penalty shall be compounded for each bill for which no payment is made. The amount of the rates and charges, the compounded penalty, and a reasonable attorney fee may be recovered by the District in a civil action.

#### **SECTION 5.**

(a) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the costs of providing services to the various Users, the District shall periodically cause a study to be made. Such study shall include, but not be limited to, the volume and delivery flow rate characteristics attributed to the various User, the financial position of the District and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

(b) Said studies shall be conducted by officers or employees of the District, by a firm of certified public accounts, a firm of utility rate consultants and/or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accounts, rate consultants and/or engineers as the District shall determine to be best under the circumstances.

#### **SECTION 6.**

(a) The District shall make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management of the District's sewage system, pumping stations and 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 sewer and connections to the sewage system, and for the regulation, collection, rebating and refunding of such rate and charges. No free service shall be provided to any User of the wastewater treatment facility or owner of property served by the sewage works.

(b) 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 methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works.

**SECTION 7.**

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

**SECTION 8.**

No statement or language in this Resolution shall be construed in any manner to conflict with any applicable statute.

**SECTION 9.**

The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs notwithstanding the terms of this Resolution.

**SECTION 10.**

The rates and charges as herein set forth shall become effective upon the date of the adoption of this Resolution.

**SECTION 11.**

All Resolutions and Ordinances regarding Rates and Charges in conflict with this Resolution are repealed.

**SECTION 12.** This Resolution shall be in full force and effect from and after its passage.

**Passed and adopted by the Board of Directors of the Van Bibber Lake Conservancy District on the 13<sup>th</sup> day of July, 2024.**