

**LAKELAND REGIONAL SEWER DISTRICT**

**ORDINANCE NO. 2020-01**

**SUBDIVISION CONTROL ORDINANCE**

AN ORDINANCE ESTABLISHING PROCEDURES FOR CONNECTING SEWAGE COLLECTION, TRANSMISSION, AND TREATMENT SYSTEMS PRIVATELY CONSTRUCTED FOR SUBDIVISIONS AND INDIVIDUAL LOTS TO THE DISTRICT'S SEWER WORKS; ACCEPTING SAME FOR OWNERSHIP, MAINTENANCE AND REPLACEMENT BY THE DISTRICT; AND PROTECTING AND REGULATING THE CAPACITY OF THE DISTRICT'S SEWAGE WORKS.

WHEREAS, the Kosciusko County Subdivision Control Ordinance requires the Kosciusko County Plan Commission, when persons are seeking primary approval of a subdivision, consider the availability of sanitary sewer facilities, or the lack of them to the proposed subdivision; and

WHEREAS, the Lakeland Regional Sewer District (hereinafter "the District") is authorized, pursuant to IND. CODE §13-26-5-2, to require owners of real property to connect their properties to the District's sewage works when there is an available sanitary sewer within three hundred (300) feet of the structure (or the property line if on a body of water) unless an owner of real property is exempt in accordance with IND. CODE §13-26-5-2.5 or IND. CODE §13-26-5-2.6; and

WHEREAS, the District is from time to time approached by persons who wish to connect individual lots or subdivisions to the District's sewer works and receive sewage collection, transmission, and treatment service from the District; and

WHEREAS, the District wants to insure the connection of individual lots and subdivisions to the District's sewage works does not cause harm to the sewage works either by allowing the introduction of harmful or toxic wastes into the works or by the introduction of flows that exceed the works' capacity either in volume or strength; and

WHEREAS, the District is authorized, pursuant to IND. CODE §13-26-5-2 and IND. CODE §13-26-5-4 to adopt, amend, or repeal standards for the administration of the District's affairs and rules and regulations for the control of the administration and operation of the District's services and facilities; and

WHEREAS, the District is authorized, pursuant to IND. CODE §13-26-5-2, to acquire, operate, or manage works of a person or eligible entity and to acquire, operate, preserve, and maintain works considered necessary to accomplish the purposes of the District's establishment both within and outside of the District;

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

## SECTION 1. Definitions

- 1.1 “Board of Trustees” shall mean the governing body of the District as duly appointed in accordance with The Code.
- 1.2 “Capacity” shall mean the limit, expressed in terms of volume of flow, strength of flow, including the strength of its various individual components, or both, at which a sewage works or any part thereof is designed to operate or is authorized to operate by federal, state, or local law.
- 1.3 “Certified Operator” shall mean the person or entity holding the position of certified operator of the sewage works of the District, or his, her or its duly authorized employee, deputy, agent, or representative.
- 1.4 “District” shall mean the Lakeland Regional Sewer District of Kosciusko County, Indiana; and shall include such employees, contractor’s agents, or designees of the District, as it shall, from time to time utilize in making the examinations, reviews, inspections and/or tests referred to herein.
- 1.5 “District Administrative Manager” shall mean the administrator or company hired to handle the administration of the Lakeland Regional Sewer District or its authorized deputy, agent or representative assigned by the District to supervise the day-to-day operation and charged with certain duties and responsibilities by this Ordinance. The Administrator may be a natural Person or a corporation, limited liability company (LLC), partnership or other organization providing operation services to the District pursuant to an agreement.
- 1.6 “Inspector” shall mean a Person duly authorized by the District, through its Board of Trustees or the District Administrative Manager, to inspect and approve the installation of Building Sewers and their connection to the Public Sewer.
- 1.7 “Person” shall mean any and all persons, natural or artificial, including, but not limited to, any individual, firm, company, municipal or private corporation, limited liability company, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
- 1.8 “Private Sewer” shall mean pipe, conduit, grinder pump system, air release valve, pumping station, manhole, valve or any other components which is **NOT** owned **NOR** operated by the District or any public authority for the purpose of carrying Sewage or other waste liquids.
- 1.9 “Public Sewer” shall mean pipe, conduit, grinder pump system, air release valve, pumping station, manhole, valve or any other components which is owned and controlled by the District or any public authority for the purpose of carrying Sewage or other waste liquids.

- 1.10 “Sanitary Sewage” shall mean Sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions that is free from storm water, surface water and Industrial Waste.
- 1.11 “Sewage” shall mean the water-carried wastes, including, but not limited to Gray Water, from residences, commercial buildings, institutions and industrial establishments or any building or use, singularly or in any combination, together with such unintentional ground, surface and storm waters as may be present.
- 1.12 “Sewage Works” shall mean all public facilities and systems for collecting, transporting, pumping, treating and disposing of Sewage and Sludge, namely the “Sewerage System” and WWTP, whether or not in active use.
- 1.13 “Sewer” shall mean a pipe or conduit for carrying Sewage or other waste liquids as differentiated below:
- 1.13.1 “Sanitary Sewer” shall mean a Sewer that carries Sewage and to which storm, surface and ground waters and unpolluted industrial wastewaters are not intentionally admitted.
- 1.13.2 “Storm Sewer” shall mean a Sewer that carries storm, surface and ground water drainage but excludes Sanitary Sewage.
- 1.14 Shall” is mandatory; “May” is permissive.
- 1.15 “Single Lot” shall mean one lot, tract, or parcel of real property.
- 1.16 “Subdivision” shall mean the division of a single lot, tract or parcel of real property, or part thereof, into two (2) or more lots (or a group of lots or parcels previously divided), for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes or the division of a single lot, tract or parcel of real property, or part thereof, into two (2) or more lots by means of buildings, building groups, streets, alleys, parking areas or leaseholds for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes.
- 1.17 “The Code” means IND. CODE §13-26 et seq.
- 1.18 Any terms not defined herein, but defined in the District’s Rate Ordinances or the District’s Sewer Use Ordinances or any amendment thereto shall have the same meaning herein.

## SECTION 2. Subdivisions

- 2.1 No person owning a Subdivision or his agent shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof, nor shall the District accept for ownership, operation, maintenance, repair, or replacement the Private Sewers of said Subdivision, nor shall the District reserve capacity in its works or advise any other entity of any commitment to provide sewage collection, transmission, and

treatment service to a subdivision unless and until the person owning a Subdivision shall first obtain a written Tap permit from the District. The Tap permit may be obtained only by the Owner or a Licensed Contractor duly authorized by the Owner to obtain the permit.

- 2.2 The owner of each Subdivision or its agent shall apply for the aforementioned Tap permit on an application form furnished by the District. The owner shall provide with the completed application such plans, specifications, drawings, schematics, or other information deemed necessary by the District Administrative Manager and the Certified Operator for thorough and proper consideration of the Subdivision's proposed Private Sewer. A nonrefundable application fee of \$120.00 shall be paid to the District at the time the application is filed. The Tap permit shall be valid for a period of two (2) years.
- 2.3 A Tap permit shall not be issued unless and until (a) the District Administrative Manager and the Certified Operator have examined and reviewed the application and any information provided in addition thereto, (b) the District Administrative Manager and the Certified Operator have recommended in writing to the Board of Trustees that the application be approved, and (c) the Board of Trustees has approved the application.
- 2.4 The District Administrative Manager and the Certified Operator shall examine and review the application and any information provided in addition thereto for the purpose of ensuring that the Private Sewer proposed for the Subdivision is compatible with and will not harm the District's Sewage Works, that the proposed Private Sewer will not result in the introduction of flows that will cause harm to the District's Sewage Works, the Private Sewer meets the then current District's Development Standards, and that the proposed Private Sewer will not result in flows that will cause the District to exceed its capacities, either by volume or strength. The District Administrative Manager or the Certified Operator may retain the services of an engineer or other professional advisor as either deems necessary to accomplish said purposes. All costs of and expenses incident to retaining the services of an engineer or other professional advisor shall be borne by the Tap permit applicant.
- 2.5 To reserve Capacity in the District's Sewage Works, the Subdivision owner shall pay the Capacity Charges then in effect at the time. The amount due shall be the amount equal to the number of ESFDU x the then current Capacity Charge. The payment of said charges will reserve that number of ESFDU's for Subdivision owner indefinitely. Provided however, and notwithstanding the foregoing, if the District's waste water treatment plant, that is a part of its Sewage Works, reaches 75% of its daily capacity, it may inform the Subdivision owner that he/she/it has 2 years to utilize all reserved capacity. If said capacity is not utilized for the ESFDUs within that 2 year period, the District may revoke the reserved capacity and retain all fees paid.
- 2.6 So long as there remains capacity in the District's Sewage Works, in accordance with Section 2.5, the Tap permit shall be renewed (provide the owner/developer is in compliance with the requirement under said Tap permit) at no charge.

- 2.7 The Subdivision's Private Sewers shall be installed and connected to the District's Sewage Works in conformity with all applicable federal, state, and local laws, including, but not limited to, the District's Sewer Use Ordinance.
- 2.8 A Subdivision's Private Sewers shall not be accepted by the District for ownership, operation, maintenance, repair, or replacement until it has been completed to the satisfaction of the District's inspector. Provided however, all lines, equipment and related components from any structure to a grinder (or mainline in no grinder) shall remain Private Sewer. The inspector shall be allowed to inspect the Subdivision's Private Sewers at any stage of the installation or construction and, in any event, the applicant for the Tap permit shall notify the inspector when the work is ready for final inspection and before any underground portions are covered. All costs and expenses incident to any inspection shall be borne by the Subdivision owner.
- 2.9 The Subdivision owner shall warrant the workmanship, materials, and equipment of the Subdivision's Private Sewers for a period of one year from the date the District accepts the Subdivision's Private Sewers for ownership, operation, maintenance, repair, or replacement. In the event that any part or portion of the Subdivision's Private Sewers shall fail during the warranty period, the Subdivision owner shall repair or replace the same at its sole expense.
- 2.10 The Subdivision owner shall indemnify the District and hold the District harmless from any loss or damage to the District's Sewage Works that is related to or arises from the connection of the Subdivision's Private Sewers to the District's Sewage Works.
- 2.11 As a condition of connecting the Subdivision's Private Sewers to the District's Sewage Works, and the District accepting ownership, operation, maintenance, repair, or replacement of the Subdivision's Private Sewers, the Subdivision owner shall grant to the District and record, at the owner's sole expense, in the office of the Recorder Kosciusko County a permanent easement for each and every area of the Subdivision's Private Sewers for the purposes of operating, cleaning, maintaining, repairing, replacing, and inspecting said Private Sewers (which will at that time then become Public Sewers). Said easement shall be provided by the District or be subject to its approval, in addition it shall comply with all applicable state and local laws, including, but not limited to, the Kosciusko County Subdivision Control Ordinance and any amendments thereto.
- 2.12 When an Owner is connected to the Sewage Works for which capacity has been continuously reserved in accordance with this Section, the Owner shall not owe and additional Capacity Charge unless the original reservation of capacity shall have lapsed.

### SECTION 3. Single Lots

- 3.1 No person owning a Single Lot or his agent shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof, nor shall the District accept for ownership, operation, maintenance, repair, or replacement the Private Sewers of said lot, nor shall the District reserve capacity in its works or advise any other entity of any commitment to provide sewage collection, transmission, and treatment service

to a lot unless and until the person owning any lot shall first obtain a written Tap permit from the District. The Tap permit may be obtained only by the Owner or a Licensed Contractor duly authorized by the Owner to obtain the permit.

- 3.2 The owner of each Single Lot or its agent shall apply for the aforementioned Tap permit on an application form furnished by the District. The owner shall provide with the completed application such plans, specifications, drawings, schematics, or other information deemed necessary by the District Administrative Manager and the Certified Operator for thorough and proper consideration of the Single Lot owner's proposed Private Sewer. A nonrefundable application fee of \$120.00 shall be paid to the District at the time the application is filed. The Tap permit shall be valid for a period of two (2) years.
- 3.3 A Tap permit shall not be issued unless and until (a) the District Administrative Manager and the Certified Operator have examined and reviewed the application and any information provided in addition thereto, (b) the District Administrative Manager and the Certified Operator have recommended in writing to the Board of Trustees that the application be approved, and (c) the Board of Trustees has approved the application.
- 3.4 The District Administrative Manager and the Certified Operator shall examine and review the application and any information provided in addition thereto for the purpose of ensuring that the Private Sewer proposed for the Single Lot is compatible with and will not harm the District's Sewage Works, that the proposed Private Sewer will not result in the introduction of flows that will cause harm to the District's Sewage Works, the Private Sewer meets the then current Development Standards, and that the proposed Private Sewer will not result in flows that will cause the District to exceed its capacities, either by volume or strength. The District Administrative Manager or the Certified Operator may retain the services of an engineer or other professional advisor as either deems necessary to accomplish said purposes. All costs of and expenses incident to retaining the services of an engineer or other professional advisor shall be borne by the Tap permit applicant.
- 3.5 A Single Lot Tap permit shall serve to reserve capacity in the District's Sewage Works for the approved Single Lot development for the period of time that the Tap permit is in effect. So long as there remains capacity in the District's Sewage Works, in the sole discretion of the District, the Tap permit may be renewed for successive one year periods at no charge.
- 3.6 The Capacity Charge to be paid by the owner of the Single Lot shall be the Capacity Charge in effect at the time of connection by the Single Lot owner.
- 3.7 The Single Lot owner's Private Sewers shall be installed and connected to the District's Sewage Works in conformity with all applicable federal, state, and local laws, including, but not limited to, the District's Sewer Use Ordinance.
- 3.8 A Single Lot's Private Sewers shall not be accepted by the District for ownership, operation, maintenance, repair, or replacement until it has been completed to the satisfaction of the District's inspector. The inspector shall be allowed to inspect the Single Lot's Private Sewers at any stage of the installation or construction and, in any event, the applicant for the Tap permit shall notify the inspector when the work is ready for final

inspection and before any underground portions are covered. Notwithstanding the foregoing, the connection from the home or structure to the grinder (and all related components) shall remain a Private Sewer and the property of the Lot owner. All costs and expenses incident to any inspection shall be borne by the Single Lot owner.

- 3.9 The Single Lot owner shall warrant the workmanship, materials, and equipment of the Single Lot's Private Sewers for a period of one year from the date the District accepts the Single Lot's Private Sewers for ownership, operation, maintenance, repair, or replacement. In the event that any part or portion of the Single Lot's Private Sewers shall fail during the warranty period, the owner shall repair or replace the same at its sole expense.
- 3.10 As a condition of connecting the Single Lot owner's Private Sewers to the District's Sewage Works, and the District accepting ownership, operation, maintenance, repair, or replacement of the Private Sewers, the owner shall grant to the District and record, at the owner's sole expense, in the office of the Recorder Kosciusko County a permanent easement to be located 5 feet from each side of all components associated with the Private Sewers (10 feet wide total) for the purposes of operating, cleaning, maintaining, repairing, replacing, and inspecting said Private Sewers (which will at that time then become Public Sewers). Said easement shall be provided by the District or in a form acceptable to the District, and said easements shall also comply with all applicable state and local laws, including, but not limited to, the Kosciusko County Ordinances and any amendments thereto.

#### SECTION 4. Regulation of Capacity

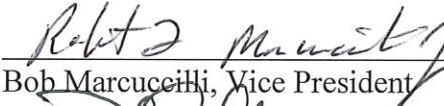
- 4.1 The District Administrative Manager and the Certified Operator shall create and maintain or cause to be created and maintained maps, charts, diagrams, spreadsheets or other compilations of information for the purpose of monitoring and tracking the capacities of the District's Sewage Works and whether existing flows and reserved flows are approaching those capacities.
- 4.2 The District Administrative Manager and/or the Certified Operator shall report to the Board of Trustees periodically or upon request by the Board of Trustees on the extent to which existing flows and reserved flows have approached or exceeded the District sewage works' capacities.

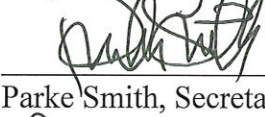
#### SECTION 5. Miscellaneous Matters

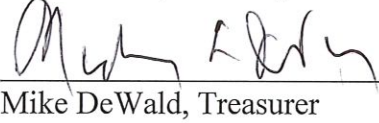
- 5.1 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect any other part of this Ordinance, which shall be given effect without such invalid part or parts.
- 5.2 This Ordinance shall take effect upon promulgation according to law.

ALL OF WHICH IS DULY ORDAINED THIS 16<sup>th</sup> DAY OF December, 2020, BY A VOTE OF 6 FOR, 0 AGAINST, AND 0 ABSTAIN.

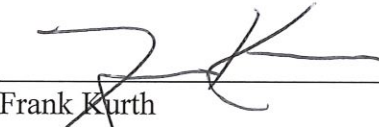
  
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Jim Haney, President

  
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Bob Marcucci, Vice President

  
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Parke Smith, Secretary

  
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Mike DeWald, Treasurer

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Joe Cleland

  
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Frank Kurth

  
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Sue Ann Mitchell

ATTEST:   
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