

LAKELAND REGIONAL SEWER DISTRICT

ORDINANCE NO. 2024-01

**AN AMENDED AND RESTATED ORDINANCE DESCRIBING
THE DISTRICT'S POLICY
CONCERNING REDUCTION IN BILLING**

WHEREAS, the Lakeland Regional Sewer District, hereinafter the ("District"), a regional sewer district organized and authorized to operate under the laws of the State of Indiana, is empowered to establish rules and regulations to control the administration and operation of the District's service and facilities and to exercise of all of the District's rights of ownership, pursuant to I.C. 13-26-5-2(4), I.C. 13-26-5-3, and I.C. 13-26-5-4; and

WHEREAS, the District adopted that certain Ordinance Describing the District's Policy Concerning Reduction in Billing Ordinance No. 2018-02 which is amended and restated in its entirety by this ordinance ("Ordinance");

WHEREAS, the District is further empowered to fix, alter, charge, and collect reasonable rates and other charges in the area served by the District's facilities to every person whose premises are, whether directly or indirectly, provided with sewage services by the facilities for the purpose of providing for the payment of the expenses of the District; the construction, acquisition, improvement, extension, repair, maintenance, and operation of the District's facilities and properties; and the payment of principal or interest on the District's obligations, pursuant to I.C. 13-26-5-2(7); and

WHEREAS, pursuant to I.C. 13-26-11-9, the District is precluded from setting and collecting rates and charges that are too low to meet the District's financial requirements; and

WHEREAS, the District is required by agreements with its lender, as a result of the release of the funds by the lender after the expiration of the ordinance appeal period on the Bond Obligation Date (as hereinafter defined) and by an ordinance authorizing the issuance of bonds to pay for the cost of constructing its works to set its rates and charges at levels sufficient to generate revenue to repay the principal and interest of the amount borrowed; and

WHEREAS, the Board of Trustees of the District, hereinafter "the Board," from time to time, receives or is likely to receive requests from individual users of the District's works to reduce or discontinue billing to said users; and

WHEREAS, the Board wishes to establish a policy related to reduction or elimination of charges so that decisions related to that matter may be addressed in a fair, consistent, and lawful manner, pursuant to the District's use, rate, and bond ordinances;

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

1. Unless the context specifically indicates otherwise, terms used in this Ordinance shall have the same meaning as those terms are defined in the District use ordinance and the District rate ordinance currently in effect. Terms used in this Ordinance but not defined in the District use ordinance or the District rate ordinance currently in effect shall have the same meaning as those terms are found in I.C. 13-11-2 or, if not found in I.C. 13-11-2, as those terms are commonly used by persons engaged in the construction, operation, and management of sanitary sewer collection, transmission and treatment systems.

2. Once the District has begun charging the owner of a parcel of real property served by or capable of being served by the District's works ("Owner") 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 said parcel.

3. In the event that an Owner rendered a parcel of real property permanently incapable of producing sewage, on or before July 6, 2015 ("Bond Obligation Date") the Board may authorize the discontinuance of all charges to said Owner, provided said property owner provides the District with documentation, to the District's reasonable satisfaction, that the property was permanently incapable of producing sewage on or before the Bond Obligation Date.

4. In the event that an Owner shall render a parcel of real property, after the Bond Obligation Date, permanently incapable of producing sewage in a manner satisfactory to the District, the Board may authorize the discontinuance of monthly operation and maintenance charges, but not monthly debt service charges, to said Owner ("Partial Rate Elimination"). Monthly debt service charges for said parcel shall not be terminated or reduced from the level stated in the schedule of rates and charges in the District rate ordinance currently in effect.

5. In the event that an Owner shall raze all sewage-producing structures on two or more adjoining parcels of real property, combine by use or lawful designation the adjoining parcels into one parcel, and construct one or more sewage-producing structures on the combined parcel after the Bond Obligation Date:

- a. The Board may authorize the discontinuance of the monthly operation and maintenance charges for each, previously separate parcel and bill the Owner for operation and maintenance to the combined parcel according to the schedule of rates and charges in the District rate ordinance currently in effect; and
- b. The Owner shall continue to pay the monthly debt service charge for each, previously separate parcel that was combined into one parcel, and said monthly debt service charge shall not be terminated or reduced from the level stated in the schedule of rates and charges in the District rate ordinance currently in effect.

6. In the event that an Owner shall raze all sewage-producing structures on two or more adjoining parcels of real property, combine by use or lawful designation the adjoining

parcels into one parcel, and construct one or more sewage-producing structures on the combined parcel before the Bond Obligation Date, the District may treat the combined parcels as one sewage-producing parcel.

7. As conditions of the Board's approval of a Partial Rate Elimination, the Owner shall do the following:

- a. Remove from any and all structures on the parcel or render the parcel permanently incapable of producing sewage in a manner satisfactory to the District to include, but not limited to removal of all plumbing, including, but not limited to, toilets, sinks, showers, tubs, and faucets; 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 parcel; Disconnect, cut, and/or cap in a manner satisfactory to the District all sanitary sewer lines running from any structure on the parcel to the District's line;
- b. Pay in full all monthly charges and administrative costs due on or before the date of the Partial Rate Elimination approval;
- c. Cause to be performed and pay all costs related to, associated with, or arising from the disconnection of the Owner's parcel and uses from the District's works.
- d. Perform the following in accordance with the District's specifications:
 - i. Remove the grinder pump, electrical control panel, and/or other related equipment owned by the District and located on the Owner's parcel and return to the District;
 - ii. Abandon and either remove or fill (in accordance all District specifications and local and state codes and laws) the grinder pit;
 - iii. Close, cap, or terminate any lateral or other sewer line from the parcel to the District's collection line at the District' curb stop in a manner acceptable to the District;
- e. Perform or cause to be performed all work related to, associated with, or arising from disconnection of the Owner's parcel from the District's works in a manner acceptable to and approved by the District;
- f. Execute a recordable form of acknowledgment approved by the Board 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.
- g. Execute and amended easement agreement allowing the District appropriate access to its curb stop and abandoning the District's easement area associated the grinder pump, grinder pit and other infrastructure which shall be come the obligation of the Owner.
- h. Confirm that the septic system was disconnected, cut, closed and/or capped in a manner required by 410 IAC 6-8.3-90 (as amended from time to time) and satisfactory to the Kosciusko County Health Department and the District.

8. If the owner is a part of a shared grinder pump, all obligations in Section 7 above shall apply except for Sections 7 i. and ii., and the Owner's obligations under 7.iii. shall stop at

the “stub out” from the District’s grinder pump.

9. As a condition of the Board’s approval of the discontinuation of all charges for a disconnection on or before the Bond Obligation Date, the Owner shall provide proof that one or more of the following, as may be deemed necessary by the District, occurred prior to the Bond Obligation Date:

- a. any and all structures on the parcel, external plumbing, including, but not limited to, toilets, sinks, showers, tubs, and faucets were removed or permanently rendered incapable of producing sewage;
- b. the septic system was disconnected, cut, closed and/or capped in a manner required by 410 IAC 6-8.3-90 (as amended from time to time) and satisfactory to the Kosciusko County Health Department and the District; and/or
- c. all water supply lines running from any water source to any structures on the parcel were disconnected and properly capped.

10. Notwithstanding any other policy contained in this Ordinance, due to the District’s costs associated with a connection to the District’s works, any requests from individual users of the District’s works to reduce or discontinue billing to said user after the connection of the parcel or property to the District’s works shall be treated as if the request and disconnection occurred after the Bond Obligation Date.

11. If the Board approves the Owner’s request for a Partial Rate Elimination or elimination in charges, the Owner shall thereafter obtain a connection permit prior to the date the Owner intends to restore any improvements on their parcel to a sewage producing structure.

12. In the event that an Owner of a parcel that has been disconnected from the District’s works restores or constructs any structure so that it is capable of producing sewage or potentially capable of producing sewage on said parcel, said Owner shall be required to reconnect or connect, as the case may be, said parcel to the District’s works. The District shall supply the Owner with a grinder pump (as chosen by the District) at no cost to the Owner. The Owner shall pay all other costs related to, associated with, or arising from reconnecting or connection the parcel to the District’s works, including, but not limited to, restoration of the grinder chamber or purchase of a new pump chamber if necessary, and related equipment; construction and installation; inspections; and administrative costs. Immediately upon establishing the reconnection or connection to the District’ works, said Owner shall pay and shall pay thereafter the full monthly amount charged to users in the service area where the property is located. In addition, the Owner will not be required to pay the District’s Capacity Fee for reconnection.

13. All requests for Partial Rate Elimination or elimination of charges shall be brought to the Board for consideration and decision. The Board shall not entertain nor act on any request for Partial Rate Elimination or elimination of charges until the property and or related documentation has been inspected by the District’s duly authorized agents or employees and said agents or employees have advised the Board that the Owner has complied with this Ordinance in its entirety.

In the event an Owner wishes to temporarily receive a Partial Rate Elimination associated with the raising and subsequent construction (or reconstruction) of a dwelling or other sewage producing structure, the Owner must comply with Section 7. above. Provided however, said Owner need not comply with Section 7.d. so long as the Owner is actively pursuing the reconstruction of a sewage producing structure. If construction or development of a new structure ceases for a period of longer than 3 months, or the total construction time extends longer than 18 months, the District may require the Owner to complete the requirements of Section 7.d. Provided however, the District upon notice and discussion with an Owner, may consider extenuating circumstances to extend the foregoing timelines. In addition, any Owner exercising the temporary Partial Rate Reduction under this Section 14, agrees to indemnify and/or reimburse the District for any cost of repairs to the District's equipment associated with non-use for an extended period of time.

[Signatures follow on next page.]

ALL OF WHICH IS DULY ORDAINED THIS 21ST DAY OF FEBRUARY, 2024.2024

LAKELAND REGIONAL
SEWER DISTRICT
BOARD OF TRUSTEES

Jim Hargis
John ...
...
...
Mark ...

Attest:

John ...