

TIPPECANOE AND CHAPMAN REGIONAL SEWER DISTRICT
SEWER RATE ORDINANCE

ORDINANCE NO. 2022-9-19-2

An Ordinance establishing a schedule of rates and charges to be collected by the District (as hereinafter defined) from the property owners of the District to be served by the Sewage Works (as hereinafter defined) of the District and other matters connected therewith ("Ordinance").

WHEREAS, the District is duly constituted to provide for the collection, treatment, and disposal of Sewage (as hereinafter defined) inside and outside the District, pursuant to IND. CODE §13-26 *et seq.*; and

WHEREAS, the District has heretofore authorized the construction, maintenance and operation of Sewage Works for the collection and disposal of Sewage under the provisions of IND. CODE §13-26 *et seq.*; and

WHEREAS, the District is authorized, pursuant to IND. CODE §13-26-11-1 *et seq.*, to fix, alter, charge, and collect reasonable rates and other charges in the area served by its Sewage Works to every Person (as hereinafter defined) whose premises are, whether directly or indirectly, provided with Sewage services by the Sewage Works (or such Sewage Works are available) 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 and properties; the payment of principal 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 (as hereinafter defined), pursuant to IND. CODE §13-26-11-8, shall, by ordinance, establish just and equitable rates or charges for the use of and service rendered by the Sewage Works, payable by the Owner (as hereinafter defined) of each lot, parcel of land, or building that is connected with and uses the Sewage Works, that is required to be connected and that is to use the Sewage Works or that in any way uses or is served by the Sewage Works or the District; and

WHEREAS, pursuant to IND. CODE §13-26-11-9, just and equitable rates are considered to be those rates that provide sufficient revenue to pay all expenses incident to the operation of the Sewage Works to include maintenance cost, operating charges, upkeep, repairs, and interest charges on bonds or other obligations; provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds; and provide adequate funds to be used as working capital, as well as funds for

making improvements, additions, extensions, and replacements; and

WHEREAS, the District is building and installing Sewage Works within the District in the form of a sanitary sewage collection system and has established a schedule of rates and charges to pay all lawful expenses associated with the construction and operation of said system;

WHEREAS, IND. CODE §13-26-11-1 *et seq.* require that the rates and charges to be collected for the use of and the service rendered by such Sewage Works to be fixed by ordinance, finally adopted after due notice and public hearing, and authorizes the collection of rates and charges;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TIPPECANOE AND CHAPMAN REGIONAL SEWER DISTRICT, KOSCIUSKO COUNTY, INDIANA:

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

- (a) “BOD” (or “Biological Oxygen Demand”) has the same meaning as defined in the Sewer Use Ordinance.
- (b) “Board” means the Board of Trustees of the Tippecanoe and Chapman Regional Sewer District, or any duly authorized officials acting on its behalf.
- (c) “Campground ” means any real property that is set aside and offered by a Person or entity for either direct or indirect remuneration of the owner, lessor, or operator of such place for the parking or accommodations of Recreational Vehicles, tents, camper trailers, camping trucks, motor homes, and/or similar shelters, which are not designed for year round occupancy.
- (d) "Capacity Charge" (commonly referred to as a “connection charge”) means the charge issued to a new customer, who is connecting to the existing Sewage Works of the District, to help set aside capital funds to replace the capacity that will be used by a new customer as well as compensate and/or reimburse the District for administrative and other fees and costs associated with the new customer connection.
- (e) “Credit Card” means a credit card, debit card, charge card, or stored value card.

- (f) "Debt Service Costs" shall mean the principal and interest payments on all proposed revenue bonds or other long-term capital debt as indicated on **Schedule A**.
- (g) "District" means the Tippecanoe and Chapman Regional Sewer District, acting by and through the Board.
- (h) "Dwelling Unit" means a room or rooms in which cooking and/or sleeping facilities are or can be provided.
- (i) "EDU" means Equivalent Dwelling Unit as basis for determining charges under this Ordinance being 1.0 Equivalent Unit.
- (j) "Electronic Funds Transfer" means a transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephone, computer, or other electronic means to order, instruct, or authorize a financial institution to debit or credit an account.
- (k) "Employee" or "employee" for the purposes of calculating the number of employees under this Ordinance, an employee shall equal each full time equivalent ("FTE") employee. Each employee who works at least 30 hours per week, or more, shall be one (1) FTE, and to determine the equivalent FTE for part-time employees (all those employees who work less than 30 hours per week) divide the total hours worked by part-time employees per month (as month is determined below) by 120 hours to determine how many FTE's (or a fraction thereof) the part-time employees equal. All calculations of the number employees, for the purposes of this Ordinance, shall be calculated based on the number of employees during any Commercial, Industrial or Governmental Users' peak month of employment.
- (l) "Equivalent Unit" means a single-family residence; Manufactured Home; Park Model Home; or Mobile Home that is not located in a Mobile Home park.
- (m) "Excessive Strength Surcharge" means an additional charge that is billed to Users for treating Sewage wastes with an average strength in excess of Normal Domestic Sewage.
- (n) "Fine" means a sum of money that is paid for an infraction of rules and/or regulations.
- (o) "Guesthouse" means a structure that contains a **non-leased** (including short-term rentals) Dwelling Unit, which is located on the same and/or immediately adjacent lot

(including across a roadway or drive) as a Single-Family Dwelling Unit but does not share a common wall with the Single-Family Dwelling Unit. Moreover, a Guesthouse must be owned by the same Person or nuclear family that owns the Single-Family Dwelling Unit.

The District reserves the right to enforce this definition using its reasonable discretion. Some unique properties will be included should the District determine that the property conforms to the spirit of this definition.

- (p) “Industrial Wastes” means the wastewater discharges from industrial, trade, or business processes, as distinct from employee wastes from sanitary conveniences.
- (q) “Manufactured Home” means a factory-built unit that meets Federal performance standards and that is assembled in a factory, has a chassis, is transported by special permit, and serves as a Dwelling Unit capable of year-round occupancy.
- (r) “Mixed Mobile Home and Campground” means a property (or grouping of adjoining properties functioning as one business endeavor) that has both real property that is set aside and offered by a Person or entity for either direct or indirect remuneration of the owner, lessor, or operator of such place for the parking or accommodations of Recreational Vehicles, tents, camper trailers, camping trucks, motor homes, and/or similar shelters, which are not designed for year round occupancy, as well as, Mobile Home sites.
- (s) “Mobile Home” means a residential structure that is transportable in one or more sections, is thirty-five (35) feet or more in length with the hitch, is built on an integral chassis, is designed to be used as a place of human occupancy when connected to the required utilities, contains the plumbing, heating, and/or electrical systems in the structure, and is constructed so that it may be used with or without a permanent foundation.
- (t) “Mobile Home Court” means an area of land with at least five (5) Mobile Home, and/or Park Model Home, sites that share a common sanitary sewer collection system, and are capable of being used for the long-term placement of Mobile Homes and/or Park Model Homes.
- (u) “Multi-Family Structure” means a structure that contains five (5) or more individual Dwelling Units, such as apartments or condominiums meeting the foregoing criteria.
- (v) “Non-Sewage Producing Garage” means non-commercial structure, which is detached, used for storage, workshop, repair or the like activities and only contains a

floor drain (or no floor drain at all) and no Dwelling Units, sinks, bathrooms, interior spigot or other water or sewer facilities.

(w) “Normal Domestic Sewage” (i.e., for the purpose of determining surcharges) means wastewater or Sewage having an average daily concentration as follows:

1. Phosphorus - not more than 8 mg/l
2. S.S. - not more than 250 mg/l
3. Ammonia - not more than 30 mg/l
4. BOD - not more than 250 mg/l

The determination of suspended solids and five-day biochemical oxygen demand and other determinations, pursuant to the above, contained in the waste shall be in accordance with the latest copy, as of the date of adoption of this Ordinance, of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", promulgated by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association, which standards are hereby incorporated by reference.

(x) “NPDES (National Pollutant Discharge Elimination System) Permit” has the same meaning as it does in the Sewer Use Ordinance.

(y) “Operation and Maintenance Costs” means 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 (i.e., such costs include Replacement Costs).

(z) “Other Service Charges” means Capacity Charges, area charges, upgrade charges, and other identifiable charges, which do not include User Charges or Excessive Strength Surcharges.

(aa) “Owner” means an owner of real property within the District.

(bb) “Park Model Home” means a smaller residential structure that is transportable but designed for long term or permanent placement and to operate with home-style fixtures and utilities.

(cc) “Penalty” means a sum of money, generally set by this Ordinance as authorized by The Code, for not paying User Charges, Other Service Charges or other rates and charges by the specified time.

- (dd) “Person” means 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.
- (ee) “Recreational Vehicle(s)” means a travel trailer, collapsible trailer, truck-mounted camper or motor home. A Recreational Vehicle is not a Mobile Home or Park Model Home.
- (ff) “Replacement Costs” means the expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the Sewage Works equipment to maintain the capacity and performance for which such works were designed and constructed.
- (gg) “S.S.” (or “Suspended Solids”) has the same meaning as it does in the Sewer Use Ordinance.
- (hh) “Sewage” shall mean the water-carried wastes, including, but limited to, gray water, from residences, business buildings, commercial establishments, institutions and industrial establishments or any building or use, singularly or in any combination.
- (ii) “Sewage Producing Garage” means a non-commercial, detached, Sewage producing structure used for the storage, workshop, repair or like activities and is located on the same and/or immediately adjacent lot (including across a roadway or drive) as a Single-Family Dwelling Unit, but it does not itself contain a Dwelling Unit.
- (jj) “Sewage Producing Structure” means any structure capable of producing Sewage.
- (kk) “Sewage Works” shall mean all public facilities and systems for collecting, transporting, pumping, treating and disposing of sewage and sludge, including the sewerage collection systems and the wastewater treatment facilities, whether or not in active use.
- (ll) “Sewer Use Ordinance” means a separate and companion enactment to this Sewer Rate Ordinance that regulates the connection to and use of public and private sewers as amended from time to time.
- (mm) “Shall” is mandatory; “may” is permissive.
- (nn) “Single-Family Dwelling Unit” means a single-family residence/unit; a Mobile Home; or Manufactured Home that is not located in a Mobile Home park or is not a Multifamily Structure.

- (oo) “The Code” means IND. CODE §13-26 et seq.
- (pp) “User or Users” Residential User, Commercial User, Institutional User, Governmental User, Industrial User or any other user of the Sewage Works.
- (qq) “User Charges” means a charge levied on Users of the wastewater treatment Sewage Works for the cost of, including but not limited to, a share of Operation and Maintenance Charges, Debt Service Costs, reserves and maintenance of the Sewage Works, pursuant to Section 204(b) of Public Law 92-500 and The Code.
- (rr) “User Type” means the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and/or governmental):
- (1) **Residential User** – means a User of the Sewage Works, whose premises or building is used primarily as a residence for one or more persons, including all Dwelling Units, etc.
 - (2) **Commercial User** – means any establishment involved in a commercial enterprise, business, or service, which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - (3) **Institutional User** – means any establishment involved in a social, charitable, religious, and/or educational function, which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - (4) **Governmental User** – means any federal, state, or local governmental User of the Sewage Works.
 - (5) **Industrial User** – means any manufacturing or processing facility that discharges Industrial Waste to the Sewage Works.
- (ss) “Youth Camp” means a youth camp as defined in IC 13-11-2-270.

Section 2. Every Person, User and/or Owner whose premises connects to, uses, is required to be connected to, or is served by the District’s Sewage Works shall be charged (including Debt Service Costs customers as applicable). These charges are established for each User Type and class of User, in order that the Sewage Works shall recover from each User Type therein revenue,

which is determined by its use or potential peak use of the Sewage Works in terms of volume and load. User Charges are levied, in part, to defray the Operation and Maintenance Costs, including replacement, of the Sewage Works. User Charges shall be uniform in magnitude within a class of User Type. The various classes of Users of the treatment works for the purpose of this Ordinance are described on **Schedule A** ("Schedule of Rates and Charges").

Section 3. For the availability or use of and service rendered by the Sewage Works, rates and charges shall be collected from the Owners of each and every lot, parcel of real estate, or building that is connected, required to be connected to the District's sanitary system, or otherwise discharges sanitary sewage, Industrial Waste, water, or other liquids, either directly or indirectly, into the Sewage Works of the District. In addition, Owners of each and every lot or parcel of real estate shall be charged Debt Service Costs only, as described and required in this Ordinance. Such rates and charges include User Charges, Excessive Strength Surcharges, and Other Service Charges, which shall be payable as provided hereinafter and in an amount determined as provided for in Schedule of Rates and Charges.

- (a) The monthly rates and charges provided shall be applied throughout the year based upon the maximum Sewage service capacity required in any month in any calendar year. For example, User Charges based upon employment shall be applied throughout the year based upon the maximum employment of the User (or potential User if not connected as required) for such single maximum employment month, and such maximum usage shall be applied throughout the year.
- (b) The District will begin its original project in 2022/2023 to construct its Sewage Works to serve the District ("**Original Project**"). Pursuant to IND. CODE §§13-26-11-5, in order to produce an amount sufficient to meet the expenses and costs of the District payable prior to the completion of the Original Project, the Owners of each and every lot, parcel of real estate or building required to be connected with the District's Sewage Works in the Original Project upon completion, or required to make Debt Service Costs payments pursuant to Section 7 of this Ordinance shall then pay (as determined by the ultimate User status) an amount sufficient to pay the expenses and cost of the District and its billing in the amounts as shown on the attached **Schedule B** ("**Interim Rate**"). However, beginning with the first full month after the sanitary sewers for District customers from the Original Project are available for connection and use to any lot, parcel of real estate or building, the customers/Users/Owners of the District who are required to be connected shall then be subject to the full Schedule of Rates and Charges.
- (c) In accordance with IND. CODE §13-26-11-2 ("Metered Rate Code"), a Campground

and Youth Camp may choose to be charged a metered rate based on flow (this subsection shall not apply to any other User).

- a. The District is permitted to charge for all permissible charges under the Metered Rate Code and the rates charged to a Campground or Youth Camp (whether a flat rate or metered) shall be determined in accordance with the Metered Rate Code and calculated in accordance with the Schedule of Rates and Charges. In order to be charged a metered rate a Campground or Youth Camp must:
 - i. Notify the District in writing of its election and intent to measure flows by meter.
 - ii. At its expense, purchase, install, own, operate, maintain, repair, and/or replace as many sewage flow meters as the District, by its agents or employees, shall prescribe in order to ensure the completeness and accuracy of the measurements. Said meters shall be of the type, size, and calibration specified by the District and shall be placed on the Campground or Youth Camp property in such places and in such manners as the District shall prescribe. Measurements taken by meters not authorized and approved by the District or by meters placed on the Campground or Youth Camp property in places or manners not authorized and approved by the District shall not be considered in determining the Users's charges and shall be grounds for the District to reject the User's election to be billed on the basis of metered flows.
 - iii. A User shall not be permitted to be charged a metered rate until such time as a meter(s) is installed in accordance with the foregoing and producing accurate and consistent data as reasonably determined by the District.
- b. If a meter does not operate continuously and properly during any measurement period, the User shall state in writing via affidavit, under the penalties for perjury (via affidavit), the following:
 - i. The period or periods of time the meter did not operate continuously and properly;
 - ii. For each period of time in which the meter did not operate

continuously and properly, the reason or reasons why the meter did not operate continuously and properly; and

- iii. For each period of time in which the meter did not operate continuously and properly, the measure or measures the User took to make the meter or meters operate continuously and properly.
- c. If a meter does not operate continuously and properly during any measurement period, the District, at its discretion, may bill the User (all bills billed in the name of the Owner) on the basis of historical data or of reasonable approximations or extrapolations from data obtained during periods when the meter operated continuously and properly.
- d. Should the District determine that it is necessary to take samples of the sewage discharged by a Campground or Youth Camp in order to measure the strength and character of the sewage for the purpose of imposing a surcharge as allowed by IND. CODE §13-26-11-2(d) and this Ordinance or for the any other purpose associated with the safe and efficient operation of the Sewage Works, transmission, and/or treatment system, the User, at the User's expense, shall purchase and install such equipment, appliances, and facilities as are necessary to accomplish the sampling.
- e. By electing to be billed on the basis of metered flow, the Owner authorizes the District, by its agents or employees, to enter his/her/its property at any time for any purpose necessary to ensure the completeness and accuracy of the measurements taken by the meters, including, but not limited to, determining any and all points of discharge, inspecting the meter or meters located on the property, monitoring the operation of the meter or meters, examining the data produced by any meter, or sampling discharges.
- f. By electing to be billed on the basis of metered flow, the User agrees to provide to the District at any time the District requests records or information in writing related to the occupancy of the Campground or Youth Camp, including, but not limited to, the number of persons occupying any campsite at any given time, the occupancy of the Campground or Youth Camp as a whole at any given time, number of beds in the Youth Camp, the total number of campsites made available to the public, the number of campsites occupied by permanent structures or structures that are not removed from the sites during periods when the

campground is closed, and the number, type, and size of sewage-producing facilities, including, but not limited to, dumping stations, holding tanks, individual connections between a campsite and a collection line, shower facilities, swimming pools, restrooms, and stores or other commercial enterprises.

- g. In addition to the charges prescribed for a Campground or Youth Camp pursuant to this section and this Ordinance, the District may impose additional charges if the District incurs additional costs that are caused by any unique factors that apply to providing Sewage Service to the Campground or Youth Camp as provided for in IND. CODE §13-26-11-2(d).

Section 4. The rates and charges may not be billed to the tenant or tenants (i.e., those who lease or have an unrecorded land contract with the owner) occupying the property and may only be billed to Owners of property.

Section 5. For the inherent costs associated with permitting and the inspection of new connections, disconnections or reconnections, every customer must pay a \$200 "Permit Fee" for each new connection, disconnection or reconnection.

Section 6. After completion of the Original Project, any Owner constructing a new structure on any lot or parcel of real estate or filing an application to connect a new structure to the Sewage Works, pursuant to the District's Sewer Use Ordinance, and being permitted to connect by the District, shall pay a Capacity Charge per Equivalent Unit, in an amount to be determined by the addition of **Schedule C** to this ordinance, prior to being connected to the District, as well as any charge pursuant to a local agreement or developer reimbursement. This Section 6 shall be of no force and effect until such time as the District adopts said schedule in accordance with The Code.

(a) The Capacity Charge per Equivalent Unit shall be due the date the application to connect to the District's Sewage Works is filed in accordance with the District's Sewer Use Ordinance.

(b) After the Original Project, the cost of making the public sewer suitable for connection, including excavation, backfill, pavement replacement, and the components of the public sewer required for connection shall be the financial responsibility of the Owner.

(c) Notwithstanding the foregoing, if a User fails to participate in the Original Project, a grinder pit and grinder pump (delivered at a location determined by the District) may

be available at no cost to the Owner as said amount is included in their rate. Unless a User participated in a program as described in Section 7(d), the foregoing does not apply to new construction or reconstruction after Bond Obligation Date (as hereinafter defined), and said Owner will be responsible for all costs.

Section 7. Once the District has begun charging an Owner or User, charges shall not cease nor shall charges be reduced except as in accordance with this Section 7.

(a) In the event that an Owner rendered a parcel of real property permanently incapable of producing sewage, on or before the closing of the bonds to finance the original project ("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.

(b) 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 Costs and billing costs, to said Owner ("Partial Rate Elimination"). Except in accordance with Section 7(a), Monthly Debt Service Costs and billing costs for said parcel shall not be terminated or reduced from the level stated in the Schedule of Rates and Charges currently in effect.

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

- i. Remove from any and all structures on the parcel or render the structures on the parcel permanently incapable of producing sewage in a manner satisfactory to the District to included, 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;
- ii. Pay in full all monthly charges due on or before the date of the Partial Rate Elimination approval;

- iii. Pay all costs related to, associated with, or arising from the disconnection of the Owner's parcel and uses from the District's works. Said costs shall include, but not be limited to, those costs related to, associated with, or arising from removal of any grinder pump, pump chamber, electrical control panel, and/or other equipment owned by the District and located on the Owner's parcel; closing, capping, or terminating any lateral or other sewer line from the parcel to the District's collection line in a manner and at a point acceptable to the District; reconnecting to the District's works to the property of any other user that was connected to the removed grinder pump, pump chamber, or related equipment; inspections of said work performed by or on behalf of the District; and administrative costs;
 - iv. 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;
 - v. Execute a 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.
 - vi. Ensure 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.
- (c) 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 currently in effect; and
 - b. The Owner shall continue to pay the monthly Debt Service Costs (and billing costs) for each, previously separate parcel that was combined into one parcel, and said monthly Debt Service Costs (and billing costs) shall not be terminated or reduced from the level stated in the Schedule of Rates and Charges currently in effect.
- (d) If any Owner executed the District's "Agreement for Payment of Debt

Service in Anticipation of Future Sewer System Connection with Sewer Connection Exemption” or the “District’s Agreement for Vacant Property Sewer Connection” in association with the Original Project, said Owner shall be responsible for Debt Service Costs (and billing costs) as required in the foregoing sections and this Ordinance.

Section 8. For the inherent costs associated with fee collection on delinquent accounts, the District shall charge the cost of certified postage to the Owner of the delinquent account for all mailings sent to the owner relating to the collection of the Owner’s debt.

Section 9. The District shall charge to the Owner the costs associated with recording Special Agreements, Easements, Liens, Releases of Liens, and any other required recording with a local or state government and it shall pass through any other cost associated with any filing, charge, or activity that is charged to the District on behalf of any action for, on behalf of or for the benefit of an Owner or User.

Section 10. In accordance with the Sewer Use Ordinance, any Owner (or owner’s contractors, agents or invitees) found to have obstructed or damaged the District’s Sewage Works on his or her property or on the property of others (including rights of way) shall be held liable for the costs to repair (or replace) such damages. Moreover, any Owner (whether by the Owner, its agents, contractors or other User from Owner’s property) found to have improperly discharged certain prohibited discharges, as outlined in the Sewer Use Ordinance, shall be held liable for any and all costs associated with cleaning out, rebuilding, and repairing the Sewage Works. To hold such Owner liable, the District will bill said owner and the charges will be placed on the Owner’s account.

Section 11. To the extent available by law, the District shall recoup all costs associated with service to Owners and/or Users, including, but not limited to, services relating to connections, repairs, and collections. In addition to the District’s right to collect direct “out of pocket” expenses from an Owner or User, the District may recoup other costs by resolution or other action permitted by The Code.

Section 12. For any services rendered to the District, said District shall be subject to the same User Chargers and Other Charges established hereunder.

Section 13. In order that the rates and charges may be justly and equitably adjusted to the service rendered to Users, the District shall base its charges not only on the volume, but also on the strength and character of the stronger-than-Normal Domestic Sewage and wastes, of which it is required to treat and dispose. The District may require the User to determine the strength and content of all the Sewage and wastes discharged, either directly or indirectly into the Sewage Works, 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 central sampling point available to the District at all times. In order to recover the cost of monitoring such waste, each User subject to monitoring shall pay a sampling fee of \$584.00 per sampling event.

- (a) Waste strength should not exceed Normal Domestic Sewage. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - a. Rate Surcharge Based Upon Suspended Solids – There may be an additional charge of \$0.26 per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.
 - b. Rate Surcharge Based Upon BOD – There may be an additional charge of \$0.38 per pound of carbonaceous oxygen demand for COD received in excess of 250 milligrams per liter of fluid.
 - c. Rate Surcharge Based Upon Ammonia – There may be an additional charge of \$1.07 per pound of ammonia received in excess of 430 milligrams per liter of fluid.
 - d. Rate Surcharge Based Upon Phosphorous – There may be an additional charge of \$4.01 per pound of phosphorous received in excess of milligrams per liter of fluid.
- (b) The determination of suspended solids, ammonia, phosphorous, and biological oxygen demand contained in the waste 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 Waterworks 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.

Section 14. Such rates and charges shall be prepared, billed, and collected by the District in the manner provided by The Code, Indiana law, this Ordinance and/or any other ordinance or resolution properly adopted by the District.

- (a) The User Charges for all Users (including the Interim Rate and Debt Service Costs as applicable) shall be prepared and billed monthly, except that the District may use a coupon book, mailing it once a year.

- (b) As permitted by The Code, all rates and charges (as described herein) not paid when due are hereby declared to be delinquent, incurring a one-time Penalty of ten percent (10%) of the amount of the rates and charges declared delinquent. Such Penalty shall not be compounded over time. For example, should an owner have a current monthly rate of \$100.00 and not pay it when due, the District shall impose a one-time Penalty of ten percent (10%) on that given amount (i.e., \$10.00). Should the owner then fail to pay the monthly rate and its one-time Penalty of ten percent (10%) by the time another month has passed, the District shall impose no further Penalty on the first month, but shall impose a one-time Penalty of ten percent (10%) on the second month rate (i.e., \$10.00).

The time at which such rates and charges shall be paid is fixed at 20th day following the billed date. This due date applies whether a customer is billed monthly, pays via coupon book or pays with an auto debit payment or other electronic means. Payment is considered made when it is received by the District at its office (or electronically). However, if the due date of the bill falls on a holiday, recognized by the District, or Sunday the Penalty shall attach if payment is not received in the office of the District on or before the next business day after the holiday or Sunday.

- (c) Pursuant to the Code, the District may file liens associated with any unpaid amounts due and owing the District.

Section 15. As authorized by IND. CODE §13-26-5-9(c) and IND. CODE §36-1-8-11(c)(6) and District ordinance # 2021-04-1 (“**Credit Card Ordinance**”), the District may pay claims owed by the District and receive payments owed to the District by cash, check, bank draft, money order, bank card, Credit Card, or Electronic Funds Transfer. In accord, a convenience fee for the use of electronic financial instruments is hereby established. It shall be the amount charged to the District by the financial instrument’s vendor, not to exceed five (5) percent of the amount of the payment. All payments and transactions must comply with the District’s Credit Card Ordinance. In addition, any Owner, User or customer who utilizes an outside service to pay its bill shall be responsible for any costs charged by said vendor.

Section 16. In order that the rates and charges for Sewage services remained fair, equitable, and in proportion to the cost of providing services to the various User Types, the District shall conduct a study, no later than the first two years of the operations of the Sewage Works, which will include, but was not limited to, (1) an analysis of the costs associated with the treatment of excessive strength effluents from Industrial Users, (2) volume and delivery flow rate characteristics attributed to the various Users or User Types, (3) the financial position of the Sewage Works and the

adequacy of its revenue to provide reasonable funds for operation and maintenance, and (4) replacements and capital improvements to the Sewage Works.

Said studies will be conducted by (1) officers and employees of the District, (2) a firm of certified public accountants and/or consulting engineers, which had experience in such studies, or (3) such combination of officers, employees, certified public accountants, or engineers as the District determined to be best under the circumstances. The District shall then continue to conduct such studies on no less than a biennial basis, within a reasonable period of time following the normal accounting period.

The District may, at any time and from time to time (but in no event more than twice per calendar year), furnish a questionnaire to any number of customers in connection with the District's classification of services charges and other rates. All customers in receipt of such questionnaires shall provide true and correct information to the District in a timely manner, as was reasonably requested by the District. The District shall have right to investigate the accuracy of the provided information, as the District deems prudent, but only to the extent such investigation does not unduly burden the customer. All customers shall perform, or cause to be done and performed all such further acts and things that are reasonable in order to provide the requested information and/or facilitate the District's investigation.

Section 17. The District shall make and enforce such ordinances, resolutions and regulations as may be deemed necessary for (1) the safe, economical, and efficient management of the District's sewage system, pumping stations, and Sewage Works, (2) the construction and use Owner and/or User owned sewer infrastructure and connections to the Sewage Works, (3) the sewage collection system, and (4) the regulation, collection, and rebating and refunding of such rates and charges and penalties as the Board deems just and equitable.

The District is hereby authorized to prohibit dumping of wastes into the District's Sewage Works which, in its discretion, are deemed harmful to the operation of the Sewage Works of the District, or to require a method affecting pretreatment of said wastes to comply with the pretreatment standards included in the NPDES Permit issued to the Sewage Works. If any pretreatment is required by the District, the User shall pay a pretreatment permit fee in the amount of \$2,142.00 per year.

Section 18. Any differences that may arise between Users and officials of the Sewage Works that cannot be resolved at that level may be appealed to the Board.

Section 19. 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 shall be given effect without such invalid part or parts.


Section 20. This Ordinance shall be construed in accordance with the laws of the State of Indiana, and this Ordinance, along with the rates and charges as herein set forth, shall become effective on the first full billing period occurring after the final adoption, in accordance with The Code as amended.


Section 21. In addition to the authority granted hereunder, the Board and District may exercise any rights permitted under The Code.

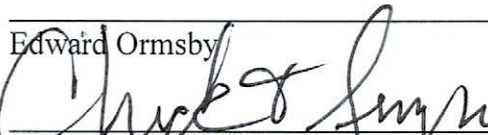
Signature Page To Follow

PASSED AND ADOPTED BY THE TIPPECANOE AND CHAPMAN REGIONAL SEWER DISTRICT, KOSCIUSKO COUNTY, INDIANA, ON THE 19TH DAY OF SEPTEMBER 2022.

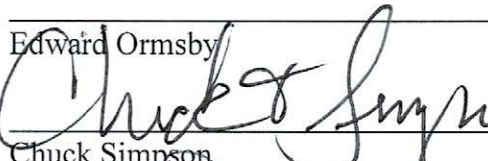
**BOARD OF TRUSTEES OF THE
TIPPECANOE AND CHAPMAN REGIONAL
SEWER DISTRICT**


Jeff Thornburgh

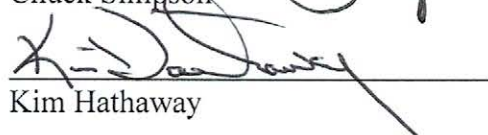

Jon Tyler


Edward Ormsby


Robert Weaver


Chuck Simpson


Brian Davison


Kim Hathaway

Attest:



SCHEDULE A

TIPPECANOE AND CHAPMAN (INDIANA) REGIONAL SEWER DISTRICT
SCHEDULE OF RATES AND CHARGES

					Monthly Rate				
				Equivalency Factors	User Charge	Debt Service		Totals	
Residential:									
	Single family dwelling unit			1.000	\$32.70	\$55.65		\$88.35	
	Garage			0.250	8.18	13.91		22.09	
	Mobile Home			1.000	32.70	55.65		88.35	
	Mobile Home in Court			0.750	24.53	41.73		66.26	
	Guesthouse			0.500	16.35	27.83		44.18	
	Multifamily Structure per unit			0.750	24.53	41.73		66.26	
Commercial:									
	Campground (non-metered)								
	Per Camp Site			0.300	9.81	16.70		26.51	
	Mixed Mobile Home Campground								
	Mobile Home Sites			0.750	24.53	41.73		66.26	
	Camp Sites			0.300	9.81	16.70		26.51	
	Barber and beauty shop:								
	First 3 employees			1.000	32.70	55.65		88.35	
	Each additional employee			0.250	8.18	13.91		22.09	
	Retail establishment:								
	First 3 employees			1.000	32.70	55.65		88.35	

	Each additional employee	0.250	8.18	13.91	22.09
	Gasoline, minimart, and /or service station:				
	First 3 employees	1.000	32.70	55.65	88.35
	Each additional employee	0.250	8.18	13.91	22.09
	Laundromats				
	Per Washer/Washeterias	0.750	24.53	41.73	66.26
	Rooming houses and bed and breakfast				
	First rental room	1.000	32.70	55.65	88.35
	Each additional rental room	0.500	16.35	27.83	44.18
	Hotels and Motels				
	First 2 rooms	1.000	32.70	55.65	88.35
	Each additional rental room	0.500	16.35	27.83	44.18
	Professional offices:				
	First 3 employees	1.000	32.70	55.65	88.35
	Each additional employee	0.250	8.18	13.91	22.09
	Restaurants, drive-ins, bars & organizations with eating and/or drinking facilities:				
	First 3 full-time employees	1.000	32.70	55.65	88.35
	Each additional full-time employee	0.250	8.18	13.91	22.09
	Reception or Dance Halls				
	Minimum	1.000	32.70	55.65	88.35
	With cooking facilities per permitted occupancy	0.030	0.98	1.67	2.65
	Without cooking facilities per permitted occupancy	0.010	0.33	0.55	0.88
	Carwash per bay	2.500	81.75	139.13	220.88
	Shop, office, or business in residence with employees, customers, or invitees regularly at said residence (in addition to Single-Family Dwelling charge)	1.000	32.70	55.65	88.35
	Marina				
	First 3 employees	1.000	32.70	55.65	88.35
	Each additional employee	0.250	8.18	13.91	22.09
	Private Club or Golf Club				
	Clubhouse per permitted occupancy	0.010	0.33	0.55	0.88
	Plus: pro-shop/Golf Shop				
	First 3 employees	1.000	32.70	55.65	88.35
	Each additional employee	0.250	8.18	13.91	22.09
	Plus: per comfort station/on course sewage producing facility or structure	1.500	49.05	83.48	132.53
	Plus: per pool/swimming facility	1.500	49.05	83.48	132.53
	Institutional:				

Daycare/Pre-school (outside of a Single-Family Dwelling Unit)					
	Minimum	1.000	32.70	55.65	88.35
	Per permitted pupil	0.065	2.13	3.61	5.74
	Churches & other exclusively religious organizations	1.000	32.70	55.65	88.35
	Youth Camp per bed (non-metered)	0.125	4.09	6.95	11.04
Governmental:					
	Governmental Offices:				
	First 3 employees	1.000	32.70	55.65	88.35
	Each additional employee	0.250	8.18	13.91	22.09

SCHEDULE B

(Interim Rates)

TIPPECANOE AND CHAPMAN (INDIANA) REGIONAL SEWER DISTRICT

SCHEDULE OF RATES AND CHARGES

(Interim Rates During Construction)

		Equivalency Factors	Monthly User Charge (per EDU)
Residential:			
	Single family dwelling unit	1.000	\$59.20
	Garage	0.250	14.80
	Mobile Home	1.000	59.20
	Mobile Home in Court	0.750	44.40
	Guesthouse	0.500	29.60
	Multifamily Structure per unit	0.750	44.40
Commercial:			
	Campground (non-metered)		
	Per Camp Site	0.300	17.76
	Mixed Mobile Home Campground		
	Mobile Home Sites	0.750	44.40
	Camp Sites	0.300	17.76
	Barber and beauty shop:		
	First 3 employees	1.000	59.20

	Each additional employee	0.250	14.80
	Retail establishment:		
	First 3 employees	1.000	59.20
	Each additional employee	0.250	14.80
	Gasoline, minimart, and /or service station:		
	First 3 employees	1.000	59.20
	Each additional employee	0.250	14.80
	Laundromats		
	Per Washer/Washeterias	0.750	44.40
	Rooming houses and bed and breakfast		
	First rental room	1.000	59.20
	Each additional rental room	0.500	29.60
	Hotels and Motels		
	First 2 rooms	1.000	59.20
	Each additional rental room	0.500	29.60
	Professional offices:		
	First 3 employees	1.000	59.20
	Each additional employee	0.250	14.80
	Restaurants, drive-ins, bars & organizations with eating and/or drinking facilities:		
	First 3 full-time employees	1.000	59.20
	Each additional full-time employee	0.250	14.80
	Reception or Dance Halls		
	Minimum	1.000	59.20
	With cooking facilities per permitted occupancy	0.030	1.78
	Without cooking facilities per permitted occupancy	0.010	0.59
	Carwash per bay	2.500	148.00
	Shop, office, or business in residence with employees, customers, or invitees regularly at said residence (in addition to Single-Family Dwelling charge)	1.000	59.20
	Marina		
	First 3 employees	1.000	59.20
	Each additional employee	0.250	14.80
	Private Club or Golf Club		
	Clubhouse per permitted occupancy	0.010	0.59
	Plus: pro-shop/Golf Shop		
	First 3 employees	1.000	59.20
	Each additional employee	0.250	14.80
	Plus: per comfort station/on course sewage producing facility or structure	1.500	88.80
	Plus: per pool/swimming facility	1.500	88.80

Institutional:					
Daycare/Pre-school (outside of a Single-Family Dwelling Unit)					
	Minimum		1.000		59.20
	Per permitted pupil		0.065		3.85
Churches & other exclusively religious organizations			1.000		59.20
Youth Camp per bed (non-metered)			0.125		7.40
Governmental:					
Governmental Offices:					
	First 3 employees		1.000		59.20
	Each additional employee		0.250		14.80