

**ORDINANCE NO. 2017-01**

An ordinance amending Ordinance No. 2011-1 and 2013-01 establishing a schedule of rates and charges to be collected by the Montgomery County Regional Sewer District from the owners of property served by the sewage works of said District and other matters connected therewith;

**WHEREAS**, by its Ordinance No. 2011 (the "Rate Ordinance"), subsequently amended by 2013-01, the Montgomery County Regional Sewer District (the "District") adopted a schedule of rates and charges to be collected by the District from the owners of property served by the sewage works of the District; and

**WHEREAS**, the District finds it necessary to amend the Rate Ordinance to make provisions for the extension of sewer services along US Highway 32 and the Nucor Road corridor, subject to the approval of the District and Indiana State Department of Health.

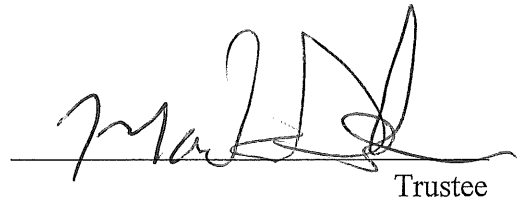
**BE IT THEREFORE ORDAINED AS FOLLOWS:**

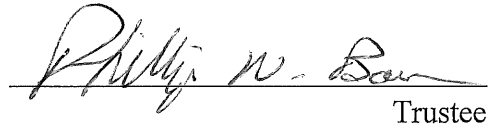
**Section 1.** The Rate Ordinance (Ordinance No. 2011-1) is hereby amended to read as set forth on Exhibit A, attached to and made part of this Ordinance by reference. The schedule of rates and charges is unchanged.

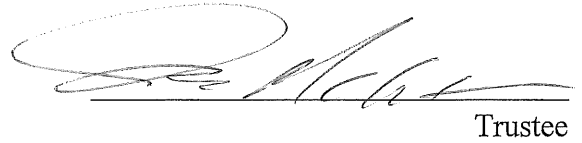
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Passed and adopted by the Board of Trustees of the Montgomery County Regional Sewer District on the \_\_\_ day of \_\_\_\_\_, 201\_\_.

  
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Ordinance 2017-1 Exhibit A

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

- a) "Board" means the Board of Trustees of the Montgomery County Regional Sewer District.
- b) "Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five (5) days at 20 degrees Celsius.
- c) "District" means the Montgomery County Regional Sewer District, acting by and through the Board.
- d) "Equivalent Dwelling Unit" or "EDU" means an estimated wastewater flow of 310 gallons per day. A single-family residence shall have an EDU of 1.0. The Equivalent Dwelling Unit factors for other users shall be obtained from the Indiana Department of
- e) Environmental Management ("IDEM") Flow Tables as published in the *Indiana Register*, Vol. 22, No. 10, July 1, 1999.
- f) "Excessive Strength Surcharge" means an additional charge which is billed to Non-Residential Users for treating sewage wastes with an average strength in excess of Normal Domestic Sewage.
- g) "Non-Residential User" means any User which is not a Residential User.
- h) "Industrial Waste" means the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- i) "May" is permissive.
- j) "NPDES Permit" means a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- k) "NH<sub>3</sub>-N" means ammonia nitrogen, an inorganic, dissolved form of nitrogen that can be found in water, but in the presence of oxygen will convert to nitrate.
- l) "Normal Domestic Sewage" (for the purpose of determining Excessive Strength Surcharges) means wastewater or sewage having an average daily concentration which does not exceed any of the following limits:

BOD:	not more than 220 mg/l
S.S.:	not more than 250 mg/l
NH <sub>3</sub> -N:	not more than 30 mg/l
- m) "Person" means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, limited liability company, partnership, association, society, institution, enterprise, governmental agency or other entity.

- n) "Replacement Costs" means the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of Sewage Works to maintain the capacity and performance for which such works were designed and constructed.
- o) "Residential User" means a Person whose premises or building is used primarily as a place of residence for one or more natural persons.
- p) "Suspended Solids" or "S.S." means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.
- q) "Shall" is mandatory.
- r) "Sewage" means the combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water).
- s) "Sewage Works" means the structures and equipment of the District for the collection and treatment of domestic and commercial waste, and for the disposal of the effluent.
- t) "Subdivision" means the division of a single lot, tract, or parcel of land or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential purposes.
- u) "Tap on fee" means the cost of connecting a home or business to the public sewage system.
- v) "User" means a Person whose premises are connected to the District's Sewage Works.
- w) "User Charge" means a charge levied on a User of the Sewage Works for the cost of operation and maintenance of such works pursuant to Indiana Code § 13-26-5-2(7).

**Section 2. Charges.** Every person whose premises are served by the Sewage Works shall be charged for the services provided. User Charges are levied to defray the cost of operation and maintenance (including replacement) of the Sewage Works. The Schedule of Rates and Charges is set forth on Exhibit 1, attached to this Ordinance and made part of it by reference.

- a) A Residential User with a single-family residence on a private well may elect to have User Charges calculated in either of the following ways:
  - i. A fixed charge per month as set forth on Exhibit A for unmetered users, regardless of actual water usage, based on an assumed EDU factor of 1.0, which equals 145 gallons per day; or
  - ii. A monthly Base Charge plus the Flow Charge per 1,000 gallons of monthly water usage, all as set forth on Exhibit A. Monthly flow shall be determined by water meters installed on the Residential User's water well, purchased, installed and maintained at the owner's expense. Meters shall be Elster AMCO Model C700 positive displacement meters (with display in gallons), or equivalent as approved by the District. Compatible

remote reading devices approved by the District may be purchased, installed and maintained at the owner's expense.

- b) Non-Residential Users shall pay a flat rate per EDU per month. The monthly rate per EDU for Non-Residential Users is set forth on Exhibit 1. Each Non-Residential User's EDU factor shall be calculated by reference to the Schedule of Estimated Equivalent Dwelling Unit Factors contained in Exhibit 1. For Non-Residential Users whose EDU factor cannot be readily calculated from such Schedule, the District will determine the appropriate EDU factor based upon the User's individual characteristics or recommendations of the District's engineers, subject to the User's right of appeal.
- c) User Charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement Costs, if and to the extent recovered through the system of User Charges, shall be based upon the expected service life of the Sewage Works equipment.
- d) For the service rendered to the District, the District shall be subject to the same rates and charges as are applicable to Non-Residential Users.
- e) In order to recover the cost of monitoring Industrial Waste, the District shall charge Non-Residential Users who discharge Industrial Waste into the Sewage Works the actual cost of monitoring but not less than \$25.00 per sample. This charge will be reviewed and revised on the same basis as all other rates and charges in this ordinance.
- f) A Non-Residential User who is granted permission to use underground septic tanks for temporary storage of wastewater, pursuant to applicable provisions of the District's sewer use ordinance, as amended from time to time, shall be charged the actual cost to the District of pumping and hauling the wastewater from the septic tanks to the wastewater treatment plant, plus a 10% surcharge for the cost of administration, including the cost of periodic inspection or testing. Such charges shall be in addition to the User Charges payable by such Non-Residential User under Exhibit 1 of this Ordinance.

**Section 3.** Capacity Fees. The owner of any lot, parcel of real estate or building connecting to the Sewage Works shall, prior to being permitted to make a connection, pay a capacity fee to the District for each connection; *provided, however*, that no capacity fee will be required of any Residential User connecting to a local or lateral sewer within 365 days of the date on which such sewer first becomes available for connection and use. The schedule of capacity fees per EDU is set forth on Exhibit A, attached to this Ordinance and made part of it by reference.

**Section 4.** Excessive Strength Surcharges. In order that the rates and charges may reflect the costs of providing service rendered to Non-Residential Users, the District will impose Excessive Strength Surcharges on Industrial Waste discharged into the Sewage Works, based on the strength and character of the Industrial Waste which the District is required to treat and dispose of. Non-Residential Users shall determine the strength and content of all Industrial Waste discharged into the Sewage Works in such manner and by such method as the District may deem practicable in

order to determine the proper charge. Each Non-Residential User discharging Industrial Waste into the Sewage Works shall furnish a central sampling point available to the District at all times. The schedule of Excessive Strength Surcharges imposed on discharges of Industrial Waste is set forth on Exhibit 1, attached to this Ordinance and made part of it by reference.

**Section 5. Billing and Collection.** User Charges shall be billed and collected by the District in the manner provided by law and ordinance.

- a) The charges for all Users shall be billed monthly.
- b) Billing of Metered Residential Users.
  - i. Residential Users who elect to have their User Charges based on metered water consumption ("Metered Residential Users") will be given postcards on which to record their monthly metered water consumption and send to the District's billing office by the monthly reporting deadline specified by the District.
  - ii. Metered Residential Users who fail to return the postcard showing their water consumption by the specified monthly deadline will be billed a Flow Charge for that month based on an assumed 4,500 gallons of water usage.
  - iii. One time per year, the District will perform an actual reading of the water meter of each Metered Residential User. Any additional Flow Charge due from a Metered Residential User based on the actual meter reading, over and above the Flow Charges billed to the User since the previous actual reading, will be due and payable with the Residential User's next monthly bill. Any overpayment of Flow Charges by a Metered Residential User resulting from an actual meter reading will be credited against the Metered Residential User's next monthly bill.
  - iv. Metered Residential Users shall allow the District's properly identified personnel to have access to their dwellings during normal business hours to read the water meter.
- c) 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.
- d) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall

thereupon attach thereto. The time at which such rates or charges shall be paid is fixed at fifteen (15) days after the date of mailing of the bill.

- e) Tap on Fee: Homeowners desiring to connect to the sewage works and become a user shall pay a tap on fee of \$ 1,500.00 before being allowed to connect.

**Section 6. Rate Reviews.** In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various Users or User Classes, the District shall cause a study to be made within one year following the date on which this ordinance goes into effect and at least annually thereafter. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial Users, volume and delivery flow rate characteristics attributed to the various Users or User Classes, 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. The District shall adjust its rates and charges to reflect the results of the study.

Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the District shall cause a similar study to be made for the purpose of reviewing the fairness, equity and proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the District, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the District shall determine to be best under the circumstances. The District shall, upon completion of said study revise and adjust the rates and charges, as necessary in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

**Section 7. Septic Tank Elimination Program (STEP)** For purposes of extending sewer service on State Road 32 and Nucor Road starting in 2017 and thereafter, the following provisions shall apply:

- A) "**Work**" shall be defined as installing a Building Sewer (also known as a sewer lateral) up to 200 feet from the sewer main and performing all steps required to connect a Customer's structure to the Sewage Disposal System per the Wastewater Terms and Conditions in use and rate ordinances, as amended; excavating a pit of standard size; installing a grinder pump; connecting the grinder pump to Customer's electrical panel and, if necessary, making only such minor upgrades (that is, addition of a circuit breaker and a new wire connection valued at up to \$100.00 for parts) to Customer's electrical panel as are needed for the operation of the grinder pump; abandoning the Customer's existing septic tank; and, if Customer has a warranty claim as to the workmanship of the installation, performing work to correct the defect in workmanship.
- B) This agreement shall be intended to be for residential customers. However, small businesses may qualify or partially qualify for the program. A small business is defined as a commercial enterprise or housing rental structure that uses up to 4 EDU's as defined by Board's rate ordinance. If a small business qualifies for a premium early bird, premium standard or basic standard option, the small business shall pay \$1,500 for each additional EDU and be responsible for the cost differential between a single grinder pump system contemplated for



residential structures and a multiple pump system. The Board shall only be responsible for one connection per structure per land parcel.

- C) A customer must grant to District, its contractor, and its contractor's subcontractors a right of entry onto the Customer Property for the purposes of performing the Work. If District's contractor identifies an obstruction or other structure that is or will prevent it from being able to complete the Work, then it will notify Customer, and the contractor and Customer will agree on how to remove the obstruction or other structure or a reasonable way to work around it. District (or one of its contractors) will restore the Customer Property as close to its original condition as reasonably possible, including placing grass seed on any grassy areas impacted as part of the Work.
- D) A customer must represent and warrant that he or she is the owner of the Customer Property and therefore has sole and exclusive right to grant and convey the Right of Entry and to provide District, its contractor, and its contractor's subcontractors with all rights and privileges necessary to complete the Work. Only the owner(s) of the Customer Property are allowed to enter into this Agreement. Renters and others are not allowed to sign this Agreement. Customer must represent that he or she has the following minimum electrical panel requirements for hook-up: 30 Amp/240 volt panel: Four (4) wire service: Open double-pole circuit breaker.
- E) District will provide a maintenance program plan from the time of installation which will cover the parts and labor for repair and replacement (if required) of the grinder pump system and apparatus at a monthly cost of \$6 per month per pump. This monthly fee will appear as a charge on Customer's monthly sewer bill from the District.
- F) A customer shall pay an appropriate fee as determined by the District.

**Section 8 Rules and Regulations.** The District may make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management of the Sewage Works, for the construction and use of house sewers and connections to the Sewage Works, and for the regulation, collection, rebating and refunding of rates and charges.

The District may prohibit dumping of wastes into the Sewage Works which, in its discretion, are deemed harmful to the operation of the Sewage Works, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the NPDES Permit issued to the Sewage Works.

**Section 9 Severability.** 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 can be given effect without such invalid part or parts.

**Section 10 Appeals.** A User shall have the right to appeal a decision of the User's Charges to the Board. Any decision of the Board may be appealed to a court of competent

jurisdiction under the Appeal Procedures provided for in the Indiana Administrative Adjudication Act.

**Section 11 No Free Service.** The District shall not grant free service or use of the Sewage Works to any person, group or entity. It is not necessary for an area or parcel of real estate to be annexed to the District to receive sewer service.

**Section 12 Subdivisions.** All residences in a housing subdivision shall be required to have separate connections to the Sewerage works and shall be required to be a part of and pay into the maintenance program plan made available by the District. All construction of residential sewer lines and connections to the Sewage Works included as part of a subdivision shall meet the requirements and specifications set out by the District.

MONTGOMERY COUNTY REGIONAL SEWER DISTRICT

SCHEDULE OF RATES AND CHARGES

Residential Metered Users:

Base Charge:

Monthly Residential Base Charge:

5/8 and 3/4 inch meter

Rates Per Month

\$14.90

Flow Charge:

Rate per 1,000 Gallons

Per 1,000 Gallons

\$8.15

Unmetered Users - Residential, Commercial and Industrial

See Unmetered Rate Schedule

Capacity Fee: (One time fee at connection)

Per EDU

\$1,500

Excessive Strength Surcharges:

BOD (in excess of 220 mg/L)

\$0.35

SS (in excess of 250 mg/L)

0.30

NH3-N (in excess of 30 mg/L)

0.95

**MONTGOMERY COUNTY REGIONAL SEWER DISTRICT**

**SCHEDULE OF RATES AND CHARGES**  
**(Unmetered Monthly Charges Per Unit)**

	Equivalent Dwelling Unit Factor (Per Unit)	Rate Per Unit	Units
<u>Unmetered Water Consumption:</u>			
Bar (without food service)	0.03	\$2.54	per seat
Beauty salon or barber shop	0.11	9.33	per customer
Bowling alley:			
With bar and/or food	0.40	33.92	per lane
Without food service	0.24	20.35	per lane
Church:			
With kitchen	0.02	1.70	per sanctuary
Without kitchen	0.01	0.85	per sanctuary
Day care center	0.06	5.09	per person
Dentist:			
Per chair, plus	0.65	55.12	per chair, plus
Per employee	0.24	20.35	per employee
Food service operators:			
Cocktail lounge	0.11	9.33	per seat
Restaurant (not 24 hour)	0.11	9.33	per seat
Restaurant (24 hour)	0.16	13.57	per seat
Curb service (drive-in)	0.16	13.57	per car space
Hospital, medical facility	0.65	55.12	per bed
Hotel/motel	0.32	27.14	per bed
Nursing home	0.32	27.14	per bed
Office building without showers	0.06	5.09	per employee
Outpatient surgical center	0.16	13.57	per patient
Manufacturing facility (exclude process flow)			
With showers	0.11	9.33	per employee
Without showers	0.06	5.09	per employee
Mobile home park	0.65	55.12	per lot
Service station (gas station) with only two (2) restrooms	1.29	109.39	per rest room
Recreational campground with individual sewer connection	0.32	27.14	per campsite
Retail	0.06	5.09	per employee
School (elementary)	0.05	4.24	per pupil/staff
Residential:			
Single family residence	1.00	51.60	per dwelling
One-bedroom apartment	0.65	33.54	per dwelling
Two-bedroom apartment	0.97	50.05	per dwelling,
Each additional bedroom, apt.	0.16	8.26	per room
Theater:			
Inside building	0.02	1.70	per seat

**Note:** Management reserves the right to negotiate the appropriate EDU factor based upon the individual characteristics or engineering recommendations for a specific customer. Subject to a minimum of 1.0 EDU per connection.

**MONTGOMERY COUNTY REGIONAL SEWER DISTRICT**

**SCHEDULE OF ESTIMATED EQUIVALENT DWELLING UNIT FACTORS**

	Estimated <u>Flow (1)</u> (GPD per Unit)	Equivalent Dwelling Unit <u>Factor (2)</u> (EDU)	<u>Units</u>
Bar (without food service)	10	0.03	per seat
Beauty salon or barber shop	35	0.11	per customer
Bowling alley:			
With bar and/or food	125	0.40	per lane
Without food service	75	0.24	per lane
Church:			
With kitchen	5	0.02	per sanctuary seat
Without kitchen	3	0.01	per sanctuary seat
Day care center	20	0.06	per person
Dentist:			
Per chair, plus	200	0.65	per chair, plus
Per employee	75	0.24	per employee
Food service operators:			
Cocktail lounge	35	0.11	per seat
Restaurant (not 24 hour)	35	0.11	per seat
Restaurant (24 hour)	50	0.16	per seat
Curb service (drive-in)	50	0.16	per car space
Hospital, medical facility	200	0.65	per bed
Hotel/motel	100	0.32	per bed
Nursing home	100	0.32	per bed
Office building without showers	20	0.06	per employee
Outpatient surgical center	50	0.16	per patient
Manufacturing facility (exclude process flow)			
With showers	35	0.11	per employee
Without showers	20	0.06	per employee
Mobile home park	200	0.65	per lot
Service station (gas station) with only two (2) restrooms	400	1.29	per rest room
Recreational campground with individual sewer connection	100	0.32	per campsite
Retail	20	0.06	per employee
School (elementary)	15	0.05	per pupil/staff
Residential:			
Single family residence (3)	145	1.00	per dwelling
One-bedroom apartment (3)	94	0.65	per dwelling
Two-bedroom apartment (3)	141	0.97	per dwelling, plus
Each additional bedroom, apt. (3)	23	0.16	per room
Theater:			
Inside building	5	0.02	per seat

- (1) Per IDEM Flow Tables as published in the *Indiana Register*, Volume 22, Number 10, July 1, 1999.  
(2) Non-residential Equivalent Dwelling Units ("EDU") based upon 310 gallons per day.  
(3) Residential Equivalent Dwelling Units ("EDU") based upon 310 gallons per day.

**MONTGOMERY COUNTY REGIONAL SEWER DISTRICT**

**SCHEDULE OF CAPACITY FEES PER UNIT**

	Equivalent Dwelling Unit Factor (Per Unit)	Capacity Fee Per Unit (1)	Units
<u>Unmetered Water Consumption:</u>			
Bar (without food service)	0.03	\$45.00	per seat
Beauty salon or barber shop	0.11	165.00	per customer
Bowling alley:			
With bar and/or food	0.40	600.00	per lane
Without food service	0.24	360.00	per lane
Church:			
With kitchen	0.02	30.00	per sanctuary
Without kitchen	0.01	15.00	per sanctuary
Day care center	0.06	90.00	per person
Dentist:			
Per chair, plus	0.65	975.00	per chair, plus
Per employee	0.24	360.00	per employee
Food service operators:			
Cocktail lounge	0.11	165.00	per seat
Restaurant (not 24 hour)	0.11	165.00	per seat
Restaurant (24 hour)	0.16	240.00	per seat
Curb service (drive-in)	0.16	240.00	per car space
Hospital, medical facility	0.65	975.00	per bed
Hotel/motel	0.32	480.00	per bed
Nursing home	0.32	480.00	per bed
Office building without showers	0.06	90.00	per employee
Outpatient surgical center	0.16	240.00	per patient
Manufacturing facility (exclude process flow)			
With showers	0.11	165.00	per employee
Without showers	0.06	90.00	per employee
Mobile home park	0.65	975.00	per lot
Service station (gas station) with only two (2) restrooms	1.29	1,935.00	per rest room
Recreational campground with individual sewer connection	0.32	480.00	per campsite
Retail	0.06	90.00	per employee
School (elementary)	0.05	75.00	per pupil/staff
Residential:			
Single family residence	1.00	1,500.00	per dwelling
One-bedroom apartment	0.65	975.00	per dwelling
Two-bedroom apartment	0.97	1,455.00	per dwelling,
Each additional bedroom, apt.	0.16	240.00	per room
Theater:			
Inside building	0.02	30.00	per seat

References:

(1) Assumes one EDU is equal to \$1,500.

**Note:** Management reserves the right to negotiate the appropriate EDU factor based upon the individual characteristics or engineering recommendations for a specific customer. Subject to a minimum of 1.0 EDU per connection.