

Markel Markel & Lambring

ATTORNEYS AT LAW

136 SOUTH MAIN STREET

P.O. BOX 121

BROWNSTOWN, INDIANA 47220

JOSEPH K. MARKEL*
RONALD K. LAMBRING
AMANDA L. GOECKER

BRUCE MARKEL, JR.
(1916-1984)

*ALSO ADMITTED TO KY & FL BARS

PHONE (812) 358-3200
PHONE (812) 522-2550
FAX (812) 358-3919

August 16, 2012

RECEIVED

AUG 20 2012

INDIANA UTILITY
REGULATORY COMMISSION

Director of the Water and Wastewater Division
Indiana Utility Regulatory Commission
PNC Center
101 West Washington Street
Suite 1500E
Indianapolis, Indiana 46204

Re: Town of Brownstown's Petition for Approval of Rate and
Charge Difference

Director:

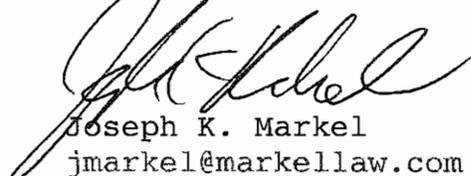
Enclosed please find four copies of the Petition for
Approval of Rate and Charge Difference Between Property Within
and Property Outside of the Corporate Boundaries of Brownstown,
Jackson County, Indiana, as well as my Appearance therein.

I have attached the revised Ordinance No. 2000-2 and two
revisions passed since, Ordinances 2008-1 and 2011-13.

Please let me know if you need any additional information.

Sincerely,

Markel Markel and Lambring



Joseph K. Markel
jmarkel@markellaw.com

JKM: jm
enclosures

STATE OF INDIANA
UTILITY REGULATORY COMMISSION

PETITION FOR APPROVAL OF RATE AND CHARGE DIFFERENCE
BETWEEN PROPERTY WITHIN AND PROERTY OUTSIDE OF THE
CORPORATE BOUNDARLIES OF BROWNSTOWN, JACKSON COUNTY,
INDIANA

APPEARANCE BY ATTORNEY FOR PETITIONING PARTY

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following Member:

Town of Brownstown, Jackson County, Indiana

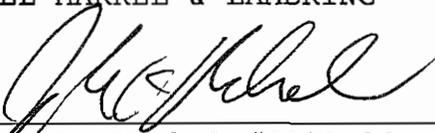
2. Applicable attorney information for service as required by Trial Rule 5(B) (2) and for case information as required by Trial Rule 3.1 and 77(B) is as follows:

Joseph K. Markel
Town Attorney
136 South Main Street
P.O. Box 121
Brownstown, IN 47220

Attorney No. 9029-36
Phone: (812) 358-3200
Fax: (812) 358-3919

3. There are other party members: No
4. There are related cases: No
5. I will accept service by FAX at he above noted number: No

Respectfully Submitted,
MARKEL MARKEL & LAMBRING



Joseph K. Markel #9029-36
136 South Main Street
P.O. Box 121
Brownstown, IN 47220
(812) 358-3200

STATE OF INDIANA

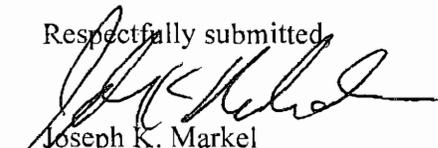
INDIANA UTILITY REGULATORY COMMISSION

PETITION FOR APPROVAL OF RATE AND CHARGE DIFFERENCE BETWEEN PROPERTY WITHIN AND PROPERTY OUTSIDE THE CORPORATE BOUNDARIES OF THE TOWN OF BROWNSTOWN, JACKSON COUNTY, INDIANA. {MUNICIPALITY}

Pursuant to Indiana Code § 8-1.5-3-8.3(c), The Town of Brownstown, Jackson County, Indiana {Municipality} by counsel, requests the Director of the Water and Wastewater Division of the Indiana Utility Regulatory Commission ("Commission") to approve the rate and charge difference between property within and property outside the corporate boundaries of The Town of Brownstown {Municipality}. In support of its request, The Town of Brownstown states:

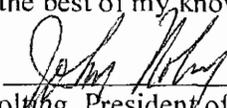
1. The ordinance setting rates and charges for property within and property outside the municipality's corporate boundaries took effect on (date) June 19, 2000 and last amended December 19, 2011
2. Attached as "Exhibit A" is a copy of the Ordinance. #2011-13
3. The works that is the subject of the Ordinance is a (select one):
 - a. water utility works __
 - b. wastewater utility works __X__
 - c. both water and wastewater utility works ___
4. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is 50%
5. If the percentage difference in #4 above varies based upon the amount of consumption, please provide a chart illustrating the various consumption levels in 1,000 gallon increments with the corresponding percent surcharge and attach to this Petition.
6. Joseph K. Markel is counsel of record for Petitioners in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioners.

Respectfully submitted,


Joseph K. Markel
Attorney for Petitioners

Verification

I, John Nolting affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed 
John Nolting, President of Board {Representative of Municipality }

Date 8-16-12

Attorney Contact Information
Joseph K. Markel
Markel Markel and Lambring
136 South Main Street
P.O. Box 121
Brownstown, IN 47220
(812) 358-3200
(812) 358-3919 fax
jmarkel@markellaw.com

ORDINANCE NO. 2011-13
AN ORDINANCE AMENDING
TITLE V - PUBLIC WORKS, CHAPTER 51: SEWERS
OF THE BROWNSTOWN CODE

WHEREAS, the Town Council of the Town of Brownstown of Jackson County, Indiana deems it appropriate to regulate sewers and the matters related thereto in the Town of Brownstown;

WHEREAS, the revenues from the existing sewage service rates and charges are insufficient to provide sufficient funds to pay current operating and maintenance expenses of the Brownstown sewage works, and pay the principal and interest on the outstanding sewage works revenue bonds, and meet the immediate and anticipated additional expenses necessitated by the required improving of the existing sewage works; and

WHEREAS, the Town desires to amend **Title V: Public Works, Chapter 51: Sewers** and to restate parts of said Chapter on a consolidated basis herein.

NOW THEREFORE, by the powers vested in the Town Council of the Town of Brownstown, Jackson County, Indiana, it is hereby **ORDERED AND ORDAINED** that:

SECTION 1. That **Title V: Public Works; Chapter 51: Sewers** of the Brownstown Town Code be amended as follows:

First Amendment:

That **§51.66 DETERMINATION OF RATES AND CHARGES**, paragraph (B)(1) be amended to delete the monetary amount of \$4.43 and insert the monetary amount of \$5.40; and further amended to delete the monetary amount of \$6.64 and insert the monetary amount of \$8.10 so that said paragraph shall read as follows:

“(1) The rates and charges for treatment facilities shall be based upon the quantity of water delivered in, on, or to the lot, parcel of real estate, building or dwelling unit subject to the rates and charges established in this chapter as the same are measured by the water meter or meters of the water utility providing all the water on or to a lot, parcel of real estate, building or dwelling unit located inside the town at a charge of \$5.40 for each 1,000 gallons or any part thereof so delivered; and a to lot, parcel of real estate, building, or dwelling unit located outside the town at a charge of \$8.10 for each 1,000 gallons or any part thereof so delivered.”

Second Amendment:

That **§51.66 DETERMINATION OF RATES AND CHARGES**, paragraphs (2) (3) and (4) be amended by deleting said paragraphs and tables in their entirety and inserting the following:

“(2) The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located inside the town which contains only one dwelling unit or only one commercial, manufacturing or industrial operation or process which is or which is required to be connected with the sewage works are based upon the size of the water meter or meters installed

and used to deliver water in, on, or to the lot, parcel of real estate, or building in accordance with the following table:

Size of Meter	Cost Per Month Per Meter
5/8-inch	\$21.75
3/4-inch	\$21.75
1-inch	\$48.14
1 1/4 -inch	\$75.54
1 1/2-inch	\$106.19
2-inch	\$180.14
3-inch	\$408.81
4-inch	\$707.96
6-inch	\$1,605.22

(3) The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located inside the town which is or which is required to be connected with the sewage works and which contains therein more than one dwelling unit or more than one commercial, manufacturing, or industrial operation or process shall be \$21.75 per month for each dwelling unit or each commercial, manufacturing, or industrial operation or process contained therein.

(4) The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located outside of the town which contains only one dwelling unit or only one commercial, manufacturing, or industrial operation or process which is or which is required to be connected with the sewage works are based upon the size of the water meter or meters installed and used to deliver water in, on, or to the lot, parcel of real estate or building in accordance with the following table:

Size of Meter	Cost Per Month Per Meter
5/8-inch	\$32.62
3/4-inch	\$32.62
1-inch	\$72.22
1 1/4 -inch	\$111.82
1 1/2-inch	\$159.30
2-inch	\$270.20
3-inch	\$613.21
4-inch	\$1,061.94
6-inch	\$2,407.82

(5) The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located outside of the town which is or which is required to be connected with the sewage works and which contains therein more than one dwelling unit or more than one commercial, manufacturing, or industrial operation or process shall be \$32.62 per month for each dwelling unit or each commercial, manufacturing, or industrial operation or process contained therein.”

Third Amendment:

That §51.67 DISCHARGE, INTO THE SEWAGE WORKS OR WATER NOT SUPPLIED BY THE WATER UTILITY, paragraph (C) be amended to delete the monetary amount of \$37.78 and insert the monetary amount of \$46.07; and further amended to delete the monetary amount of \$56.64 and insert the monetary amount of \$69.07 so that said paragraph shall read as follows:

“(C) If the town does not require installation of measuring devices, then the sewer service rate and charge, including the rates and charges for sewer collection facilities and sewer treatment facilities, shall be \$46.07 per month for each dwelling unit upon the lot, parcel of real estate, or building located inside the town; and \$69.07 per month for each dwelling unit upon the lot, parcel of real estate, or building located outside the town.”

SECTION 2. That all remaining provisions of **Title V: Public Works, Chapter 51: Sewers** remain in full force and effect.

SECTION 3. Severability.

This ordinance shall not be deemed to repeal the rates and charges heretofore fixed for the periods prior to the effective date of the rate and charge change. If this ordinance repeals and replaces a provision in the same form or in a restated form, the substantive operation and effect of that law continues uninterrupted.

This ordinance does not affect any:

- A. rights or liabilities accrued;
- B. penalties incurred; or
- C. proceedings

begun before the effective date of this ordinance. Those rights, liabilities, penalties, and proceedings continue and shall be imposed and enforced under prior law as if this ordinance had not been enacted.

If any provision or application of this ordinance is held invalid, the invalidity does not affect the remainder of this ordinance unless:

- A. The remainder is so essentially and inseparably connected with, and so dependent upon, the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or
- B. The remainder is incomplete and incapable of being executed in a accordance with the legislative intent without the invalid provision or application.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval, according to law, and the rates and charges adopted herein shall be effective commencing for billing activity first rendered in JANUARY, 2012 and for each billing cycle thereafter.

SAID ORDINANCE is hereby passed and adopted this 19TH day of DECEMBER, 2011.

The foregoing was passed by the Town Council of the Town of Brownstown this 19th day of December, 2011.

AYES

NAYS

H. Starn
Wm E. Swearing
Margo Stuenkel
Emilie Pessinger

Council Members

Council Members

Presented by me to the President this 19th day of December, 2011.

David Willey
David Willey, Clerk-Treasurer

Approved and signed by me this 19th day of December, 2011.

James A. Phillips
James Phillips, President

STATE OF INDIANA)
) SS:
COUNTY OF JACKSON)

I, the undersigned, Clerk-Treasurer of the Town of Brownstown, in Jackson County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Ordinance No. 2011- 13 passed by the Town Council of the Town of Brownstown on the 19th day of December, 2011, by a vote of 4 AYES and 0 NAYS, which Ordinance was duly signed by the President of the Council on the 19th day of December, 2011, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the Town of Brownstown this 19th day of December 2011.

David Willey
David Willey, Clerk-Treasurer

**NOTICE OF A HEARING ON
PROPOSED SEWER RATES AND CHARGES**

Property owners, ratepayers and other interested parties in, or served, or to be served by the sewage works of the Town of Brownstown (the "Town") are hereby notified that Ordinance No. 2011-13 (the "Rate Ordinance"), establishing rates and charges for services to be rendered by the sewage works, was introduced at a meeting of the Town Council held on November 21, 2001. At a meeting of the Town Council to be held on December 19, 2011 in the Town Hall, 200 West Walnut Street, Brownstown, Indiana at 5:30 p.m. there will be a public hearing on the matter of the rates and charges and consideration of adoption of the Ordinance. The proposed amendments to the Brownstown Code containing the proposed sewage rates and charges, as set forth in the Ordinance, are as follows:

SECTION 1. That **Title V: Public Works; Chapter 51: Sewers** of the Brownstown Town Code be amended as follows:

First Amendment:

That **§51.66 DETERMINATION OF RATES AND CHARGES**, paragraph (B)(1) be amended to delete the monetary amount of \$4.43 and insert the monetary amount of \$5.40; and further amended to delete the monetary amount of \$6.64 and insert the monetary amount of \$8.10 so that said paragraph shall read as follows:

"(1) The rates and charges for treatment facilities shall be based upon the quantity of water delivered in, on, or to the lot, parcel of real estate, building or dwelling unit subject to the rates and charges established in this chapter as the same are measured by the water meter or meters of the water utility providing all the water on or to a lot, parcel of real estate, building or dwelling unit located inside the town at a charge of \$5.40 for each 1,000 gallons or any part thereof so delivered; and a to lot, parcel of real estate, building, or dwelling unit located outside the town at a charge of \$8.10 for each 1,000 gallons or any part thereof so delivered."

Second Amendment:

That **§51.66 DETERMINATION OF RATES AND CHARGES**, paragraphs (2) (3) and (4) be amended by deleting said paragraphs and tables in their entirety and inserting the following:

"(2) The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located inside the town which contains only one dwelling unit or only one commercial, manufacturing or industrial operation or process which is or which is required to be connected with the sewage works are based upon the size of the water meter or meters installed and used to deliver water in, on, or to the lot, parcel of real estate, or building in accordance with the following table:

Size of Meter	Cost Per Month Per Meter
5/8-inch	\$21.75
3/4-inch	\$21.75
1-inch	\$48.14
1 1/4 -inch	\$75.54
1 1/2-inch	\$106.19
2-inch	\$180.14
3-inch	\$408.81
4-inch	\$707.96
6-inch	\$1,605.22

(3) The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located inside the town which is or which is required to be connected with the sewage works and which contains therein more than one dwelling unit or more than one commercial, manufacturing, or industrial operation or process shall be \$21.75 per month for each dwelling unit or each commercial, manufacturing, or industrial operation or process contained therein.

(4) The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located outside of the town which contains only one dwelling unit or only one commercial, manufacturing, or industrial operation or process which is or which is required to be connected with the sewage works are based upon the size of the water meter or meters installed and used to deliver water in, on, or to the lot, parcel of real estate or building in accordance with the following table:

Size of Meter	Cost Per Month Per Meter
5/8-inch	\$32.62
3/4-inch	\$32.62
1-inch	\$72.22
1 1/4 -inch	\$111.82
1 1/2-inch	\$159.30
2-inch	\$270.20
3-inch	\$613.21
4-inch	\$1,061.94
6-inch	\$2,407.82

(5) The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located outside of the town which is or which is required to be connected with the sewage works and which contains therein more than one dwelling unit or more than one commercial, manufacturing, or industrial operation or process shall be \$32.62 per month for each dwelling unit or each commercial, manufacturing, or industrial operation or process contained therein.”

Third Amendment:

That **§51.67 DISCHARGE, INTO THE SEWAGE WORKS OR WATER NOT SUPPLIED BY THE WATER UTILITY**, paragraph (C) be amended to delete the monetary amount of \$37.78 and insert the monetary amount of \$46.07; and further amended to delete the monetary amount of \$56.64 and insert the monetary amount of \$69.07 so that said paragraph shall read as follows:

“(C) If the town does not require installation of measuring devices, then the sewer service rate and charge, including the rates and charges for sewer collection facilities and sewer treatment facilities, shall be \$46.07 per month for each dwelling unit upon the lot, parcel of real estate, or building located inside the town; and \$69.07 per month for each dwelling unit upon the lot, parcel of real estate, or building located outside the town.”

At such hearing and prior to final adoption of the Ordinance, all interested parties may appear and be heard. A copy of the Ordinance may be examined at the office of the Clerk-Treasurer in the Town Hall, 200 West Walnut Street, Brownstown, Indiana.

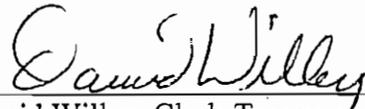
Dated this 21st day of November, 2011.

David Willey
Clerk-Treasurer

**AFFIDAVIT OF MAILING OF NOTICE OF
PUBLIC HEARING ON PROPOSED SEWER RATES AND CHARGES**

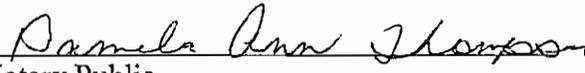
STATE OF INDIANA,)
)
COUNTY OF JACKSON,)

I, David Willey, having been duly sworn upon my oath, depose and say that I did on or before November 23, 2011 mail to all rate payers who reside outside the corporate boundaries of the Town of Brownstown, Indiana, a copy of the notice of the public hearing on the proposed sewer rates and charges, which notice was in the form attached.



David Willey, Clerk-Treasurer
Town of Brownstown, Indiana

Subscribed and sworn to before me, a Notary Public, this 23 day of November, 2011.



Notary Public
Pamela Ann Thompson

My Commission Expires: 8-13-2015
My County of Residence: Jackson

ORDINANCE NO. 2000- 2

An Ordinance amending and restating schedule of rates and charges to be collected by the Town of Brownstown, Indiana, from the owners of lots, parcels of real estate, buildings or dwellings served by the Sewage Works of the Town and other matters connected thereof.

WHEREAS, the revenues from the existing sewage service rates and charges are insufficient to provide sufficient funds to pay current operating and maintenance expenses of the Brownstown sewage works, and to pay the principal and interest on the outstanding sewage works revenue bonds, and to meet the immediate and anticipated additional expenses necessitated by the required improving of the existing sewage works; and

WHEREAS, the Town desires to amend Ordinances 1986-3 and 1998-1 and to restate them on a consolidated basis herein;

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BROWNSTOWN, INDIANA, as follows:

Section 1. For the purpose of this Ordinance, the following words shall have the meanings hereinafter set forth:

(a) "User Service Charge" shall mean the charge levied on users of the Town Sewage Works for the cost of operation and maintenance including replacement.

(b) "Debt Service Charge" shall mean the charge levied on the users of the Town sewage works to meet principal and interest on revenue bonds, service charges and other Town indebtedness incurred by reason of construction, repair, remodeling, upgrading, operating and maintaining the Town's sewage works.

(c) "Sewer Service Charge" shall mean the aggregate of User and Debt Service Charges.

(d) "Replacement Charge" shall mean the expenditures for obtaining and installing equipment, accessories or pertinences which are necessary during the service life of the Town Sewage Works to maintain the capacity and performance for which such works were designed and constructed. Operation and maintenance includes a replacement.

(e) "Sewage" shall mean the combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, including wastes from water closets, toilets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement floor drains, garage floor drains, bars, soda fountains, and stable floor drains.

(f) "Industrial Wastes" shall mean liquid wastes resulting from any commercial, manufacturing or industrial operation or process.

(g) "Domestic User" shall mean any user of the Town's Sewage Works whose lot, parcel of real estate or building is used primarily as a residence for one or more persons, including all dwelling units.

(h) "Town" shall mean the Town of Brownstown, in Jackson County, Indiana, acting by and through its Town Council.

(i) "Sewage Works" shall mean the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids for the Town.

(j) "Shall" is mandatory.

(k) "May" is permissive.

Section 2. For the use 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, building or dwelling unit that is connected with or required to be connected with the Sewage Works or otherwise discharges sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the Sewage Works. Such rates and charges shall include charges for use of the treatment facilities and charges for the use of the collection facilities of the Sewage Works. The rates and charges shall be determined and payable as hereinafter provided.

Except as herein otherwise provided, sewage rates and charges shall be determined on a monthly basis as follows:

(a) Rates and charges for treatment facilities:

The rates and charges for treatment facilities shall be based upon the quantity of water delivered, in, on or to the lot, parcel of real estate, building or dwelling unit subject to the rates and charges established in this Ordinance as the same is measured by the water meter or meters of the water utility providing all the water on or to (i) a lot, parcel of real estate, building or dwelling unit located inside the Town at a charge of \$4.43 for each 1,000 gallons or any part thereof so delivered; and (ii) a lot, parcel of real estate, building or dwelling unit located outside the Town at a charge of \$6.64 for each 1,000 gallons or any part thereof so delivered.

(b) Rates and charges for collection facilities located inside the Town:

The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located inside of the Town which contains only one (1) dwelling unit or only one (1) commercial, manufacturing or industrial operation or process which is or which is required to be connected with the Sewage Works is based upon the size of the water meter or meters installed and used to deliver water in, on or to the lot, parcel of real estate or building in accordance with the following table:

<u>Size of Meter</u>	<u>Cost Per Month Per Meter</u>
5/8"	\$ 17.84
3/4"	17.84
1"	39.48
1 1/4"	61.13
1 1/2"	87.08
2"	147.72
3"	335.24
4"	580.56
6"	1,316.35

The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located inside the Town which is or which is required to be connected with the Sewage Works and which contains therein more than one (1) dwelling unit or more than one (1) commercial, manufacturing or industrial operation or process shall be \$17.84 per month for each dwelling unit or each commercial, manufacturing or industrial operation or process contained therein.

(c) Rates and charges for collection facilities located outside of the Town:

The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located outside of the Town which contains only one (1) dwelling unit or only one (1) commercial, manufacturing or industrial operation or process which is or which is required to be connected with the Sewage Works is based upon the size of the water meter or meters installed and used to deliver water in, on or to the lot, parcel of real estate or building in accordance with the following table:

<u>Size of Meter</u>	<u>Cost Per Month Per Meter</u>
5/8"	\$ 26.75
3/4"	26.75
1"	59.22
1 1/4"	91.70
1 1/2"	130.63
2"	221.58
3"	502.86
4"	870.84
6"	1,974.52

The rates and charges for use of the sewer collection facilities by any lot, parcel of real estate or building located outside of the Town which is or which is required to be connected with the Sewage Works and which contains therein more than one (1) dwelling unit or more than one (1) commercial, manufacturing or industrial operation or process shall be \$26.75 per month for each dwelling unit or each commercial, manufacturing or industrial operation or process contained therein.

Section 3. The quantity of water delivered in, on or to the lot, parcel of real estate, building or dwelling unit and discharged into the Sewage Works obtained from sources other than a water utility that serves the lot, parcel of real estate or building, shall be determined by the Town in a manner as the Town shall reasonably elect and the sewer service charge shall be determined and billed at the rates as provided herein:

(a) In the event any lot, parcel of real estate or building, occupied by domestic users, in either single or multiple dwelling units, which is or which is required to be connected with the Sewage Works or discharges sewage into the Sewage Works either directly or indirectly does not receive all of its water supplied by a water utility serving the lot, parcel of real estate or building, and all the water delivered thereon is not measured by a water meter or is measured by a water meter that is not acceptable to the Town, then the amount of the water delivered to such lot, parcel of real estate or building, shall be otherwise measured or determined by the Town. The Town may, in making such determination, require the owner or other interested party, at his own risk and expense to install and maintain meters, weirs, volumetric measuring devices or any other adequate method of measurement accepted by the Town for the determination of the quantity of sewage which is or should be discharged into the Sewage Works.

If the Town does not require installation of such measuring devices then the sewer service rate and charge, including the rates and charges for sewer collection facilities and sewer treatment facilities shall be (i) \$37.78 per month for each dwelling unit upon such lot, parcel of real estate or building located inside the Town; and (ii) \$56.64 per month for each dwelling unit upon such lot, parcel of real estate or building located outside the Town.

(b) In the event a lot, parcel of real estate or building, other than one occupied and used by domestic users, which is or which is required to be connected with the Sewage Works or discharges sewage into the Sewage Works either directly or indirectly does not receive all of its water supplied by a water utility serving the lot parcel of real estate or building and all water delivered thereto is not measured by a water meter or is measured by a water meter that is not acceptable to the Town, the Owner of such lot, parcel of real estate or building, or any other interested party shall, at his own risk and expense install and maintain meters, weirs, volumetric measuring devices or any other adequate method of measurement accepted by the Town for the determination of the quantity of sewage which is or which should be discharged into the Sewage Works.

(c) In the event any lot, parcel of real estate or building occupied and used other than by a domestic user which is or which is required to be connected with the Sewage Works or discharges sewage or other liquids into the Sewage Works, either directly or indirectly and water is delivered to such premises in excess of 20,000 gallons per month, and it can be illustrated to the Town that a portion of the water delivered to the premises as measured by a water meter or meters does not and cannot enter into the Sewage Works, then the Town may permit the owner thereof or any other interested party at his own risk and expense, to install and maintain meters, weirs, volumetric measuring devices or any other adequate method of measurement accepted by the Town for determination of the quantity of sewage which is or which should be discharged into the Sewage Works.

Section 4. For sewer services rendered to the Town, or any other governmental agency or entity, such shall be subject to the same rates and charges hereinabove provided or to charges and rates established in harmony therewith.

Section 5. For making connections to the Sewage Works, the owner of any lot, parcel of real estate or building being connected to the Sewage Works shall pay a connection charge as follows:

(a) Domestic Connections:

1. A domestic building or structure in existence on May 2, 1979, then used for single family residential purposes not then connected to the Sewage Works, the sum of \$10.00.

2. A domestic building or structure in existence on May 21, 1979, not then connected to the Sewage Works which was not then capable of being connected to the Sewage Works but due to construction of additional sewer mains, improvements to the existing Sewage Works or other acts of the Town, such connection to the Sewage Works becomes available, the sum of \$10.00.

3. A domestic building or structure erected after May 21, 1979, which connects its building sewer to the Sewage Works by making such connection directly to a sewer main, to a "T" in the sewer main or to a "Y" in the sewer main, the sum of \$1,200.00 if such building or structure is located within the town limits of the Town of Brownstown and \$1,800.00 if such a building or structure is located outside the town limits of the Town of Brownstown.

4. A domestic building or structure erected after May 21, 1979, which connects its building sewer to an existing building sewer which connection requires encroachment upon or disturbance of any public street, public alley or public sidewalk within the Town, the sum of \$1,200.00 if such building or structure is located within the town limits of the Town of Brownstown and \$1,800.00 if such a building or structure is located outside the town limits of the Town of Brownstown.

5. A building or structure containing multiple family dwelling units, erected after May 21, 1979, which connects its building sewer to the Sewage Works by making such connection directly to a sewer main, to a "T" in the sewer main or to a "Y" in the sewer main, the sum of \$900.00 if such building or structure is located within the town limits of the Town of Brownstown and \$1,350.00 if such a building or structure is located outside the town limits of the Town of Brownstown.

6. A building or structure containing multiple family dwelling units erected after May 21, 1979, which connects its building sewer to an existing building sewer which connection requires an encroachment upon or disturbance of any public street, public alley or public sidewalk within the Town, the sum of \$900.00 if such building or structure is located within the town limits of the Town of Brownstown and \$1,350.00 if such a building or structure is located outside the town limits of the Town of Brownstown.

(b) Connections other than a domestic building or structure:

1. A building or structure, other than a domestic building or structure or a building or structure containing multiple family dwelling units, including all commercial and industrial connections, the sum of \$1,200.00 if such building or structure is located within the town limits of the Town of Brownstown and \$1,800.00 if such a building or structure is located outside the town limits of the Town of Brownstown.

Section 6. Sewer service charges may be billed to the tenant or tenants occupying the lot, parcel of real estate, building or dwelling unit served unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner thereof from the liability therefor in the event payment is not made as herein required. The owners of lots, parcels of real estate, or buildings served by the Sewage Works which are occupied by a tenant or tenants shall have the right to examine the collection records of the Town 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 such records are kept and during the hours that such office is open for business.

Section 7. All rates and charges not paid when due are delinquent and a penalty of 10% of the rates or charges shall thereupon attach thereto. The rates and charges shall be paid on or before twenty (20) days after the date of the mailing of the bill therefor.

Section 8. In order that the rates and charges for sewage service may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the Town may cause a study to be made within a reasonable period of time following the first twelve (12) months of operation following the date on which the Ordinance becomes effective. Such study may include, but not be limited to, any 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 Sewage Works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debt service requirements and capital improvements of the Sewage Works.

Thereafter, on an annual basis, within a reasonable period of time following the Town's normal accounting period, the Town may cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis to determine any material changes which should be passed to the Town's users in an apportionment manner. Said studies shall be conducted by officers and/or employees of the Town, or by a firm of certified public accountants and/or a firm of consulting engineers, which firms shall have experience in such studies.

Section 9. The Town shall make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's 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 such rates and charges.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage works, which, in its discretion, are deemed harmful to the operation of the Sewage Works of the Town or to require methods affecting pretreatment of said wastes to reduce the characteristics of the waste satisfactorily to the Town.

Section 10. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance, to include but not limited to, Ordinance No. 1998-1, Ordinance No. 1986-3, Ordinance No. 1984-4, Ordinance No. 1982-2, Ordinance No. 1981-5, Ordinance No. 79-1, Ordinance No. 78-1, and Ordinance No. 237.

Section 11. This Ordinance shall not be deemed to have repealed Ordinance 1985-3, Ordinance 1985-2.5, Ordinance 1981-1, or Ordinance 74-4.

Section 12. The rates and charges adopted herein shall be effective commencing for billing activity first rendered in January 2001, and for each billing cycle thereafter.

The foregoing was passed by the Town Council of the Town of Brownstown this 19th
day of June, 2000.

AYES

NAYES

Jerry Brown
Bill Sweeney
Robert Versinger
Leroy Garrison
Charles R. Long

Council Members

Council Members

Presented by me to the President this 19th day of June, 2000.

Rebecca Stoddall
Clerk-Treasurer

Approved and signed by me this 19th day of June, 2000.

Leroy Garrison
President

STATE OF INDIANA)
) SS:
COUNTY OF JACKSON)

I, the undersigned Clerk-Treasurer of the Town of Brownstown, in Jackson County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Ordinance No. 2000 - 2, passed by the Issuer's Council on the 19th day of June, 2000, by a vote of 5 AYES and 0 NAYS, which was signed by the President on the 19th day of June, 2000 and now remains on file and on record in my office.

WITNESS my hand and the official seal of the Town of Brownstown, this 19th day of June, 2000.

Rebecca Stovall
Clerk-Treasurer

(SEAL)

479407.2

**ORDINANCE NO. 2008-1
AN ORDINANCE AMENDING
TITLE V - PUBLIC WORKS, CHAPTER 51: SEWERS**

WHEREAS, the Town Council of the Town of Brownstown of Jackson County, Indiana deems it appropriate to regulate sewers and the matters related thereto in the Town of Brownstown.

NOW THEREFORE, by the powers vested in the Town Council of the Town of Brownstown, Jackson County, Indiana, it is hereby **ORDERED AND ORDAINED** that:

SECTION 1. That **Title V: Public Works; Chapter 51: Sewers** of the Brownstown Town Code be amended as follows:

First Amendment:

That **§51.01 DEFINITIONS** be amended to add the following terms and definitions:

DWELLING UNIT. Any permanent structure which people inhabit on a regular or seasonal basis.

EDU (Equivalent Dwelling Unit). A measure where one unit is equivalent to the wastewater effluent from one home, which is defined as 310 gdp/unit (gallon per day per unit) per Indiana Department of Environmental Management 327 IAC 3-6-11.

Second Amendment:

That **§51.04 BUILDING SEWER CONNECTIONS** paragraph B(1)(a) be amended to delete the word "six" and insert the word "two" so that said section will read as follows:

- (B) (1) There shall be two general classes of building sewer permits for connection to the sewage works via a public sewer:
 - (a) A permit for domestic, residential buildings or structures, including two subclasses established in § 51.69; and

Third Amendment:

That **§51.04 BUILDING SEWER CONNECTIONS** paragraph (E) be amended by deleting the paragraph in its entirety and inserting the following:

- (E) A separate and independent sewer shall be provided for:
 - (1) Each single family dwelling unit and/or EDU;
 - (2) Each dwelling unit and/or EDU located in a single-story, multifamily dwelling unit; or
 - (3) Each multistory, multifamily structure, irrespective of the number of dwelling units or EDUs contained therein.

Fourth Amendment:

That §51.23 **ADDITIONAL PRETREATMENT MEASURES** paragraph (C) be amended by deleting the words "private living quarters or" and inserting in lieu thereof the words "single-family" so that said paragraph shall thereafter read as follows:

- (C) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease, oil, or sand, in excessive amounts, except that the interceptors shall not be required for single-family dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Fifth Amendment:

That §51.69 **CONNECTION CHARGES** be amended by deleting paragraphs (A) through (G) in their entirety and inserting the following:

§51.69 CONNECTION CHARGES

At no time will a dwelling unit be classified as less than one EDU. For making connections to the sewage works, the owner or any lot, parcel or real estate or building being connected to the sewage works shall pay the following connection charges:

- A. For all customers classified as single-family residential:
- (1) \$1,200.00 if the building or structure is located within the Town limits; and
 - (2) \$1,800.00 if the building or structure is located outside the Town limits.
- B. For all customers classified as multifamily residential:
- (1) \$1,200.00 per EDU if the building or structure is located within the Town limits;
 - (2) \$1,800.00 per EDU if the building or structure is located outside the Town limits.
- C. For all customers classified as Commercial or Industrial the following applies:
- (1) For all 6" sewer connections:
 - a. \$4,800.00 if the building or structure is located within Town limits.
 - b. \$7,200.00 if the building or structure is located outside Town limits.
 - (2) For all 8" sewer connections:
 - a. \$8,400.00 if the building or structure is located within Town limits.
 - b. \$12,600.00 if the building or structure is located outside Town limits.

- (3) For all 10" sewer connections:
 - a. \$15,600.00 if the building or structure is located within Town limits.
 - b. \$23,400.00 if the building or structure is located outside Town limits.
- (4) For all 12" sewer connections:
 - a. \$26,400.00 if the building or structure is located within Town limits;
 - b. \$39,600.00 if the building or structure is located outside Town limits.

For all customers that cannot gravity feed into the sanitary sewer system (basement plumbing, grinder pump stations, private lift stations, etc), the connection charge will be based on the gravity feed line servicing the pump/lift station. This being the same line that should have gravity flowed into the sewage works sanitary sewer system.

SECTION 2. That all remaining provisions of **Title v: Public Works, Chapter 51: Sewers** remain in full force and effect.

SECTION 3. Severability.

If this ordinance repeals and replaces a provision in the same form or in a restated form, the substantive operation and effect of that law continues uninterrupted.

This ordinance does not affect any:

- A. rights or liabilities accrued;
- B. penalties incurred; or
- C. proceedings begun

before the effective date of this ordinance. Those rights, liabilities, penalties, and proceedings continue and shall be imposed and enforced under prior law as if this ordinance had not been enacted.

If any provision or application of this ordinance is held invalid, the invalidity does not affect the remainder of this ordinance unless:

- A. The remainder is so essentially and inseparably connected with, and so dependent upon, the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or
- B. The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval, according to law.

SAID ORDINANCE is hereby passed and adopted this 7th day of FEB, 2008.

The foregoing was passed by the Town Council of the Town of Brownstown this 4th day of FEB, 2008.

AYES

NAYS

/s/ L W
/s/ J P
/s/ M B
/s/ W S
/s/ E P

Council Members

Council Members

Presented by me to the President this 4th day of Feb, 2008.

Rebecka Fee, Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2008.

/s/ L W

Leroy Warren, President

STATE OF INDIANA)
) SS:
COUNTY OF JACKSON)

I, the undersigned, Clerk-Treasurer of the Town of Brownstown, in Jackson County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Ordinance No. 2008-1 passed by the Town Council of the Town of Brownstown on the 4th day of FEB, 2008, by a vote of 5 AYES and 0 NAYS, which Ordinance was duly signed by the President of the Council on the 4th day of Feb, 2008, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the Town of Brownstown this 4th day of FEB 2008.

/s/ R F

Rebecka Fee, Clerk-Treasurer