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September 28, 2012

RECEIVED

OCT 01 2012

INDIANA UTILITY
REGULATORY COMMISSION

Mr. E. Curtis Gassert
Director Water/ Wastewater Division
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204-3419

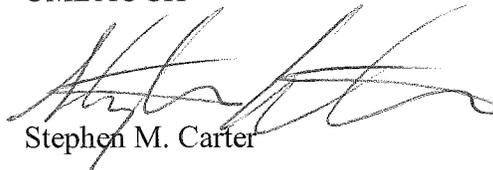
RE: Winamac (Indiana) Municipal Sewage Works- Outside User Rate Petition

Dear Mr. Gassert:

On behalf of the Town of Winamac, please find the Petition for Approval of Rate Differential Between Property Within and Property Outside the Corporate Boundaries of the Town. If at any time you have any questions or need additional information, please feel free to contact myself or Mr. John A. Kocher, Town Attorney.

Very truly yours,

UMBAUGH



Stephen M. Carter

JPR/ps

Enclosures: Petition

cc: Ms. Melanie Berger, Clerk-Treasurer
Mr. John A. Kocher, Attorney at Law
Mr. James Conner, Town Manager

RECEIVED

OCT 01 2012

INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF WINAMAC)
 FOR APPROVAL OF RATE AND CHARGE)
 DIFFERENCE BETWEEN PROPERTY) CAUSE NO. _____
 WITHIN AND PROPERTY OUTSIDE THE)
 CORPORATE BOUNDARIES OF WINAMAC)

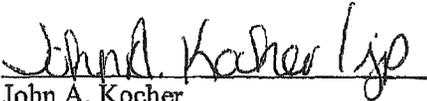
Pursuant to Indiana Code §8-1.5-3-8.3(c), Petitioner, the Town of Winamac, Indiana ("Winamac"), by counsel, respectfully petitions the Indiana Utility Regulatory Commission ("Commission") for approval of the rate and charge difference between property within and property outside the corporate boundaries of the Town of Winamac. In support of its Petition, Petitioner states:

1. The ordinance setting rates and charges for property within and property outside the municipality's corporate boundaries took effect on September 5, 1978 for the Municipal Sewage Works.
2. Attached as "Exhibit A" are copies of the ordinances establishing the outside rate differential.
3. The works that are the subject of the ordinance are (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 150%.

5. If the percentage difference in #4 above varies based upon the amount of consumption, please provide a charge illustrating the various consumption levels in 1,000 gallon increments with the corresponding surcharge and attach to this Petition. N/A

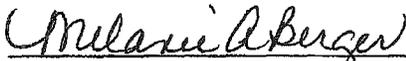
6. John A. Kocher, Attorney at Law, 115 West Main Street, Winamac, Indiana, 46996, is counsel of record for Petitioner in this matter and is duly authorized to accept service of papers in this cause on behalf of the Petitioner.

WHEREFORE, The Town of Winamac, Indiana, requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of the Town of Winamac and for other just and reasonable relief.


John A. Kocher

Verification

I, Melanie Berger, Clerk-Treasurer, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed: 
Melanie Berger, Clerk-Treasurer

Date: 9-28-12

John A. Kocher
115 West Main Street
Winamac, Indiana 46996
Phone: 574-946-6360

WINAMAC (INDIANA) MUNICIPAL UTILITIES

EXHIBIT A

RESOLUTION 4 , 2011

**A RESOLUTION OF THE TOWN OF WINAMAC,
INDIANA CORRECTING A TYPOGRAPHICAL ERROR IN
THE SCHEDULE OF RATES AND CHARGES FOR THE
USE OF AND SERVICES RENDERED BY THE SEWAGE
WORKS SYSTEM OF THE TOWN**

WHEREAS, the Town of Winamac, Indiana (the "Town") has established, acquired, and financed its sewage works for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the Town; and

WHEREAS, the current rates and charges of the sewage works are set forth in and billed and collected by the Town pursuant to the provisions of its sewer rate ordinances, which rates and charges have been established and amended from time to time in accordance with and pursuant to the provisions of Indiana Code 36-9-23; and

WHEREAS, pursuant to said rate ordinances the Town has, since as early as 1971 through the date hereof, consistently charged its out-of-Town sewer users a surcharge equal to 1.5 times, or 150% of, the sewer rates and charges that are charged to in-Town sewer users; and

WHEREAS, it has recently been brought to the attention of the Town Council of the Town (the "Council") that there exists a typographical error in one of the Town's sewer rate ordinances, specifically Ordinance Number 1982-4, adopted by the Council on October 4, 1982 (the "1982 Ordinance"); and

WHEREAS, Section 2(j) of the 1982 Ordinance states that users outside the corporate limits of the Town will be billed at 1.5% of the sewer rates and charges to users within the corporate limits of the Town; and

WHEREAS, the Council has reviewed the provisions of the 1982 Ordinance and by this Resolution acknowledges that there exists a typographical error therein and that the actual sewer charges to out-of-Town users was, is and has always been intended to be 150% of the rates and charges to users within the Town; and

WHEREAS, the Council wishes to clarify the record and announce its intent that such typographical error be corrected;

NOW THEREFORE, be it resolved by the Town Council of the Town of Winamac, Indiana that:

Section 1. The 1982 Ordinance contains a typographical error in Section 2(j) thereof wherein it provides that "Charges to users outside the corporation limits of the Town will be billed at 1.5% of the rates and charges to users within the corporation limits". Said typographical error is hereby acknowledged by the Town and corrected so that such provision of the 1982

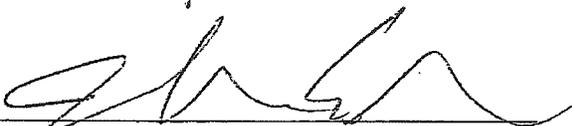
Ordinance shall read as follows "Charges to users outside the corporation limits of the Town will be billed at 150% of the rates and charges to users within the corporation limits".

Section 2. The Town hereby ratifies and confirms that under the existing schedule of sewer rates and charges of the Town, as in effect since at least 1971, sewer users located outside of the Town have been and are charged at a rate of 150% of the rates and charges to users in the corporate limits of the Town.

Section 3. Aside from acknowledging the typographical error in the 1982 Ordinance as herein corrected above, nothing in this Resolution shall be construed as altering or amending in any way the current schedule of sewer rates and charges of the Town.

Section 4. This Resolution shall be in full force and effect from and after its passage and adoption.

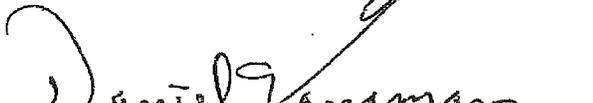
Passed and adopted by the Town Council of the Town of Winamac, Indiana, on this 11th day of April, 2011.


JOHN PLOWMAN, President

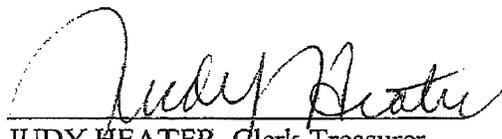

ROD BUTTON


TOM J. MURRAY


JAMES DeARMOND


DANIEL VANAMAN

ATTEST:


JUDY HEATER, Clerk-Treasurer

1882630v2

AN ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN OF WINAMAC, INDIANA, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Winamac, Indiana, has heretofore authorized the construction, maintenance and operation of works for the collection, treatment and disposal of sewage under the provisions of Public Law 309 Section 96 as added by the Acts of 1981, of the General Assembly of the State of Indiana; and

WHEREAS, said Public Law ~~309~~Section-96 of the Acts of 1981 require that the rates and charges to be collected for the use of and the service rendered by such sewage works 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 Town of Winamac, Indiana;

Section I. For the use of and the service rendered by said 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 with the Town of Winamac's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the town of Winamac, Indiana, which rates and charges shall be payable as hereinafter provided and shall be in an amount of determinable as follows;

(a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used, shall be as follows:

<u>Quantity of Water Used Per Month</u>		<u>Rate Per 1,000 Gallons</u>
First	2,500 gallons	\$1.94
Next	9,500 gallons	1.57
Next	18,000 gallons	1.32
All over	30,000 gallons	1.08

The minimum charge for sewage service where the user is a metered water consumer shall be based upon the meter size as follows:

<u>Meter Size</u>	<u>Per Month</u>
5/8"-3/4" meter	\$4.85
1" meter	8.25
1 1/4" meter	14.85
1 1/2" meter	21.80
2" meter	36.45
3" meter	74.25
4" meter	124.20
6" meter	250.00

A flat rate for residential sewage service, where the user is not a metered water user, will be Seven Dollars and Forty-Five Cents (\$7.45) per month.

(b) For the services rendered to the town of Winamac, Indiana, said Town shall be subject to the same rates and charges as hereinbefore provided, or to charges and rates established in harmony therewith.

Section 2.

(a) In cases other than residential sewage service, the quantity of water obtained from sources other than the water utility serving the town of Winamac, Indiana, and discharged into the public sanitary sewage system may be determined by the Town in such manner as the proper officers of the Town shall elect, and the sewage services may be billed at the above appropriate rates.

(b) Except in cases of residential sewage service, in the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving the Town of Winamac and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determination of the sewage discharge.

(c) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town of Winamac, Indiana, and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(d) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of ten thousand (10,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(e) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(f) In the event two or more dwelling units such as apartments or house-keeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case,

the minimum monthly billing shall be determined by multiplying the number of dwelling units served through the single meter by \$4.85. A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(g) In the case of trailer parks discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and which are users of water from the Town's waterworks, and the quantity of water is measured by a single water meter, said user shall pay not less than the number of dwelling units times the minimum monthly charge of \$4.85.

(h) Billing for sewage rates and charges shall be made monthly and such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used on or in the property or premises as the same is measured by the water meter there in use, and said metered water usage shall be determined from the meter reading of the Town's waterworks.

(i) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September the billing for sewage services for residential and/or domestic users for said months shall be based upon the water usage for the previous months of December, January, February and March, if such usage is lower than the summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(j) Charges to users outside the corporation limits of the Town will be billed at 15% of the rates and charges to users within the corporation limits.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town of Winamac shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The Town of Winamac shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the Town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Surcharge Based Upon Suspended Solids

MG/L--Milligram/Liter

Basic Rate---4.0 cents/100

MG/L Suspended Solids/1,000 gallons

for each 100 MG/L or fraction thereof of Suspended Solids in excess of 300 MG/L the additional charge shall be 4.0 cents per 1,000 gallons of flow.

Rate Surcharge Based Upon BOD

MG/L -- Milligram/Liter

BOD -- Biochemical Oxygen Demand

Basic Rate -- 5.4 cents/100 MG/L BOD/1,000 gallons

for each 100 Milligram/Liter or fraction thereof of Biochemical Oxygen Demand in excess of 300 Milligram/Liters the additional charge shall be 5.4 cents per 1,000 gallons of flow.

To determine the strength of the sewage and wastes, samples and analysis may be made from time to time whenever it is deemed desirable by the Town of Winamac. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the Town by submitted analyses of composit samples of the sewage and wastes subject to such charges, certified by a Registered Engineer or a qualified graduate chemist. The Town may then adjust the charges to the ordinance rates required by such analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted no more often than once every twelve (12) months.

The determination of Suspended Solids and Five-day 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 Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Section 4. The terms "sanitary sewage" and "Industrial Wastes" shall be defined as follows:

(a) "Sanitary sewage" is defined as the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

(b) "Industrial Wastes" are defined as being the liquid waste or liquid-born waste resulting from any commercial, manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town of Winamac, Indiana, monthly and shall be collected in the manner provided by law and ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town of Winamac, Indiana, for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

Section 6. The Town of Winamac, Indiana, shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic and efficient management of the town of Winamac's sewer system and for the construction and use of house sewers and connections to the sewer system and for the regulation, collection, rebating and refunding of rates and charges.

Section 7. The Town of Winamac, Indiana, is hereby authorized to prohibit dumping of wastes into the Town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town of Winamac, Indiana.

Section 8. The rates and charges fixed by this ordinance shall be effective for services billed beginning December, 1982, for actual services rendered prior thereto, and all ordinances in conflict herewith are repealed as of said date.

Section 9. Be it further ordained that a public hearing on such an ordinance is set for the 1st day of November, 1982, at 7:00 P. M. at the Town Hall in Winamac, Indiana, and that the notice of the adoption of this ordinance be given to the taxpayers and property owners of the Town of Winamac by publication in a newspaper published in the Town of Winamac ten (10) days prior to such hearing.

Section 10. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Winamac, Indiana, on the 4th day of October, 1982.

BOARD OF TRUSTEES OF THE TOWN
OF WINAMAC, INDIANA

David J. Knebel

John Crawford

Alvin R. Parish

John Dittus

William J. Smith

ATTEST:

Allen Boos
Allen Boos, Clerk-Treasurer of the
Town of Winamac, Indiana

Ordinance No. 1978-4

AN ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN OF WINAMAC, INDIANA, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Winamac, Indiana, has heretofore authorized the construction, maintenance and operation of works for the collection, treatment and disposal of sewage under the provisions of Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967; and

WHEREAS, said Chapter 284 of the Acts of 1967 requires that the rates and charges to be collected for the use of and the service rendered by such sewage works 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 Town of Winamac, Indiana:

Section 1. For the use of and the service rendered by said 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 with the Town of Winamac's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the town of Winamac, Indiana, which rates and charges shall be payable as hereinafter provided and shall be in an amount of determinable as follows:

(a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used, shall be as follows:

<u>Quantity of Water Used Per Month</u>	<u>Rate Per 1,000 Gallons</u>
First 2,500 gallons	\$ 1.44
Next 9,500 gallons	1.16
Next 18,000 gallons	.98
All over 30,000 gallons	.80

The minimum charge for sewage service where the user is a metered water consumer shall be based upon the meter size as follows:

<u>Meter Size</u>	<u>Per Month</u>
5/8" - 3/4" meter	\$3.60
1" meter	6.10
1 1/4" meter	11.00
1 1/2" meter	16.00
2" meter	27.00
3" meter	55.00
4" meter	92.00
6" meter	185.00

A flat rate for residential sewage service, where the user is not a metered water user, will be Five Dollars and Fifty Cents (\$5.50) per month.

(b) For the services rendered to the town of Winamac, Indiana, said Town shall be subject to the same rates and charges as hereinbefore provided, or to charges and rates established in harmony therewith.

Section 2.

(a) In cases other than residential sewage service, the quantity of water obtained from sources other than the water utility serving the town of Winamac, Indiana, and discharged into the public sanitary sewage system may be determined by the Town in such manner as the proper officers of the Town shall elect, and the sewage services may be billed at the above appropriate rates.

(b) Except in cases of residential sewage service, in the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving the Town of Winamac and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determination of the sewage discharge.

(c) In the event a lot, parcel of real estate or buildings discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town of Winamac, Indiana, and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(d) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of ten thousand (10,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(e) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(f) In the event two or more dwelling units such as apartments or house-keeping rooms discharging sanitary sewage, water or other liquids into the Town's

sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, the minimum monthly billing shall be determined by multiplying the number of dwelling units served through the single meter by \$3.60. A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(g) In the case of trailer parks discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, and which are users of water from the Town's waterworks, and the quantity of water is measured by a single water meter, said user shall pay not less than the number of dwelling units times the minimum monthly charge of \$3.60.

(h) Billing for sewage rates and charges shall be made monthly and such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used on or in the property or premises as the same is measured by the water meter there in use, and said metered water usage shall be determined from the meter reading of the Town's waterworks.

(i) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September the billing for sewage services for residential and/or domestic users for said months shall be based upon the water usage for the previous months of December, January, February and March, if such usage is lower than the summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(j) Charges to users outside the corporation limits of the Town will be billed at 150% of the rates and charges to users within the corporation limits.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town of Winamac shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The Town of Winamac shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the Town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Surcharge Based Upon Suspended Solids

MG/L -- Milligram/Liter

Basic Rate -- 3.0 cents/100

MG/L Suspended Solids /1,000 gallons

For each 100 MG/L or fraction thereof of Suspended Solids in excess of 300 MG/L the additional charge shall be 3.0 cents per 1,000 gallons of flow.

Rate Surcharge Based Upon BOD

MG/L -- Milligram/Liter

BOD -- Biochemical Oxygen Demand

Basic Rate -- 4.0 cents/100

MG/L BOD/1,000 gallons

For each 100 Milligram/Liter or fraction thereof of Biochemical Oxygen Demand in excess of 300 Milligram/Liters the additional charge shall be 4 cents per 1,000 gallons of flow.

To determine the strength of the sewage and wastes, samples and analysis may be made from time to time whenever it is deemed desirable by the Town of Winamac. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the Town by submitted analyses of composit samples of the sewage and wastes subject to such charges, certified by a Registered Engineer or a qualified graduate chemist. The Town may then adjust the charges to the ordinance rates required by such

analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted no more often than once every twelve (12) months.

The determination of Suspended Solids and Five-day 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 Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Section 4. The terms "sanitary sewage" and "Industrial Wastes" shall be defined as follows:

(a) "Sanitary sewage" is defined as the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

(b) "Industrial Wastes" are defined as being the liquid waste or liquid-born waste resulting from any commercial, manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town of Winamac, Indiana, monthly and shall be collected in the manner provided by law and ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town of Winamac, Indiana, for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

Section 6. The Town of Winamac, Indiana shall make and enforce such

bylaws and regulations as may be deemed necessary for the safe, economic and effecient management of the town of Winamac's sewer system and for the construction and use of house sewers and connections to the sewer system and for the regulation, collection, rebating and refunding of rates and charges.

Section 7. The Town of Winamac, Indiana, is hereby authorized to prohibit dumping of wastes into the Town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town of Winamac, Indiana.

Section 8. The rates and charges fixed by this ordinance shall be effective for services billed beginning DECEMBER, 1978 for actual services rendered prior thereto, and all ordinances in conflict herewith are repealed as of said date.

Section 9. Be it further ordained that a public hearing on such an ordinance is set for the 6 day of November, 1978 at 7:30 P.M. at the Town Hall in Winamac, Indiana, and that the notice of the adoption of this ordinance be given to the taxpayers and property owners of the Town of Winamac by publication in a newspaper published in the Town of Winamac ten (10) days prior to such hearing.

Section 10. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Winamac, Indiana on the 5 day of September 1978.

Robert Bellas

Eugene Eudy

Wanda J. Hill

BOARD OF TRUSTEES OF THE TOWN OF WINAMAC, INDIANA

ATTEST:

Allen Boos
 Allen Boos, Clerk-Treasurer of the Town of Winamac, Indiana