

ORDINANCE NO. 24-02

SEWER RATE ORDINANCE

WHEREAS, the District has proposed a schedule of rates and charges to produce sufficient revenue to pay expenses of maintenance, operation, and to provide funds for necessary replacements and improvements to the sewage works.

WHEREAS, the original Sewer Rate Ordinance, Ordinance No. 91-1, has been amended since adoption in 1991 and the District seeks to reauthorize and replace any previous Rate Ordinance, and any amendments thereto, with this Sewer Rate Ordinance.

WHEREAS, the District seeks to implement rates and fees consistent with the Town of Chesterton for the purposes of avoiding administrative costs, including rate and costs surveys, to the greatest extent possible under law for the purposes of proving the highest level of service at the lowest costs.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE INDIAN BOUNDARY CONSERVANCY DISTRICT:

Section 1. This Ordinance incorporates any Chesterton, Indiana Code of Ordinances, definitions, specifically, but not limited to, §25-30 and §25-31 (Ord. 2015-12, passed 6-22-2015, as amended) and §25-81. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meaning as indicated in above definitions, then in any authorizing statute related to conservancy districts or sewer works, including subsequent amendments thereto, and, as required, any additional definitions by Court Order or other mandatory State or Federal mandatory authority. Any references in the incorporated materials to the Town of Chesterton shall be understood to apply to the Indian Boundary Conservancy District unless the context requires that the same only apply to the Town or the District.

Section 2. Every person whose premises are served by said sewage works shall be charged for the service provided. These charges are established for each user class, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a userclass. The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows: Class I – Residential; Class II – Commercial Governmental, Institutional, and Industrial.

Section 3. This Ordinance incorporates Chesterton Code of Ordinances, Charges Levied; Classes of Users §25-82 and Determination of Charges §25-83 (Ord. 2014-16, passed 12-8-2014; Ord. 2016-23, passed 12-12-2016; Ord. 2019-05, passed 4-22-2019), as amended, forming the basis of charges for District services as if fully set forth herein. This Ordinance also incorporates and Rate or Costs Study per §25-87 (Ord. 2010-09, passed 7-26-2010; Ord. 2014-16, passed 12-8-2014; Ord. 2019-05, passed 4-22-2019 and as subsequently amended). The same shall be sufficient for the purposes of the District, subject to any provisions necessary for adoption of the same, to establish these rates, unless otherwise prohibited by law.

Section 4. This incorporates by reference Chesterton Code of Ordinances, §25-84 Determination of Water Use.

Section 5. The Ordinance also incorporates by reference Chesterton Code of Ordinances

§25-35, Specific Discharge Limitations (Ord. 2015-12, passed 6-22-2015; Ord. 2016-05, passed 4-25-2016), and §25-85, Adjustments for Stronger than Normal Discharges (Ord. 2014-16, passed 6-8-2015; Ord. 2016-23, passed 12-12-2016; Ord. 2019-05, passed 4-22-2019) as if fully set forth herein.

Section 6. Such rates and charges shall be prepared, billed, and collected by the District in the manner provided by law and ordinance. The Indian Boundary Conservancy District also incorporates by references Chesterton Code of Ordinances, §25-86 Billing (Ord. 2010-09, passed 12-20-2010; Ord. 2019-05, passed 4-22-19). However, the District may also use any billing procedures otherwise adopted by District which shall take precedent over any other code or billing practice including specifically any penalties that may be imposed so long as the same exceed the incorporated billing practices.

Section 7. The owner of any lot, parcel of real estate or building connecting to the sewer works shall, prior to being permitted to make the connection, comply with all rules and regulations (including applicable connecting charges) as may from time to time be adopted by the Board of Directors of the Indian Boundary Conservancy District.

Section 8. Cost Studies. The Indian Boundary Conservancy District incorporates by references Chesterton Code of Ordinances, §25-87 Cost Studies. In addition, the Indian Boundary Conservancy District incorporates any cost study itself produced by the Chesterton Utility Board and adopted thereby if the same is applicable to the services area without further vote for the purpose of its own rates as if produced by the Indian Boundary Conservancy District.

Section 9. The District shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the District's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system and for regulation, collection and rebating and refunding of such rates and charges and unless otherwise contradicting any by-laws incorporates by-laws adopted by the Chesterton Utility Board for the purposes thereof incorporates by references Chesterton Code of Ordinances, §25-89 Regulatory Authority. The District is hereby authorized to prohibit dumping of wastes into the District's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the District, or to require method affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the sewage works or as contained in the EPA General Pretreatment Regulations, 40 CFR Part 403 and any amendments thereto or the District's Pretreatment Program Plan. and unless otherwise contradicting any by-laws incorporates by-laws adopted by the Chesterton Utility Board for the purposes thereof incorporates by references Chesterton Code of Ordinances, §25-90 Harmful Deposits.

Section 10. That the rules and regulations promulgated by the District, after approval by the Board of Directors shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Directors.

Section 11. The invalidity of any section, clause sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which shall be given effect without

such invalid part or parts.

Section 12. The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such reduction shall be limited to such reduced costs.

Section 13. The rates and charges as set forth herein shall become effective in the first full billing period occurring after the adoption of this ordinance.

ADOPTED BY THE BOARD OF DIRECTORS OF THE INDIAN BOUNDARY CONSERVANCY DISTRICT at a lawfully called, convened and conducted meeting on the 17 day of October, 2024.