

ORDINANCE NO. 2022 – 1

**AN ORDINANCE AMENDING ORDINANCE NO. 2009 – 5, AS AMENDED,
ENTITLED THE
SEWER RATE ORDINANCE FOR THE WYATT SUBDISTRICT**

An Ordinance amending the established schedule of rates and charges to be collected by the St. Joseph County Regional Water & Sewer District from the owners of property served by the sewage works of said District and other matters connected therewith.

WHEREAS, Indiana Code 13-26-11-8 requires the Board of Trustees of the St. Joseph County Regional Water & Sewer District (the “District”), by ordinance, to establish just and equitable rates and charges for the use of and the service provided by the works and to periodically change and readjust those rates and charges; and

WHEREAS, on March 5, 2009, after a public hearing, the District ordained and adopted Ordinance No. 2009-2 (“Ordinance 2009-2”) to establish a schedule of rates and charges to be collected by the District from Class 1 Landfill Users property served or benefiting from the sewage works of said District; and

WHEREAS, on June 11, 2009, after a public hearing, the District ordained and adopted Ordinance No. 2009-3 (“Ordinance 2009-3”) to establish a schedule of rates and charges to be collected by the District from owners of property served or benefiting from the sewage works of said District (including the Class 1 Landfill Users from Ordinance 2009-2); and

WHEREAS, on October 8, 2009, after a public hearing, the District ordained and adopted Ordinance No. 2009-5 (the “Ordinance”) to establish a schedule of rates and charges to be collected by the District from owners of property served or benefiting from the sewage works of said District, which Ordinance was intended to supersede Ordinance 2009-2 and Ordinance 2009-3; and

WHEREAS, on November 6, 2014, after a public hearing, the District ordained and adopted Ordinance No. 2014-1 to amend Ordinance 2009-2¹, including without limitation, Schedule 2 thereto; and

WHEREAS, on June 2, 2016, after a public hearing, the District ordained and adopted Ordinance No. 2016-1 to amend Ordinance 2009-2², including without limitation, Schedule 2 thereto; and

WHEREAS, pursuant to Section 6 of the Ordinance, the District by and through its Board of Trustees and its advisors undertook a study to determine the fairness, equity and proportionality of the rates and charges for sewer services; and

WHEREAS, the Board of Trustees has determined that it is necessary and desirable to make certain adjustments to the rates and charges for the sewage works of said District in order to

¹ The Board of Trustees acknowledge that Ordinance No. 2014-1 and Ordinance No. 2016-1 incorrectly cited to Ordinance 2009-2 as the ordinance being amended. As noted above, Ordinance No. 2009-2 was subsequently superseded by Ordinance 2009-5 and therefore the correct reference should have been to Ordinance No. 2009-5.

² See footnote above.

maintain the proportionality and sufficiency of the rates;

NOW, THEREFORE, BE IT RESOLVED, ESTABLISHED, AND ORDAINED by the St. Joseph County Regional Water & Sewer District, St. Joseph County, Indiana that Ordinance 2009-5, as amended, is hereby amended by this Ordinance 2022-1 as follows:

1. Section 5 is hereby amended to read in its entirety as follows:

“Section 5. Non-Recurring Charges. The non-recurring rates and charges for the use and service rendered by the District’s sewage works shall be as follows:

Bad Check Charge: The greater of \$25.00 or such amount the District incurs from the User’s financial institution.

Service Calls: During working hours (9 a.m. to 4 p.m.) \$75.00 per hour; \$150.00 per hour after working hours, but only if the User requests the District to perform the work after hours. In cases where there are multiple users of equipment, e.g., a grinder pump, that are subject to being repaired, the expenses shall be shared pro-rata between or among the users, as the case may be. The Board of Trustees reserves the right to adopt, from time to time, by resolution different service call rates that it deems reasonable with respect to the operation and maintenance of District equipment used in the Wyatt Subdistrict.”

2. Schedule 1 is hereby deleted and replaced in its entirety by inserting Schedule 1 attached as Exhibit A hereto.

3. Schedule 2 is hereby deleted and replaced in its entirety by inserting Schedule 2 attached as Exhibit B hereto.

4. Effect of Ordinance. Except as amended or affected by this Ordinance 2022-1, all other provisions of Ordinance 2009-5, as amended, shall remain in full force and effect until such time as otherwise amended.

5. Effective Date. Upon adoption, this Ordinance shall be effective beginning January 1, 2023.

* * * * *

ORDAINED AND ADOPTED this _____ day of _____, 2022.

ST. JOSEPH COUNTY REGIONAL
WATER & SEWER DISTRICT

By: _____
Donald Smessaert – President

By: _____
Roger Nawrot – Vice President/Secretary

By: _____
Jessica Clark – Treasurer

By: _____
Michael Dobson – Member

By: _____
Mark Espich – Member

By: _____
Jacob Klosinski – Member

By: _____
Barry Skalski – Member

ATTEST:

George C. Lepeniotis,
District Counsel

EXHIBIT A

Schedule 1

Schedule 1

<u>All Class I Users</u>	<u>Monthly Rate</u>
Billing costs – per monthly bill	\$ 7.24

	<u>Equivalent Factor</u>	<u>Operation, Maintenance & Replacement</u>	<u>Debt Service</u>	<u>Totals</u>
Residential:				
Single family residence	1.00	\$ 44.80	\$ 17.40	\$ 69.44
Apartments & duplexes units (per unit)	1.00	44.80	17.40	69.44
Mobile home unit	1.00	44.80	17.40	69.44
Commercial:				
Each commercial unit:				
First toilet	1.00	44.80	17.40	69.44
Each additional toilet	0.75	33.60	13.05	46.65
Not for Profit:	1.00	44.80	17.40	69.44
Institutional:				
Schools per pupil enrolled (5-day school week)	0.06	2.69	1.04	3.73
Churches & other religious organizations				
For each 200 average attendees, or fraction thereof	1.00	44.80	17.40	69.44
Governmental:				
Offices:				
First toilet	1.00	44.80	17.40	69.44
Each additional toilet	0.75	33.60	13.05	46.65
Fire department	1.00	44.80	17.40	69.44
Post office:				
First toilet	1.00	44.80	17.40	69.44
Each additional toilet	0.75	33.60	13.05	46.65
Industrial:				
Each industrial unit:				
First toilet	1.00	44.80	17.40	69.44
Each additional toilet	0.75	33.60	13.05	46.65
Landfill:				
See Schedule 2 attached				

EXHIBIT B

Schedule 2

Subject to the following terms and conditions, the monthly rate for Class I Landfill Users shall be as follows:

(a) To the extent required by any federal or state permit, Landfill User shall be responsible at its cost for all carbon necessary to operate the Wyatt Clean Water Plant, provided, however, that if more than one Landfill User shall discharge to the Wyatt Clean Water Plant, then the cost for carbon shall be paid by all the Landfill Users on a prorated basis.

(b) Landfill User anticipates sending a minimum of 16,000 gallons per day to the Wyatt Clean Water Plant. The price per gallon shall be \$0.029, payable monthly for each gallon treated, provided, however, that the Landfill User agrees to pay a minimum of \$464.00 per day regardless of whether it actually sends 16,000 gallons per day to the Wyatt Clean Water Plant.

(c) The District agrees that, subject to the District's Wyatt Clean Water Plant being fully operable and having the necessary capacity to treat leachate on any given day, and the District, in its sole discretion, and not due to any cause, refuses to treat the minimum of 16,000 gallons per day received from Landfill User, then the Landfill User shall receive a credit of \$0.029 per gallon for the difference between 16,000 gallons per day and the actual amount treated by the Wyatt Clean Water Plant on such day. Such credit shall be applied in accordance with a policy adopted by the Board of Trustees of the District and such credit shall be adjusted no more frequently than quarter than every three (3) months.

(d) The District and the Landfill User anticipate that the average gallons per day to be treated by the Wyatt Clean Water Plant will exceed 16,000 gallons per day and the District agrees to accept and treat such additional leachate, subject to the ability and the capacity of the Wyatt Clean Water Plant to accept and treat such additional leachate. The price per gallon for each gallon treated in excess of 16,000 gallons per day shall be \$0.015, which amount shall be invoiced by the District in accordance with its policy.

(e) The Landfill User shall comply with, and remain in compliance with, the following leachate parameters, and the District reserves the right to assess any and all surcharges for exceedances in the following leachate parameters and take whatever additional actions may be necessary to protect the operation of the Wyatt Clean Water Plant and keep the Wyatt Clean Water Plant in full compliance with state, federal and local laws, rules, regulations and permits:

Parameter	Discharge Limitations		Monitoring Requirements		Surcharge
	Daily Maximum (mg/l)	Monthly Average (mg/l)	Measurement Frequency	Sample Type	
Flows	Report	Report	**	**	
BOD5	Report	250	**	**	\$0.15 per pound
TSS	Report	250	**	**	\$0.15 per pound
NH3-N ¹	Report	700	**	**	\$0.15 per pound
Chloride	3,500	3,500	**	**	
pH	Report	Report	**	**	
Phenol	Report	Report	**	**	
Zinc	Report	Report	**	**	
Aluminum	Report	Report	**	**	
Cadmium	Report	Report	**	**	
Chromium	Report	Report	**	**	
Copper	Report	Report	**	**	
Lead	Report	Report	**	**	
Nickel	Report	Report	**	**	
Mercury	0.02	Report	Quarterly	**	
Oil & Grease (TPH)	50	Report	Bi-Annually	**	

** Monitoring for these parameters is presently occurring at the Wyatt Clean Water Plant via the influent monitoring and monitoring requirements permit for the Wyatt Clean Water Plant.

Report - Refers to no established discharge limitation for the parameter; just need actual value reported

The Prairie View Recycling & Disposal Facility is currently the only source of industrial type waste for the Wyatt Clean Water Plant.

¹ District reserves the right to restrict or cease to accept a discharge if the daily NH3-N parameter limit exceeds 1,400 lbs. per day and/or interferes with plant performance.