

LAGRANGE COUNTY REGIONAL UTILITY DISTRICT

ORDINANCE NO. 2022-11-14 (A)

RESTATED AND AMENDED WATER RATE ORDINANCE

AN ORDINANCE RESTATING, AMENDING, UPDATING, AND COMBINING ALL PREVIOUS WATER RATE ORDINANCES BY THE LAGRANGE COUNTY REGIONAL UTILITY DISTRICT FOR THE SERVICE AREA OF THE DISTRICT COMMONLY KNOWN AS FAWN RIVER CROSSING AND ADDRESSING OTHER MATTERS RELATED THERETO OR ARISING THEREFROM.

WHEREAS, the LaGrange County Regional Utility District (as hereinafter defined) is duly constituted and authorized to provide water service inside and outside the District, pursuant to LC. 13-26 *et seq.*, and its predecessor statutes; and

WHEREAS, the District has heretofore authorized the maintenance and operation of Works to provide water service under LC. 13-26 *et seq.*; and

WHEREAS, the District has heretofore authorized the construction of additional Works to provide water service under LC. 13-26 *et seq.*; and

WHEREAS, the District is authorized, pursuant to I.C. 13-26-11-1 *et seq.*, to fix, alter, charge, and collect reasonable rates and other charges in the area served by its Works to every person whose premises are, whether directly or indirectly, provided with water services by the Works for the purpose of providing for payment of the expenses of the District, the construction, acquisition, improvement, extension, repair, maintenance, and operation of its Works and properties, the payment of principal and interest on its obligations, and to fulfill the terms of agreements made with the purchasers or holders of any obligations, or with a person or eligible entity; and

WHEREAS, the District Board of Trustees (as hereinafter defined) pursuant to LC. 13-26-11-8, shall, by ordinance, establish just and equitable rates or charges for the use of and service rendered by a Works, payable by each class of owner of each lot, parcel of land, or building that is connected with and/or uses a Works, that is to be connected to and that is to use a Works, or that in any way uses or is served by the Works; and

WHEREAS, pursuant to I.C. 13-26-11-9, just and equitable rates are considered to be those rates that provide sufficient revenue to pay all expenses incident to the operation of the Works to include maintenance cost, operating charges, upkeep, repairs, and interest charges on bonds or other obligations; provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds; and provide adequate funds to be used as working capital, as well as funds for making improvements, additions, extensions, and replacements; and

WHEREAS, the District now finds that it is necessary to adjust the payment due date for users of the Works but is making no changes to its rates and charges; and

WHEREAS, the District has previously adopted ordinances pertaining to the water rates and charges for service provided to owners of property in Fawn River Crossing; and

WHEREAS, the Board recognizes that by the very passage of time updating, clarification, and consistency is needed;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE LAGRANGE COUNTY REGIONAL UTILITY DISTRICT AS FOLLOWS:

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

- a. "Board" shall mean the Board of Trustees of the LaGrange County Regional Utility District, or any duly authorized officials acting on its behalf.
- b. "District" shall mean the LaGrange County Regional Utility District acting by and through the Board or its designees.
- c. "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity authorized by Indiana law.
- d. "Service area" shall mean that portion of the District's territory commonly known as Fawn River Crossing and more particularly described in certain interlocal agreements by, between, and among the District, the LaGrange County Board of County Commissioners, and the LaGrange County Redevelopment Commission.
- e. "Works" shall have the same meaning as the term is defined in LC. 13-11-2-269(1).
- f. "Shall" is mandatory; "may" is permissive.

Section 2. Every person whose premises are made available to be served by or that are served by the District's Works in the Service Area shall be charged for the water services provided or to be provided by the District. These charges are established in order that the District shall recover revenue which is proportional to the availability and use of the Works.

Section 3. For the availability of water service rendered by or to be rendered by the Works or for the use of and water service rendered or to be rendered by the Works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected, that will be connected, or that is required to be connected to the District's systems by Indiana statute and/or local ordinance or by contract. Such rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows: See Exhibit "A" attached hereto and incorporated herein by reference.

- a. After considering the District's current and future financial needs, the statutes that govern rate making by a regional water district, and the advice and recommendations of its financial consultant, the Board hereby finds that the rates and charges identified in the aforementioned exhibit are just and equitable, as those terms are defined by Indiana law.
- b. For services rendered to the District, said District shall be subject to the same rates and charges established herein.

Section 4. The aforementioned rates and charges shall be prepared, billed and collected by the District in the manner provided by law, policy and ordinance.

- a. The rates and charges for all users identified in item I (Class I Fawn River Crossing) and II (Class II Howe Travel Plaza) of Exhibit A shall be prepared and billed monthly. All other rates and charges identified in Exhibit A shall be billed as indicated in Exhibit A.
- b. All Customers shall be billed on the 5th of each month, and payment is due by the 28th of each month. The time at which such rates and charges shall be paid is now fixed at 23rd day following the billed date as described above. This due date applies whether a customer is billed monthly, pays via coupon book or pays with an auto debit payment. Payment is considered made when it is received by the District at its office. However, if the due date of the bill falls on a holiday, recognized by the District, Saturday or Sunday the penalty shall attach if payment is not received in the office of the District on or before the next business day after the holiday or Sunday. Payment also includes the certified postage paid by the District to send notifications about delinquencies if the District deems necessary.
- c. The rates and charges shall be billed to and shall be payable by the owner of each lot, parcel of land, or building that is connected with and uses the Works, that is to be connected with and use the Works, that is required by Indiana law and/or local ordinance or by contract to be connected with and use the Works, or that in any way uses or is served by the Works.
- d. In the event a property owner fails to pay a charge for water service within thirty (30) days of the date the charge is due, the District shall shut off the water to the owner's property. The District shall give the owner written notice of its intent to shut off water service by certified mail, return receipt requested. Notice shall be considered adequate when sent to the address most recently given to the District by the owner or to the address to which the most recent property tax bill for the subject property was sent. The District shall shut off the water to the owner's property no sooner than ten (10) days from the date of the notice of the District's intention.

Section 5. 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 Works, for the construction and use of said Works, for connection to said Works, and for the regulation, collection, crediting, rebating or refunding of such rates and charges. No free service shall be provided to any user of the Works.

Section 6. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 7. The rules and regulations promulgated by the District, after being approved by the Board, shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the District staff. Any decision of the Board concerning the Works providing water service or user charge may be appealed as permitted by Indiana law.

Section 8. This ordinance repeals and supersedes Ordinance No. 2021-06-17 (C) ; provided, however, if any party has a liability under any such prior ordinance that is not captured by this ordinance, that individual shall not be relieved of such liability.

Section 9. The rates and charges as herein set forth shall become effective on the dates identified in Exhibit A.

Section 10. This ordinance shall take effect upon promulgation according to law.

[Signatures follow on next page.]

ALL OF WHICH IS DULY ORDAINED THIS 18th DAY OF NOVEMBER, 2022

LAGRANGE COUNTY REGIONAL
UTILITY DISTRICT
BOARD OF TRUSTEES

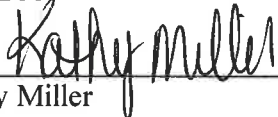

Gerry W. Turner

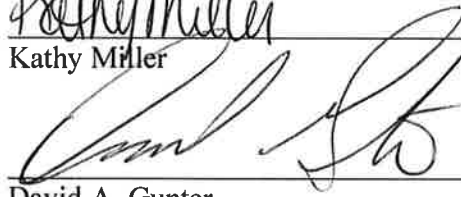

Nicole Heffelfinger


Kenneth Hunn


Kathy Miller

ATTEST:


Kathy Miller


David A. Gunter

**EXHIBIT A
LAGRANGE COUNTY REGIONAL UTILITY DISTRICT
FAWN RIVER CROSSING SERVICE AREA
WATER RATES**

	Phase I Effective	Phase II Effective	Phase III Effective
I. Class I (Fawn River Crossing Users) Monthly Metered Rate:	<u>1/1/2016</u>	<u>1/1/2017</u>	<u>1/1/2018</u>
Rate per 1,000 gallons	\$ 2.16	\$2.26	\$2.37

Plus:

Base Charge: Each user shall pay a monthly base charge in accordance with the following applicable size of meter.

Meter Size	Phase I	Phase II	Phase III
5/8 inch	\$19.10	\$ 20.05	\$21.05
3/4 inch	21.65	22.70	23.80
1 inch	26.80	28.11	29.50
1 1/2 inch	34.45	36.15	37.95
2 inch	56.15	58.95	61.90
3 inch	210.55	221.05	232.10
4 inch	268.00	281.40	295.45
6 inch	402.00	422.10	443.20
8 inch	555.15	582.90	612.05

Plus:

Public Fire Protection Surcharge: Each user shall pay a monthly public fire protection surcharge in accordance with the following applicable meter size.

<u>Meter Size</u>	Phase I	Phase II	Phase III
5/8 inch	\$ 30.75	\$ 32.25	\$ 33.85
3/4 inch	33.80	35.45	37.20
1 inch	43.05	45.20	47.45
1 1/2 inch	55.35	58.10	61.00
2 inch	89.20	93.65	98.30
3 inch	338.30	355.20	372.95
4 inch	430.60	452.15	474.75
6 inch	645.85	678.15	712.05
8 inch	891.90	936.50	983.35

II. Class II (Howe Travel Plaza Users) Monthly Metered Rate:

	Phase II Effective	Phase III Effective
Metered Rate:	1/1/2017	1/1/2018
Rate per 1,000 gallons:	\$2.26	\$2.37

Plus:

Monthly debt service charge of \$25,788.

Plus:

Upon completion of the Works and connection thereto, \$4,091 monthly for operation and maintenance for additional operation and maintenance costs associated with providing water service to the Howe Travel Plaza Prior to Howe Travel Plaza's connection to the Works, Howe Travel Plaza shall reimburse the District for the District's monthly direct out of pocket expenses associated with the operation and maintenance costs associated with new Works installed for the Howe Travel Plaza, not to exceed \$4,091 per month.

Plus:

Base Charge: Each user shall pay a monthly base charge in accordance with the following applicable size of meter.

	Phase I Effective	Phase II Effective	Phase III Effective
Metered Rate:	<u>1/1/2016</u>	<u>1/1/2017</u>	<u>1/1/2018</u>
Meter Size			
5/8 inch		\$ 20.05	\$ 21.05
3/4 inch		22.70	23.80
1 inch		28.11	29.50
1 1/2 inch		36.15	37.95
2 inch		58.95	61.90
3 inch		221.05	232.10
4 inch		281.40	295.45
6 inch		422.10	443.20
8 inch		582.90	612.05

III. Private Hydrant Rental for Class I - Fawn River Crossing Users

-Per Annum \$ 326.45 \$ 342.75 \$ 359.90

IV. Private Fire Protection (Sprinklers) for Class I - Fawn River Crossing Users - Per Annum

Meter Size			
5/8 inch	\$ 9.05	\$ 9.50	\$ 9.95
3/4 inch	20.40	21.40	22.45
1 inch	36.20	38.00	39.90
1 1/2 inch	81.60	85.65	89.90
2 inch	145.10	152.35	159.95
3 inch	326.45	342.75	359.90
4 inch	580.35	609.35	639.80
6 inch	906.85	952.20	999.80
8 inch	1,305.85	1,371.15	1,439.70

V. Late Payment- Non-payment within twenty-three (23) days from the billing date, will be subject to a penalty of ten (10) percent of the past due amount. Non-payment within thirty (30) days from the due date will result in the water being shut off from the user's property and a reconnection fee will be charged for reconnection of the water service.

VI. Turn-on (reconnection) fee \$25.00

Shut-off fee 25.00

VII. Inspection Fee \$70.00

VIII. Tap Fees - Customers connecting to the water utility shall pay a tap fee in an amount equal to the costs of labor and materials, including the meter and any other necessary components, for connection to the District. Provided, however Howe Travel Plaza's fees are being recouped through its monthly charges and there will be no Tap Fee.