

IURC  
PETITIONER'S  
EXHIBIT NO. 2  
4-9-21 LR  
DATE REPORTER

## **Petitioner's Exhibit 2**

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF THE  
TOWN OF DEMOTTE, INDIANA, FOR APPROVAL  
OF A REGULATORY ORDINANCE ESTABLISHING  
A WATER REGULATED TERRITORY AND A  
SEWER REGULATED TERRITORY.

CAUSE NO. 45444

**VERIFIED PETITION**

The Town of DeMotte, Indiana, (“Town”), by counsel, respectfully petitions the Indiana Utility Regulatory Commission (“Commission”) pursuant to Ind. Code ch. 8-1.5-6 for approval of Town Ordinance No. 10052020-2, a regulatory ordinance establishing a Water Regulated Territory and a Sewer Regulated Territory for the purpose of providing or regulating the provision of water and sewer utility service within certain areas outside of the Town’s corporate boundaries (the “Regulatory Ordinance”). In support of its Verified Petition, the Town states as follows:

**I. COMMISSION JURISDICTION**

1. The Town is an Indiana municipality located in Jasper County, Indiana, which owns and operates a municipal utility that provides wastewater utility service within and outside of the Town’s corporate boundaries.

2. The Town, through the Northwest Jasper Regional District (“NORWEJ”), also provides water utility service within and outside of the Town’s corporate boundaries.

3. The wastewater utility is a *municipal utility* as defined in Ind. Code § 8-1.5-6-1.

4. As discussed in Part II below, the Town Council of the Town of DeMotte, Indiana, (“Town Council”) adopted Town Ordinance No. 10052020-2, which is a *regulatory ordinance* as defined in Ind. Code § 8-1.5-6-3. The Regulatory Ordinance establishes exclusive service

territories for water and sewer utility service for the Town outside of the Town's corporate boundaries.

5. The Town is not filing a *wholesale sewage petition* as defined in Ind. Code § 8-1.5-6-5.

6. Because the Town requests that the Commission approve the Regulatory Ordinance adopted by the Town Council, the Commission has jurisdiction over the subject matter and utility pursuant to Ind. Code §§ 8-1.5-6-6 and 8-1.5-6-9.

## **II. APPROVAL OF THE REGULATORY ORDINANCE**

7. On October 5, 2020, the Town Council adopted Ordinance No. 10052020-2, which is a *regulatory ordinance* (as defined in Ind. Code § 8-1.5-6-3) establishing an exclusive service area for the regulation and provision of water and sewer utility service outside of the Town's corporate boundaries. The Town seeks approval of Ordinance No. 10052020-2 and the water and sewer regulated territories that it creates. A copy of the Regulatory Ordinance is attached as **Exhibit 1**.

8. The Water Regulated Territory is defined as those areas within four (4) miles outside the Town's corporate boundaries as depicted by green boundaries on Exhibit A to the Regulatory Ordinance. **Exhibit 1**. The Water Regulated Territory excludes any customer currently being served by another water utility or within the boundaries of another municipality, except as allowed in the Interlocal Agreement discussed below.

9. The Sewer Regulated Territory is defined as those areas within ten (10) miles outside of the Town's corporate boundaries as depicted by green boundaries on Exhibit A to the Regulatory Ordinance. **Exhibit 1**. The Sewer Regulated Territory excludes any customer currently

being served by another sewer utility or within the bounds of another municipality, except as allowed in the Interlocal Agreement discussed below.

10. The Water Regulated Territory and the Sewer Regulated Territory have the same boundaries, which are depicted in green on the map attached as Exhibit A to the Regulatory Ordinance. **Exhibit 1**. The first map depicts the area to the west of the Town. The second map depicts the area to the east of the Town.

11. The enforceability of the Regulatory Ordinance is subject to the jurisdiction of the Commission pursuant to Ind. Code §§ 8-1.5-6-6 and 8-1.5-6-9.

12. Simultaneous with its consideration of the Regulatory Ordinance, the Town negotiated and ultimately agreed to an Interlocal Agreement under Ind. Code ch. 36-1-7 with NORWEJ, the Jasper County Commissioners, the Jasper County Council, the Jasper County Regional Water and Sewer District, and the Jasper County Redevelopment Commission with the stated purpose of (a) authorizing and granting to the Town and NORWEJ all powers necessary to extend, operate, and maintain sewer and water facilities within the service area defined by the Interlocal Agreement (the area in and around the Interstate 65 interchange with State Road 10 in Jasper County, Indiana); (b) creating a TIF area, and pledging certain proceeds of which to the Town and NORWEJ to assist in paying the cost associated with extending service to the service area defined in the Interlocal Agreement.

The Interlocal Agreement is intended to ensure that the Town and NORWEJ are the exclusive service providers for sewer and water in the Service Area. The various parties are in the process of formally approving the Interlocal Agreement. A copy of the fully executed Interlocal Agreement and a full summary of its terms will be included with the Town's prefiled case-in-chief.

13. On October 5, 2020, the NORWEJ Board of Trustees adopted Resolution 10062020-2, which consents to the Town establishing the Water Regulated Territory and agrees to cooperate with the Town in providing water utility service in the Water Regulated Territory according to the purposes and terms set forth in the Interlocal Agreement. A Copy of Resolution 10052020-2 is attached to this Verified Petition as **Exhibit 2**.

14. The rates and charges for sewer utility service in the Sewer Regulated Territory will be the same as the rates and charges for the Town's sewer utility customers located with the Town's corporate boundaries, which for a residential user is a flat rate of \$37.65 per month per EDU. A copy of the Town's current sewer rates and charges is attached to this Verified Petition as **Exhibit 3**.

15. The rates and charges for water utility service in the Water Regulated Territory will be the same as the rates and charges for NORWEJ's current water utility customers, which for a residential user with a 1" meter is minimum monthly charge of \$47.70 based on usage of 4,500 gallons per month (\$1.80 monthly charge plus \$10.20 per 1,000 gallons). A copy of NORWEJ's current water rates and charges is attached to this Verified Petition as **Exhibit 4**.

16. The Regulatory Ordinance is not currently the subject of any other administrative or judicial proceedings. On July 22, 2020, the Town received a letter from Community Utilities of Indiana, Inc. ("CUII"), stating that CUII "is applying to expand its certificated area to provide wastewater and water service" to a parcel that would be located within the Town's proposed water and sewer territories and within the service area defined in the Interlocal Agreement. To the Town's knowledge, CUII has not filed a petition to expand its CTA as of the date of the filing of this Verified Petition. The Town and CUII have engaged in initial discussions related to this matter, and the Town has provided CUII with notice of the filing of this Verified Petition.

18. Upon information and belief, the water and sewer utilities that might be impacted by the Regulatory Ordinance are as follows:

- a. NORWEJ;
- b. Jasper County Regional Water and Sewer District;
- c. Community Utilities of Indiana, Inc.;
- d. Utilities, Inc.; and
- e. Newton County Regional Water and Sewer District.

19. Jasper County Regional Water and Sewer District does not object to its service territories being included in the Water Regulated Territory and the Sewer Regulated Territory according to the terms of the Interlocal Agreement. As indicated above, NORWEJ consents to the creation of the Water Regulated Territory.

### **III. APPEARANCE OF COUNSEL**

20. The Town is represented in this matter by the following counsel who, pursuant to 170 IAC 1-1.1-9(a)(5), request service of all correspondence, communications, pleadings, notices, orders, and decisions relating to this Verified Petition and this Cause:

J. Christopher Janak, Atty. No. 18499-49  
Jeffery A. Earl, Atty. No. 27821-64  
BOSE MCKINNEY & EVANS LLP  
111 Monument Circle, Suite 2700  
Indianapolis, IN 46204  
(317) 684-5000  
(317) 684-5173 FAX  
[cjanak@boselaw.com](mailto:cjanak@boselaw.com)  
[jearl@boselaw.com](mailto:jearl@boselaw.com)

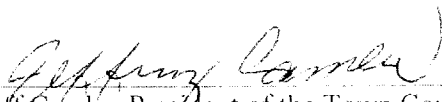
### **IV. REQUESTED RELIEF**

21. Consistent with Ind. Code ch. 8-1.5-6, the Town respectfully requests that the Commission approve Town Ordinance No. 10052020-2 (i.e. the Regulatory Ordinance).

THEREFORE, the Town of DeMotte, Indiana, respectfully requests that the Commission convene a Prehearing Conference and Preliminary Hearing to establish a procedural schedule for this proceeding, that the Commission hold an evidentiary hearing on, and thereafter approve, Town Ordinance No. 10052020-2, and for all other necessary and proper relief.

**V. VERIFICATION**

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

  
Jeff Canha, President of the Town Council  
for the Town of DeMotte, Indiana and Member  
of Board of Trustees of Northwest Jasper Regional  
Water District

Respectfully submitted,



J. Christopher Janak, Atty. No. 18499-49  
Jeffery A. Earl, Atty. No. 27821-64  
BOSE MCKINNEY & EVANS LLP  
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Indianapolis, IN 46204  
(317) 684-5000  
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[cjanak@boselaw.com](mailto:cjanak@boselaw.com)  
[jearl@boselaw.com](mailto:jearl@boselaw.com)

**ORDINANCE NO. 10052020-2**

**AN ORDINANCE ESTABLISHING A WATER REGULATED TERRITORY AND A  
SEWER REGULATED TERRITORY FOR THE TOWN OF DEMOTTE, INDIANA, FOR  
THE PURPOSE OF PROVIDING OR REGULATING THE PROVISION OF WATER AND  
SEWER UTILITY SERVICE WITHIN CERTAIN AREAS OUTSIDE OF THE TOWN'S  
CORPORATE BOUNDARIES**

WHEREAS, the Town of DeMotte, Indiana (the "Town"), provides wastewater utility service and by and through the Northwest Jasper Regional District ("NORWEJ") provides water utility service within and outside of the Town's corporate boundaries; and

WHEREAS, Ind. Code § 36-9-23-36 permits the Town to exercise powers related to sewer utility service granted by Ind. Code § 36-9-23-2 in areas within ten (10) miles outside its corporate boundaries; and

WHEREAS, Ind. Code § 36-9-2-18 permits the Town to exercise powers related to water utility service granted by Ind. Code § 36-9-2-14 in areas within four (4) miles outside its corporate boundaries; and

WHEREAS, simultaneous with consideration of this Ordinance, the Town has entered into an Interlocal Agreement under Ind. Code ch. 36-1-7 with NORWEJ, the Jasper County Commissioners, the Jasper County Council, the Jasper County Regional Water and Sewer District, and the Jasper County Redevelopment Commission with the stated purpose of: (i) collaborating to ensure the reliable and efficient provision of water and sewer service in certain areas of Jasper County, Indiana; and (ii) pledging assistance and support to the Town and NORWEJ extending water and sewer utility service from the Town's corporate boundaries to customers in and around the I-65-State Road 10 interchange in Jasper County, Indiana ( "Interlocal Service Area"); and

WHEREAS, pursuant to the Interlocal Agreement, the Town and NORWEJ are responsible for providing water and sewer utility service to customers in the Interlocal Service Area; and

WHEREAS, the parties to the Interlocal Agreement intend to plan, coordinate, and cooperate together to fund the improvements necessary for the Town and NORWEJ to provide water and sewer utility service in the Interlocal Service Area; and

WHEREAS, Ind. Code ch. 8-1.5-6 permits the Town to adopt a "regulatory ordinance" (as that term is defined in Ind. Code § 8-1.5-6-3) to be submitted to the Indiana Utility Regulatory Commission (the "Commission") for its review and approval and said regulatory ordinance allows the City to provide or regulate the furnishing of water and sewer utility service in areas within four (4) miles and ten (10) miles, respectively, outside the Town's corporate boundaries; and

## EXHIBIT 1

WHEREAS, the Town wishes to establish a “regulated territory” (as that term is defined in Ind. Code § 8-1.5-6-2) for the provision and regulation of water utility service in an area that is within four (4) miles of its corporate boundaries as permitted by Indiana law, excluding any customer currently being served by another water utility or within the boundaries of another municipality, except as allowed in the Interlocal Agreement (hereinafter referred to as the “Water Regulated Territory”); and

WHEREAS, NORWEJ has consented to, and agreed to cooperate with, the Town in regulating the provision of water utility service within the Water Regulated Territory and the Interlocal Service Area according to the purposes and terms set forth in the Interlocal Agreement; and

WHEREAS, the Town wishes to establish a “regulated territory” for the provision and regulation of sewer utility service in an area that is within ten (10) miles of its corporate boundaries as permitted by Indiana law, excluding any customer currently being served by another sewer utility or within the boundaries of another municipality, except as allowed in the Interlocal Agreement (hereinafter referred to as the “Sewer Regulated Territory”).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DEMOTTE, INDIANA, that:

**Section 1.** The Water Regulated Territory is hereby defined and established as those areas within four (4) miles outside the Town’s corporate boundaries and the Sewer Regulated Territory is hereby defined and established as those areas within ten (10) miles outside the Town’s corporate boundaries. The Water and Sewer Regulated Territories have the same boundaries and both are depicted on the attached Exhibit A.

**Section 2.** Upon adoption of this Ordinance and its approval by the Commission, the Town shall have the exclusive authority to provide or regulate water utility service in the Water Regulated Territory and shall have the exclusive authority to provide or regulate sewer utility service in the Regulated Territory as provided by this Ordinance and in Ind. Code § 8-1.5-6-3.

**Section 3.** Upon adoption of this Ordinance and its approval by the Commission, other utilities are prohibited from providing water utility service in the Water Regulated Territory and wastewater utility service in the Sewer Regulated Territory unless such other utility requests and obtains the permission of the Town.

**Section 4.** This Ordinance does not: (i) mandate the Town to extend service to areas where technically or financially not feasible; (ii) prevent the Town from authorizing another utility to provide service in the Water Regulated Territory or the Sewer Regulated Territory; or (iii) prevent the use of onsite disposal systems where the Town does not currently have facilities available.

## EXHIBIT 1

**Section 5.** No end-service user shall permit a connection to water utility service in the Water Regulated Territory or to sewer utility service in the Sewer Regulated Territory provided by any other water or sewer utility service provider unless such utility service provider has requested and obtained the permission of the Town.

**Section 6.** Any person, firm, or corporation that violates this Ordinance shall be subject to a civil penalty of two thousand dollars (\$2,000.00) per violation, and each day of violation shall be deemed a separate violation.

**Section 7.** If any one or more of the terms, provisions, or sentences of this Ordinance, or portions of the Water Regulated Territory or Sewer Regulated Territory, shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term, provision, or sentence of this Ordinance or portion of the Water Regulated Territory or Sewer Regulated Territory shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Ordinance or the remainder of the regulated territories.

**Section 8.** The Town shall pursue any and all necessary approvals for the implementation, effectiveness, and enforcement of this Ordinance, including, but not limited to, seeking approval of this Ordinance by the Commission under Ind. Code ch. 8-1.5-6.

**Section 9.** The offering or provision of service by a utility in the Water Regulated Territory and the Sewer Regulated Territory shall be subject to the jurisdiction of the Commission as set forth in Ind. Code § 8-1.5-6-6.

**Section 10.** Any dispute between the Town and another utility regarding the provision of utility service in the Water Regulated Territory or the Sewer Regulated Territory shall be submitted to the Commission for resolution as set forth in Ind. Code § 8-1.5-6-10.

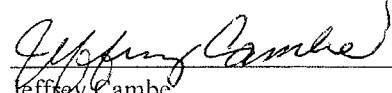
**Section 11.** This Ordinance shall be in full force and effect from and after its adoption, and any required regulatory approval.

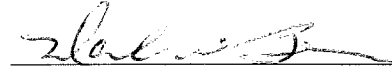
**Section 12.** The Water Regulated Territory and the Sewer Regulated Territory may be amended by an Ordinance amending the Water Regulated Territory Map or Sewer Regulated Territory Map, subject to the approval of the Commission as set forth in Ind. Code ch. 8-1.5-6.

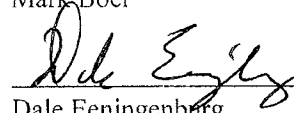
So adopted this 5<sup>th</sup> day of October, 2020.

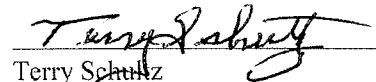
EXHIBIT 1

TOWN COUNCIL OF THE  
TOWN OF DEMOTTE, INDIANA

  
\_\_\_\_\_  
Jeffrey Cambo


  
\_\_\_\_\_  
Mark Boer

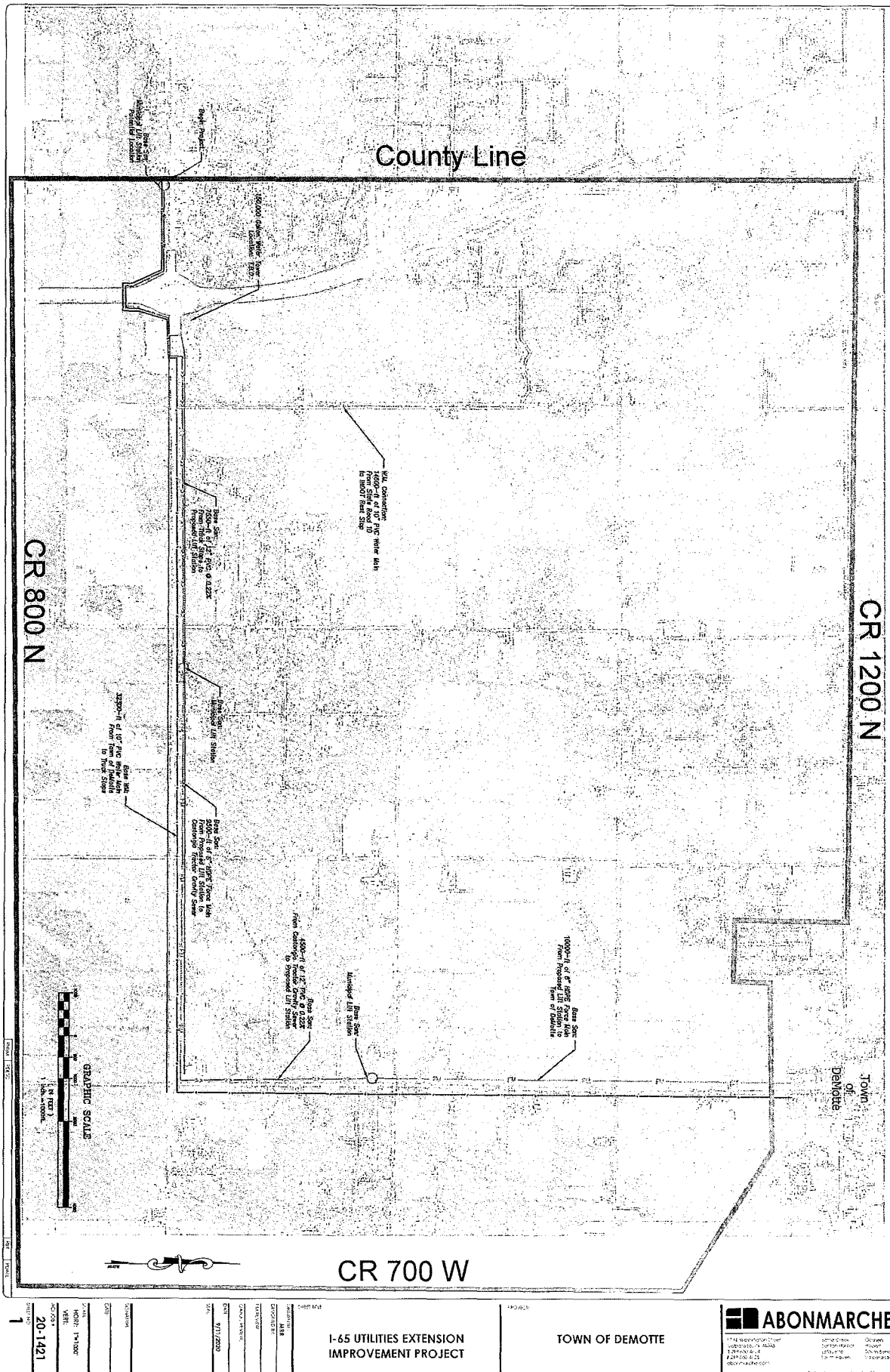
  
\_\_\_\_\_  
Dale Eeningenburg

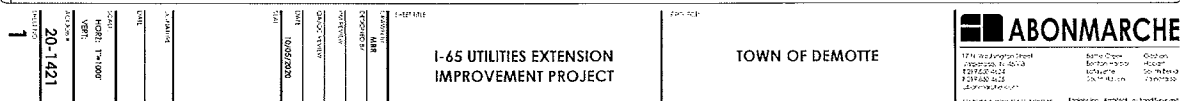
  
\_\_\_\_\_  
Terry Schultz

  
\_\_\_\_\_  
Alana Bauman

ATTEST:

  
\_\_\_\_\_  
By: Margaret Michelin, Clerk-Treasurer





RESOLUTION NO. 10052020-2

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE NORTHWEST JASPER  
REGIONAL WATER DISTRICT CONSENTING TO THE TOWN OF DEMOTTE,  
INDIANA, ESTABLISHING A WATER REGULATED TERRITORY AND AGREEING TO  
COOPERATE WITH THE TOWN OF DEMOTTE, INDIANA, IN PROVIDING WATER  
UTILITY SERVICE IN THE WATER REGULATED TERRITORY**

WHEREAS, the Town of DeMotte, Indiana (the “Town”), desires to adopt an ordinance establishing a Water Regulated Territory and a Sewer Regulated Territory for the purpose of providing or regulating the provision of water and sewer utility service within certain areas outside of the Town’s corporate boundaries; and

WHEREAS, the Northwest Jasper Regional District (“NORWEJ”), the Town, the Jasper County Commissioners, the Jasper County Council, the Jasper County Regional Water and Sewer District, and the Jasper County Redevelopment Commission are considering an Interlocal Agreement under Ind. Code ch. 36-1-7 which has the stated purpose of: (i) collaborating to ensure the reliable and efficient provision of sewer and water service in Jasper County, and (ii) pledging assistance and support to the Town and NORWEJ extending sewer and water utility service from the Town’s corporate boundaries to customers in and around the I-65-State Road 10 interchange in Jasper County, Indiana (the “Interlocal Service Area”); and

WHEREAS, NORWEJ wishes to consent to the Town regulating the provision of water utility service within the Water Regulated Territory and wishes to cooperate with the Town in the provision of water utility service within the Water Regulated Territory according to the purposes and terms set forth in the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHWEST JASPER REGIONAL WATER DISTRICT that:

**Section 1** NORWEJ hereby consents to the Town adopting an ordinance establishing a Water Regulated Territory and a Sewer Regulated Territory for the purpose of providing or regulating the provision of sewer and water utility service within certain areas outside of the Town’s corporate boundaries.

**Section 2** NORWEJ shall cooperate with the Town in the provision of water utility service within the Water Regulated Territory according to the purposes and terms set forth in the Interlocal Agreement.

So adopted this 5<sup>th</sup> day of October, 2020.

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Member

By: Maya M. Mukherjee  
Secretary

**ORDINANCE 06222020-01**

An Ordinance concerning Waste Disposal and Trash Removal/Recycling Fees

BE IT ENACTED by the Town Council of the Town of DeMotte effective July 2020 billing that Section 6-3-1-2 of the DeMotte Town Code is amended to include a waste disposal fee schedule which reads as follows, to wit:

**Wastewater Disposal****SECTION 6-3-1-2 - SCHEDULE OF RATES AND CHARGES.  
HOOK-UP SCHEDULE**

Per Apartment	\$1,600.00
Per Single Family	\$1,600.00
Per Unit/ Duplex, Tri-plex, Four-plex etc.	\$1,600.00
Per Business (per each 275 gallons daily outflow (ORD 82195-4) minimum	\$1,600.00

**1. RESIDENTIAL SERVICE****MONTHLY RATES:**

A. Single Family Dwelling		<u>Base x</u> 1.0	\$37.65
B. Duplex Dwelling	per unit	1.0	37.65
C. Multi-Family Dwelling	per unit	1.0	37.65
D. Mobile Home		1.0	37.65
E. Tourist Home	per bed	0.1	3.76
			minimum 37.65
F. Fraternity, Sorority or Student Co-Op	per bed	0.2	7.53
G. Nursing Home	per bed	.04	1.51

*Add to any of the above for private*

*swimming pool with Connection to sewer each 0.2 7.53*

**2. RELIGIOUS/FRATERNAL: (Rates are monthly for 12 months)**

A. Church, cathedral, synagogue	per seat	<u>Base x</u> .005	.19
B. Fraternal organization(does not include those with dormitory facilities	per1000sq ft	1.0	37.65
C. Sorority (does not include those with dormitory facilities)	per1000sq ft	1.0	37.65
<i>Add for kitchen facilities in B. and C. per seat</i>		.01	.38
<i>Add to any of the above for Bar facilities</i>	per seat	.05	1.88

**3. EDUCATIONAL USE:**

A. School (K - 12)	per student and staff	<u>Base x</u> .05	1.88
B. Day Care Center or Nursery School	per student and staff	.05	1.88
C. College, University, Vocational/Technical School			By Schedule B

# EXHIBIT 3

*Add to any of the above for swimming pool*

1. indoor	per 1,000 sq. ft	1.6	60.24
2. outdoor	per 1,000 sq. ft	0.4	15.06

## 4. MUNICIPAL/GOVERNMENTAL:

A. Town Hall office	By Schedule A
B. Fire Station	By Schedule A
C. Police Station	By Schedule A
D. Post-Office	By Schedule A
E. Park (Negotiate per facilities provided)	By Schedule B

## 5. PROFESSIONAL/OFFICE USE:

A. Medical Offices (outpatient)	per exam room	<u>Base x</u> 0.6	22.59
B. Dental Office (outpatient)	per chair	1.4	52.71
C. Veterinary Office (no kennels)	per exam room	0.6	22.59
D. Professional offices (attorney, architect, bank, etc.)	By Schedule A		
E. Other offices, (real estate, insurance, etc.)	By Schedule A		

## 6. RECREATION/ENTERTAINMENT USE:

A. Swimming pool			
1. indoor	per 1000 sq.ft.	<u>Base x</u> 1.6	60.24
2. outdoor	per 1000 sq.ft.	0.4	15.06
B. Bowling Alley	per lane	0.2	7.53
C. Billiard Hall	per table	0.3333	12.55
D. Amusement Arcade	per 100 sq. ft	1.0	37.65
E. Theater	per seat	0.02	.75
F. Health Club	By Schedule B		
G. Y.M.C.A.	By Schedule B		

## 7. INDUSTRIAL/COMMERCIAL:

A. Dry Industry; limited to discharge of employee sanitary waste. (Includes, but is not limited to; Truck Terminal; Bottle Gas Storage and Distribution; Contractor's storage yard and office; Grain Elevator; Lumber Yard, etc.)	By Schedule A
B. Wet Industry; those uses in which the process directly or indirectly causes waste water to be discharged into the sewer system; (Includes, but is not limited to : Canning Plant; Slaughter-House; Plating Facility; Dairy; Photo Processing Laboratory; Dental/Medical Laboratory, etc.	By Schedule B

## 8. BUSINESS USES:

A. Automobile Sales				By Schedule A
B. Auto/Truck Service and Repair				By Schedule B
C. Car/Truck Wash (private, incidental to primary use)	per bay	<u>Base x 1.0</u>	37.65	
		2.0	minimum 75.30	

# EXHIBIT 3

D. Car/Truck Wash (intended for use by public)			By Schedule B
E. Service Station	per island	<u>Base x 0.7</u>	26.36
		2.0	minimum 75.30
F. Body Shop			By Schedule B
G. Tavern, Bar, Lounge	per seat	<u>Base x 0.1</u>	3.77
H. Restaurant	per seat	0.1	3.77
I. Drive-In Restaurant	per car space	0.2	7.53
J. Carry Out Food Service (food, baked goods, etc. prepared on site)	per 100 sq ft	0.5	18.83
K. Food Processing (Bakery, Dairy, Egg Farm)			By Schedule B
L. Barber shop	per chair	<u>Base x 0.3</u>	11.30
		1.0	minimum 37.65
M. Beauty Shop	per chair	0.7	26.36
		1.5	minimum 56.48
N. Supermarket, Grocery			By Schedule A
Add for meat department		<u>Base x 0.5</u>	18.83
O. Laundry	per machine	0.85	32.00
P. Retail Sales			By Schedule A
Add for fountain service	per seat	<u>Base x 0.05</u>	1.88
Q. Hotel, Motel	per room	0.5	18.83
<i>Add for restaurant, bar, swimming pool according to schedule</i>			

Additional charges shall be determined and made by the Town of DeMotte where strength and character of sewage waste is in excess of the specifications set forth above.

## SCHEDULE A

<u>CLASS</u>	<u>NUMBER OF EMPLOYEES</u>		<u>MONTHLY RATES</u>
A.	1 thru 5	<u>Base x 1.0</u>	\$37.65
B.	6 thru 15	2.0	\$75.30
C.	16 thru 30	3.0	\$112.95
D.	31 thru 50	4.0	\$150.60
E.	51 thru 70	5.0	\$188.25
F.	71 thru 100	6.0	\$225.90
Add for each 30 employees over 100		1.0	\$37.65

**SCHEDULE B**

Charges shall be negotiated and established by the Town of DeMotte as recommended by the Sewer Commissioner and Wastewater Treatment Plant Superintendent based on the strength and character of the sewage waste in question on a per case basis.

All stated MONTHLY RATES are based on annual usage paid in equal monthly installments.

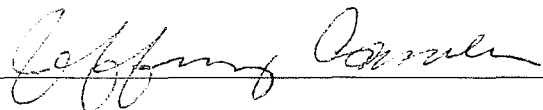
**Municipal Trash and Recycling Service**

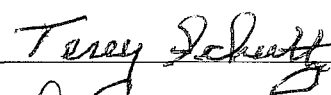
RESIDENTIAL SERVICE			MONTHLY RATES:
A.	Single Family Dwelling	Base x 1.0	\$18.26
B.	Duplex Dwelling	per unit 1.0	\$18.26
C.	Mobile Home	1.0	\$18.26
		minimum	\$18.26

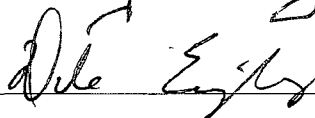
Additional charges shall be determined and made by the Town of DeMotte.


Charges shall be negotiated and established by the Town Council of the Town of DeMotte.


APPROVED by the Town Council of DeMotte, Jasper County, Indiana this 22nd day of June 2020.












ATTEST:

By:   
Margaret Michelin, Clerk-Treasurer

ORDINANCE NO. 10282019 - 2

AN ORDINANCE AMENDING ORDINANCE NO. 03262012-2  
AND ESTABLISHING UPDATED RATES AND CHARGES,  
INCLUDING A FIRE PROTECTION CHARGE, FOR THE USE  
OF AND SERVICES RENDERED BY THE WATERWORKS  
SYSTEM OF THE NORTHWEST JASPER REGIONAL  
DISTRICT

WHEREAS, the Board of Trustees of the Northwest Jasper Regional District (the “Board” and the “District”, respectively), a regional district duly organized and operating pursuant to the provisions of Indiana Code 13-26 et seq. (the “Act”), determined that it is necessary to construct and finance a waterworks system for the purpose of providing for the collection, treatment and delivery of drinking water and public fire protection services to customers in and around the District; and

WHEREAS, in 2012, the District issued bonds to the United States Department of Agriculture, acting through Rural Development (“RD”), for the purpose of providing funds for the construction of the District’s waterworks, which waterworks is more particularly described in the ordinance authorizing the issuance of said bonds and in the plans and specifications prepared by the District’s engineers for the waterworks, Abonmarche; and

WHEREAS, the District has now determined to issue additional bonds and, if necessary, bond anticipation notes for the purpose of financing the construction of additions and improvements to the District’s waterworks which are necessary to continue to provide for the collection, treatment and delivery of drinking water and public fire protection services to customers in and around the District; and

WHEREAS, pursuant to the Act, the Board is required to establish rates and charges for the use of and service rendered by the waterworks that will produce sufficient revenues to (i) pay all the legal and necessary expenses incident to the operation of such waterworks, including maintenance costs, operating charges, upkeep, repairs, and interest charges on bonds and other obligations of the waterworks; (ii) provide a 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 (iii) provide adequate funds to be used as working capital, as well as money for making improvements, additions, extensions and replacements; and

WHEREAS, the Board finds that its current rates and charges for the use of and service rendered by the waterworks will produce insufficient revenues to meet the requirements of the Act; and

WHEREAS, the Board finds that is necessary to update its rates and charges for the use of and services to be provided by the waterworks; and

## EXHIBIT 4

WHEREAS, the Board finds that the District's installation and maintenance of fire hydrants and provision of water for public fire protection benefits all properties within a radius of 800 feet from a fire hydrant connected to the waterworks; and

WHEREAS, the Board has determined to impose a public fire protection charge for all properties located within a radius of 800 feet from any fire hydrant connected to the waterworks to recover costs incurred in connection therewith and as authorized and permitted by the Act; and

WHEREAS, the Board finds that it is reasonable and appropriate for the Jasper County Treasurer to collect the public fire protection charge, plus any applicable administrative fees imposed by the Jasper County Treasurer, on behalf of the District as a separate charge on the semi-annual property tax bill for each property located within a radius of 800 feet from any fire hydrant connected to the waterworks or, in the alternative should the Jasper County Treasurer refuse or be unable to collect the public fire protection charge, that it is reasonable to collect the public fire protection charge as a monthly charge to each owner of property located within a radius of 800 feet from any fire hydrant connected to the waterworks; and

WHEREAS, the accounting firm of Baker Tilly Municipal Advisors, LLC, municipal advisors to the District, has prepared a rate report (the "Report") establishing a recommended schedule of rates and charges for the use of and services to be provided by the waterworks, including the public fire protection charge, and the Board has reviewed the Report; and

WHEREAS, the Board finds that the rates and charges, including the public fire protection charge, as recommended by the Report, and as set forth herein are sufficient to meet the requirements of the Act and are based upon the cost of providing service to the customers of the waterworks, including owners of property within a radius of 800 feet from any fire hydrant connected to the waterworks; and

WHEREAS, the Board wishes to mitigate the recommended increase in rates and charges through the use of incremental increases over three (3) years; and

WHEREAS, the Board has caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and has held a public hearing thereon, all pursuant to the Act;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE NORTHWEST JASPER REGIONAL DISTRICT, THAT:

**Section 1. Monthly Usage Rates.** The District shall charge, for the use of and the service rendered by the waterworks system of the District, the following rates and charges which are based upon the use of water supplied by the waterworks system:

PHASE 1 – The following rates and charges shall be effective January 1, 2020.

## EXHIBIT 4

### Monthly Service Charge

<u>Meter Size</u>	<u>Charge Per Month</u>
5/8 - 1 inch meter	\$ 1.80
1½ inch meter	2.45
2 inch meter	3.95
3 inch meter	14.85
4 inch meter	18.90
6 inch meter	28.35
8 inch meter	39.15

### Metered Consumption Charge

<u>Metered Consumption</u>	<u>Monthly Rate Per 1,000 Gallons</u>
First 10,000 gallons	\$10.20
All over 10,000 gallons	7.50

### Minimum Charge

<u>Meter Size</u>	<u>Gallons Allowed Per EDU</u>	<u>Minimum Per Month Per EDU</u>
5/8 – 1 inch meter*	4,500	\$47.70

\*The minimum charges for all other meter sizes shall be calculated based on the number of equivalent dwelling units (“EDUs”) as determined by the District, each such EDU consisting of one residential unit, and a 4,500 gallon per EDU allowance.

PHASE 2 – The following rates and charges shall be effective January 1, 2021.

### Monthly Service Charge

<u>Meter Size</u>	<u>Charge Per Month</u>
5/8 - 1 inch meter	\$ 1.95
1½ inch meter	2.65
2 inch meter	4.30
3 inch meter	16.05
4 inch meter	20.45
6 inch meter	30.65
8 inch meter	42.30

## EXHIBIT 4

### Metered Consumption Charge

<u>Metered Consumption</u>	<u>Monthly Rate Per 1,000 Gallons</u>
First 10,000 gallons	\$11.05
All over 10,000 gallons	8.10

### Minimum Charge

<u>Meter Size</u>	<u>Gallons Allowed Per EDU</u>	<u>Minimum Per Month Per EDU</u>
5/8 – 1 inch meter*	4,500	\$51.68

\*The minimum charges for all other meter sizes shall be calculated based on the number of equivalent dwelling units (“EDUs”) as determined by the District, each such EDU consisting of one residential unit, and a 4,500 gallon per EDU allowance.

PHASE 3 – The following rates and charges shall be effective January 1, 2022.

### Monthly Service Charge

<u>Meter Size</u>	<u>Charge Per Month</u>
5/8 - 1 inch meter	\$ 2.10
1½ inch meter	2.85
2 inch meter	4.65
3 inch meter	17.20
4 inch meter	21.90
6 inch meter	32.80
8 inch meter	45.30

### Metered Consumption Charge

<u>Metered Consumption</u>	<u>Monthly Rate Per 1,000 Gallons</u>
First 10,000 gallons	\$11.95
All over 10,000 gallons	8.75

### Minimum Charge

<u>Meter Size</u>	<u>Gallons Allowed Per EDU</u>	<u>Minimum Per Month Per EDU</u>
5/8 – 1 inch meter*	4,500	\$55.88

\*The minimum charges for all other meter sizes shall be calculated based on the number of equivalent dwelling units (“EDUs”) as determined by the District, each

such EDU consisting of one residential unit, and a 4,500 gallon per EDU allowance.

**Section 2. Returned Check Charge.** There shall be a \$50.00 charge on checks returned or dishonored by the bank for nonsufficient funds.

**Section 3. Temporary Users.** Water service furnished to temporary users (e.g., contractors and circuses) shall be charged on the basis of the gallonage rate and minimum charge per size of tap, as estimated by the District.

**Section 4. Faulty Meter.** In case any water meter shall be out of order and fail to register the quantity of water passing through the meter, the consumer shall be charged at the average consumption registered by such meter before it became out of repair, such estimated consumption shall not exceed a period of sixty (60) days.

**Section 5. Fire Protection Charge.** A charge shall be paid for fire hydrants owned by the District as well as by customers or users owning hydrants placed on private property. The charges shall be paid annually as follows:

Private Hydrant

Phase 1	\$500.00 per annum (effective Jan. 1, 2020)
Phase 2	\$540.00 per annum (effective Jan. 1, 2021)
Phase 3	\$577.80 per annum (effective Jan. 1, 2022)

**Section 6. Public Fire Protection Charge.** A monthly charge shall be paid for public fire protection for all properties located within a radius of 800 feet from any fire hydrant connected to the waterworks.

The Jasper County Treasurer shall collect the Public Fire Protection Charge, plus any administrative fees imposed by the Jasper County Treasurer, on semi-annual property tax bill issued for any property that is located within a radius of 800 feet from any fire hydrant connected to the waterworks.

The District shall provide the Jasper County Treasurer with a list of all properties that are located within a radius of 800 feet from any fire hydrant connected to the waterworks, including the charge for each property, in a form mutually agreeable to the District and the Jasper County Treasurer. At least once per six (6) months thereafter, the District shall notify the Jasper County Treasurer of any additions, deletions, or other updates to the list of properties.

In the event that the Jasper County Treasurer ceases collection of the Public Fire Protection Charge, the charge shall be included on a monthly bill to the property owner located with 800 feet from any fire hydrant connected to the waterworks.

The monthly Public Fire Protection charge shall be paid as follows and shall be effective as of January 1, 2020:

## EXHIBIT 4

### Public Fire Protection (per month)

1 inch meter	\$ 10.00
1 ½ inch meter	20.00
2 inch meter	32.00
3 inch meter	60.00
4 inch meter	100.00
6 inch meter	200.00
8 inch meter	320.00

**Section 7. Additional Charge for Automatic Sprinkler Systems.** Water furnished for use by automatic sprinkler systems shall be charged annually on the basis of the size of connection needed to adequately supply the sprinkler system as follows:

PHASE 1 -- The following rates and charges shall be effective January 1, 2020.

<u>Size of Connection</u>	<u>Rate Per Annum</u>
1 inch meter	\$ 13.90
1½ inch meter	31.25
2 inch meter	55.55
3 inch meter	125.00
4 inch meter	222.20
6 inch meter	500.00
8 inch meter	888.90

PHASE 2 -- The following rates and charges shall be effective January 1, 2021.

<u>Size of Connection</u>	<u>Rate Per Annum</u>
1 inch meter	\$ 15.05
1½ inch meter	33.75
2 inch meter	60.00
3 inch meter	135.00
4 inch meter	240.00
6 inch meter	540.00
8 inch meter	960.05

PHASE 3 -- The following rates and charges shall be effective January 1, 2022.

<u>Size of Connection</u>	<u>Rate Per Annum</u>
1 inch meter	\$ 16.15
1½ inch meter	36.15
2 inch meter	64.20
3 inch meter	144.45
4 inch meter	256.80
6 inch meter	577.80
8 inch meter	1,027.30

**Section 8. Tapping and Water Installation Charges.** Each applicant for service from the waterworks shall pay a tap charge to connect to the waterworks. The tap charge for a five-eighths (5/8) inch meter, three-fourths (3/4) inch meter or one (1) inch meter shall be four hundred dollars (\$400.00) plus the cost of any highway permits or sidewalk repairs. The charge for a tap larger than a one (1) inch meter tap shall be the cost of labor, materials, power machinery, transportation, and overhead incurred for installing the tap, but shall not be less than the charge for the five-eighths (5/8) inch meter, three-fourths (3/4) inch meter or one (1) inch meter tap.

**Section 9. Availability and Inspection Fee.** No connection to the waterworks shall be allowed until a permit is obtained and payment of the Availability and Inspection Fee has been made to the District. The term “Availability and Inspection Fee” means the charge to a user for a new or additional connection to the waterworks system and is charged in return for the District making available to such user the waterworks system consisting of all facilities and operations necessary to provide water utility service to such user and the inspection of the connection to such waterworks system.

The Availability and Inspection Fee is hereby established in the amount of One Thousand Six Hundred Dollars (\$1,600.00) per EDU. The Availability and Inspection Fee for connections larger than one EDU will be determined by the District based upon the number of EDUs.

Payment of the Availability and Inspection Fee shall be made at the following times: (1) for new construction, the Availability and Inspection Fee shall be paid in full before the issuance of a building permit; and (2) for all new or additional users not qualifying as “new construction”, the Availability and Inspection Fee shall be paid in full before the new or additional connection is made to the waterworks system.

**Section 10. Reconnect Charges.** It shall be the duty of the District to disconnect or shut off water service for any person in arrears and to reinstate water service when all water bills, delinquent charges, and the reconnection fee have been paid in full. The District may also disconnect a customer upon the customer’s request. When service has been disconnected for any reason, the service charge for reconnection shall be Fifty Dollars (\$50.00). Water reconnections for users who have been disconnected shall be done by the District only during regular working hours on business days (Monday through Friday). Only emergency matters such as turning water off and on due to leaks shall be done during other than regular working hours or on weekends.

**Section 11. Monthly Payment of Charges.** Water bills and other charges shall be paid monthly and shall be paid on or before the twentieth (20<sup>th</sup>) day of each month for the service rendered during the preceding month. No partial payments shall be accepted. All payments of any type shall be made at the office of the Treasurer of the District. Neither the Treasurer nor any employee of the District shall accept any payment at any other location. In cases where water is furnished under a special contract, the District shall collect the charges in accordance with the provisions of the contract. Notwithstanding the foregoing, for so long as the Jasper County Treasurer is able to collect the Public Fire Protection Charge on the semi-annual property tax bill of affected properties, such Public Fire Protection Charge shall be so collected in the same fashion as property taxes. In the event the Jasper County Treasurer is unable to collect the Public Fire Protection Charge on the semi-annual property tax bills, the Public Fire Protection Charge shall be collected on a monthly basis in the same fashion as other recurring charges of the District.

**Section 12. Penalties for Failure to Pay Charges.** Except for the Public Fire Protection Charge so long as it shall be collected semi-annually on property tax bills, the District shall mail bills to users on the first day of each month for the water service provided during the previous month. Any bill not paid by the twentieth (20<sup>th</sup>) day of the month shall be considered delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The District shall send a notice to disconnect to a user who is delinquent stating that there is a grace period of sixty (60) days from the date from which the delinquent bill for service was originally due in which the user has time to pay the delinquent bill and the delinquent charges. In the event the water bill and delinquent charges are not paid in full on or before the date stated in the notice to disconnect, water service shall be disconnected and discontinued at the water meter or as near thereto as is practicable without any further notice given to the delinquent user. Before any user can be reconnected to the water mains and thereby receive water from the waterworks system, all water bills and delinquent charges shall be paid in full, plus a service charge for reinstating the service after it has been disconnected for non-payment of charges. Any person, firm, or corporation owning real estate that is serviced with water is personally responsible therefor, and if the premises are vacated without all water bills and delinquent charges being paid up to the time of the vacation, the person, firm, or corporation shall not thereafter be supplied with water through any service until all water bills and delinquent charges are paid in full. This shall apply in all respects to any tenant or other user of the waterworks service. The District retains and rights and remedies under Indiana law, including the Act, to enforce the collection of delinquent bills, including the right to have a lien imposed on properties for failure to pay charges when due.

**Section 13. Permit Fee for Contractors.** Contractors using the water for building purposes and other temporary uses must procure a permit from the District. The cost of the permit for contractors shall be \$10.00. The Treasurer of the District shall provide permits to contractors upon approval and payment.

**Section 14. Repeal of Prior Ordinances.** All ordinances and parts of ordinances inconsistent with any provision of this ordinance are hereby repealed.

## EXHIBIT 4

**Section 15. Severability of Provisions.** In the event any one or more of the provisions contained in this ordinance should be held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired and shall remain in full force and effect.

**Section 16. Periodic Rate Review.** The District shall cause the rates and charges herein to be periodically reviewed to assure such rates and charges comply with the provisions of the Act. The District may revise the rates and charges herein pursuant to the Act to assure that such rates and charges comply with the requirements of the Act.

**Section 17. Effective Date.** This ordinance shall be in full force and effect from and after its passage.

EXHIBIT 4

Passed and adopted by the Board of Trustees of the Northwest Jasper Regional District  
on this 28<sup>th</sup> day of October, 2019.

NORTHWEST JASPER REGIONAL DISTRICT  
BOARD OF TRUSTEES

Andrew Adree  
President

[Signature]  
Vice President

Margaret M. Micheli  
Secretary

[Signature]  
Treasurer

[Signature]  
Member

[Signature]  
Member

John T. Price  
Member

Attest:


Margaret M. Micheli  
Secretary

**CERTIFICATE OF SERVICE**

I certify that on October 19, 2020, this document was electronically filed with the Indiana Utility Regulatory Commission and was served electronically on the parties below:

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115 West Washington Street  
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Jeffery A. Earl