

**GREENE COUNTY REGIONAL SEWER DISTRICT
ORDINANCE NO. 2021-01**

**AN ORDINANCE AMENDING, RESTATING, AND CONSOLIDATING
ORDINANCE NUMBERS 2013-01, 2014-01, AND 2016-01**

WHEREAS, the Board of Directors of the Greene County Regional Sewer District (“the Board”) adopted Ordinance No. 2013-01, establishing rates and charges, on April 18, 2013; and

WHEREAS, the Board adopted Ordinance No. 2014-01 on January 23, 2014, amending Ordinance No. 2013-01; and

WHEREAS, the Board further amended monthly rates by adopting Ordinance No. 2016-01 on September 14, 2016; and

WHEREAS, the Board has determined that clarification is needed regarding construction connection policy and payment for services during construction; and

WHEREAS, there are inconsistencies among the three ordinances referenced that warrant consolidation and updating of certain policies and procedures,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE GREENE COUNTY REGIONAL SEWER DISTRICT, AS FOLLOWS:

Section 1. Title. This ordinance shall be known as the Greene County Regional Sewer District Regulation and Rate Ordinance 2021-01.

Section 2. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

2.01 “Availability Fee” means a fee charged to New Users who connect a Private Sewer to the Sewer Facilities to cover the costs of future utility capacity additions to the Sewer Facilities.

2.02 “Bad Check Charge” means the charge assessed on any User who pays a sewer bill by check which is returned to the District because of insufficient funds, and includes any bank fees assessed to the District.

2.03 “Board” means the Board of Trustees of the Greene County Regional Sewer District.

2.04 “Building Sewer” means the extension from the building drain to the public sewer or other place of disposal.

2.05 “Bulk Customer” means such entities as may from time to time enter into contracts with the Greene County Regional Sewer District to discharge Sewage into the Sewer Facilities.

2.06 “District” means the Greene County Regional Sewer District, Greene County, Indiana.

2.07 “Equivalent Dwelling Unit of sewage flow (EDU)” means 300 gallons per day of expected average sewage flow based upon generally accepted design standards. EDU has the same meaning and may be used interchangeably with “Equivalent Residential Unit of sewage flow” (ERU).

2.08 “Industrial Waste” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

2.09 “Inspection Fee” means the fee charged to each New User at the time of connection of a Private Sewer to the Sewer Facilities to cover the costs for administration and inspection of the connection.

2.10 “Inspector” means the person or persons duly authorized by the District, through its Board, to inspect and approve the installation of building sewers and their connection to the public sewer system.

2.11 “Late Payment Charges” means charges assessed to all Users who fail to pay timely any bill for Sewer Services that is not paid when due as stated on such bill.

2.12 “New User” means any User who connects a Private Sewer to the Sewer Facilities after June 30, 2013, excluding, however, persons who prior to the adoption of this Ordinance, have granted the District a right of entry for connection to the Sewer Facilities.

2.13 “Owner” means any person who holds a fee interest, life estate interest, or equitable interest of a contract purchaser in any lot, parcel of real estate, or building that is connected with and uses the Sewer Facilities or that in any way uses or is served by the Sewer Facilities.

2.14 “Person” means any individual, firm, company, association, society, corporation, or group.

2.15 “Private Sewage Disposal System” means any arrangement of devices or structures used for treating sewage, including septic tanks, cesspools or holding tanks, which are not owned or operated by the District.

2.16 “Private sewer” means a sanitary sewer which is owned by a person other than the District.

2.17 “Public Sewer” means a sanitary sewer which is owned and controlled by the Greene County Regional Sewer District.

2.18 “Sewer” or “Sanitary Sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

2.19 “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and other business and industrial establishments, together with such ground, surface and storm waters as may be present.

2.20 “Sewer Facilities” means all facilities owned or leased by the District for collecting, pumping, treating, and disposing of sewage.

2.21 “Sewer Main” means any Sewer Facilities which directly or indirectly accepts, collects, or delivers sewage from one or more building sewers and which is part of a sewage collection and delivery system.

2.22 “User” means a person who introduces into or discharges into, including both the owner and occupant of real estate from which is introduced or discharged into the sewage system any substance whatever.

SECTION 3. Rates And Charges.

3.1. Assessment of Monthly Sewer Rates. Rates or charges shall be collected for the use of and service rendered by the District, payable by the user of each and every lot, parcel of real estate, or building that is connected with and uses the Sewer Facilities, or that in any way uses or is served by the Sewer Facilities

3.2 Liability for Rates and Charges/ Liens. All Owners and Users are jointly and severally liable for the sewer rates and charges assessed under Section 3.3 and 3.4 of this Ordinance for use and services provided under this Ordinance. In the event of nonpayment, the District any unpaid charges shall constitute a lien on the real property that is serviced by the District, as provided in IC 13-26-14.

3.3. Monthly Rates. For the use and the services rendered by the District, and pursuant to IC 13-26-11, rates and charges shall be billed to and collected from the Users of each and every lot, parcel of real estate or building that is, or will be connected with the District’s Sewer Facilities or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the Sewer Facilities. Rates and charges shall be payable as follows:

- A. For Greene County Users, a flat monthly charge of Fifty Dollars (\$50.00) per EDU;
- B. For Non-Greene County Users, a flat monthly charge of Sixty-one Dollars (\$61.00) per EDU.

3.4. Other Charges. In addition to the flat monthly rate set forth in Section 3.2, the following additional charges shall be assessed:

- A. An Inspection Fee of Two Hundred Fifty Dollars (\$250.00) shall be assessed for all New Users;
- B. Late Charges. All monthly sewer charges are due and payable on or before the fifteenth of each month following the mailing of the monthly sewer bill. A Late Payment Charge equal to the greater of Five Dollars (\$5.00) or Ten Percent (10%) of the monthly charge shall be assessed to any User who fails to pay the sewer charges when due. In addition, a charge of Five Dollars (\$5.00) shall be added for each collection letter sent to any User prior to the filing of a lien.
- C. Dishonored Checks. A Charge of Thirty-five Dollars (\$35.00), plus any bank fees incurred by the District, shall be assessed on any check charged back to the District’s account on account of insufficient funds or by any other reason of dishonor.
- D. Availability Fee. An Availability Fee of One Thousand Nine Hundred and 00/100 dollars (\$1,900.00) per ERU and any fractional part thereof, of estimated usage once occupied, shall be assessed for all New Users. The Availability Fee shall be paid prior to start of New User’s construction.

E. Sewer Liens. Pursuant to IC 13-26-14-4, all sewer rates, fees and charges established by the District constitute a lien on the lot, parcel of land, or building that is connected with or uses the Sewer Facilities, and shall be collected and enforced as provided by law, including reasonable attorney fees and costs of collection.

3.5. Fee verification and adjustment. Non-residential users will, upon request, provide to the District or any person acting on behalf of the District copies of monthly water bills for the purpose of fee verification or correction. Correction of fees will be made prospectively only and not retroactively.

3.6. Effective Date for Assessment of Rates and Charges. Each User shall be liable for the payment of the rates and charges set forth in Sections 3.3 and 3.4 upon such User's connection to the Sewer Facilities.

3.7. Bulk customers. Bulk users will be charged as determined by the treatment plant operator and approved by the Board. Bulk customers shall submit a written discharge proposal sufficiently prior to the proposed discharge to allow for review by the Board.

Section 4. Persons Subject to Connection. The owner of all houses, buildings, or structures used for human occupancy, employment, recreation or other purposes, situated within the District and abutting any street, alley or right-of-way in which there is located a public sanitary sewer of the District, may be hereby required at his expense to install suitable toilet facilities therein, and to connect toilet, lavatory, laundry and other waste water facilities directly to the proper sanitary sewer in accordance with the provisions of this ordinance, if the public sanitary sewer is within three hundred (300) feet of the house, building, or structures used for human occupancy, employment, recreation or other purpose. If a direct connection is made, any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable granular material. No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the Greene County Health Officer, Board of Health, Greene County, Indiana; the Daviess County Health Officer, Board of Health, Daviess County, Indiana; or the Martin County Health Officer, Board of Health, Martin County, Indiana.

Section 5. Construction Permits.

5.01. Except for normal and routine maintenance of private sewage works and action to initially address emergency situations, no person shall uncover, make any connections with or opening into, use, alter, construct, relocate, repair, reconstruct, or disturb any public or private sewage works without first obtaining a written sewer construction permit from the District.

5.02. There shall be two (2) classes of sewer construction permits: (a) a building sewer construction permit; and (2) a main construction permit. Building sewer construction permits shall consist of three types: residential, commercial, or industrial. There shall be only one type of sewer main construction permit. In all cases, the owner or his agent shall make application for a sewer

construction permit on a form furnished by the District. The permit application shall be supplemented by the plans and specifications for the construction and any other information considered pertinent in the judgment of the District.

5.03. Connection at commencement of construction.

A. New Users shall connect to the Public Sewer at commencement of construction and shall pay the availability fee at the time of connection.

B. From date of connection to the Public Sewer through date of initial occupancy, New User shall be assessed and pay a fee of 1 ERU per month, provided however, that if occupancy is delayed beyond one (1) year from date of connection, then New User shall be assessed and pay a fee based on estimated usage once occupied, beginning on the one (1) year anniversary of the date of connection.

C. New User will be assessed and pay a regular monthly fee beginning upon occupancy, which fee will be based upon estimated usage unless or until such time as the fee may be adjusted to reflect measured usage.

5.04. A permit expires twelve (12) months after its issuance if the permit holder has not commenced construction within that time. The District may also revoke a permit if it determines that the permit holder is not diligently pursuing the development project to completion. For purposes hereof, diligently pursuing the development project to completion shall mean that construction commences on such project within twelve (12) months of the issuance of the permit and that the permit holder continues with the construction time frame specified in the original application.

5.05. If a permit expires or is revoked, the permit holder must submit a new application and permit fee and obtain a new permit in order to proceed. The Board may waive the permit fee if there has been no material change to the plans or to the site, or to the developer of the project, and significant review of the project is not warranted. A material change shall be any alteration that requires a modification of design or specifications.

5.06. A permit holder may obtain an extension to prevent expiration of a permit. Requests for extension must include certification that there has been no material change to the plans or to the site. Extensions may be granted for no more than twelve (12) months at a time. A permit may not be transferred without the written consent of the District.

5.07. In addition to complying with the permitting process, the permit holder must also obtain any permits related to the construction that are required by the County in which the property is located.

Section 6. Regulations Governing Connections.

6.01. All costs and expenses incidental to the installation and connection of a building sewer or other sewage works, including an inspection fee, shall be borne by the owner. The owner shall be deemed to have agreed to indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation, construction, or repair of a building sewer or other sewage works.

6.02. A separate and independent building sewer shall be provided for every dwelling of any kind; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, and in such case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The District may also waive this requirement in instances of special circumstances or conditions that do not apply generally in the District.

6.03. Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of the District's Ordinances, rules, regulations, and specifications.

6.04. The location, size, slope, alignment and materials of construction of all public and private sewage works, and the methods to be used to place and construct the sewage works, shall conform to the requirements of the building and plumbing code, regulations of the Indiana Department of Environmental Management ("IDEM") and all other applicable specifications, rules and regulations of the District.

6.05. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public or private sanitary sewer.

6.06. The connection of a building sewer or other sewage works into a public or private sanitary sewer shall conform to the requirements of the building and plumbing code, IDEM regulations, or other applicable specifications, rules and regulations of the District. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved in writing by the District before installation.

6.07. New or repaired system inspection is mandatory. The District or its representative shall inspect any work that may be required and is associated with or will affect the District system, whether the work is associated with a new connection or is repair or replacement of an existing connection. User shall provide District with no less than forty-eight (48) hours' notice for any inspection request. No work shall be buried, covered, or otherwise made inaccessible prior to inspection and acceptance by the District. Requests for inspection shall be directed to the District at Bynum Fanyo Utilities, Inc., 528 N. Walnut Street, Bloomington, IN 47404, or 812-332-8030.

6.08. The applicant for the building sewer construction permit or sewer main construction permit shall notify the District when the building sewer or sewer main is ready for inspection and connection to the public or private sanitary sewer. All connections shall be made under the supervision of the District's representative.

6.09. If nonconforming sewage works are identified, the District may issue a written notice requiring the responsible party(s) to correct the nonconformance within a specified reasonable time. All corrective measures are subject to the District's prior approval of the corrective plans.

6.10. Any lateral, beginning at the point of connection to the sewer main and running to Owner's building or structure served by the lateral, shall remain the property of Owner. Any equipment installed in the lateral, between connection to the sewer main and Owner's Building or structure, shall remain the property of the Owner. The cost of installation, repair and maintenance, and replacement costs of the lateral and any associated equipment, shall be paid solely by Owner unless the District notifies Owner in writing that District agrees to assume and pay all or some portion of said costs

Section 7. Regulations Governing Discharge of Sewage.

7.01. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

7.02. No person shall discharge or cause to be discharged into any public sewers any flammable or explosive liquid, solid, or gas, or any substance hazardous to humans or animals, including but not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

7.03. Consistent with the rules and regulations of the Indiana Department of Environmental Management, no person shall discharge or cause to be discharged the any substances, materials, waters, or wastes that can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.

7.04. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in 7.02 or 7.03 of this section, and which in the judgment of the District may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board may: (i) Reject the wastes; (ii) require pretreatment to an acceptable condition for discharge to the public sewers; (iii) Require control over the quantities and rates of discharge; and/or (iv) require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of 7.02 or 7.03 of this section.

Section 8. Right of Entry/Inspections. Upon the giving of reasonable notice to the property owner or tenant in lawful possession of said property, the District's designated agent or inspector shall be

permitted to enter any property connected to the Sewer Facilities for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance.

Section 9. Violations/Enforcement.

9.01. Any person found to be violating any provision of this ordinance shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

9.02. Any person violating any of the provisions of this ordinance shall become liable to the District a fine of One Hundred Dollars (\$100.00) per day for each day that the violation continues, and in addition, for any expense, loss, or damage occasioned by the District by reason of such violation, including reasonable attorney fees incurred by the District in the enforcement of this Ordinance.

9.03. Any person who maliciously breaks, damages, destroys, uncovers, defaces, or tampers with any structure, appurtenance, or equipment which is a part of the District Sewage Facilities shall be prosecuted to the fullest extent of the law.

SECTION 10. Administration.

10.01. Bylaws and Regulations of the Board. The Board may adopt and enforce such reasonable regulations not in conflict herewith as it may be deemed necessary for the safe, economical and efficient management of the Sewer Facilities and for the construction and use of building (or house) lateral sewers, septic tanks and connections to the Sewer Facilities.

10.02. Amendments. This Board may amend this Ordinance may be amended from time to time as provided in IC 13-26-11-13.

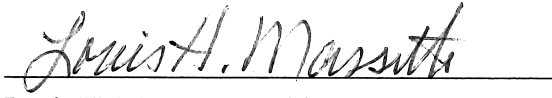
10.03. Severability. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which shall be given effect without such invalid part or parts.

10.04. Effective Date of Ordinance. This Ordinance shall become effective and be in full force and effect from and upon passage and signing by the Board of Trustees.

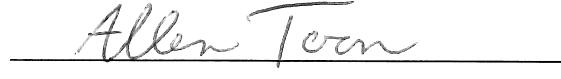
10.05. Repeal of Prior Ordinances. This ordinance constitutes an amendment, restatement, and consolidation of Ordinances Numbered 2013-01, 2014-01, and 2016-01, which ordinances shall be deemed repealed by adoption of herein ordinance.

SO ORDAINED AND ESTABLISHED this 21st day of October, 2021.


GREENE COUNTY REGIONAL SEWER DISTRICT, by:



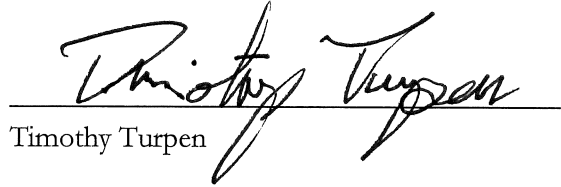
Louis H. Massette, President



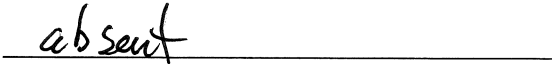
Allen Toon



Scott Oliphant



Timothy Turpen



Michael Turner