

**ORIGINAL**

**RECEIVED**

JUL 26 2012

INDIANA UTILITY  
REGULATORY COMMISSION

STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF FREMONT, )  
INDIANA, FOR APPROVAL OF RATE AND )  
CHARGE DIFFERENCE BETWEEN ) CAUSE NO.  
PROPERTY WITHIN AND PROPERTY )  
OUTSIDE THE CORPORATE BOUNDARIES )  
OF THE TOWN OF FREMONT, INDIANA. )

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, the Town of Fremont, Indiana, by counsel, respectfully requests the Director of the Water and Wastewater Division of the Indiana Utility Regulatory Commission ("Commission") to approve the rate and charge difference between property within and property outside the corporate boundaries of the Town of Fremont, Indiana. In support of its request, the Town of Fremont states:

1. The ordinance setting rates and charges for property within and property outside the municipality's corporate boundaries took effect on March 1, 2012.
2. Attached as "Exhibit A" is a copy of the Ordinance No. 2012-01 ("Ordinance"). The Ordinance amended Ordinance No. 81-217, as amended, that ordinance and its amendments are attached as "Exhibit B."
3. The works that is the subject of the Ordinance is a:
  - a. Water utility works \_\_\_\_\_
  - b. Wastewater utility works   X
  - c. Both water and wastewater utility works \_\_\_\_\_

4. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is Fifty percent (50%).

5. The percentage difference referenced in paragraph 4 does not vary based upon the amount of consumption.

6. The Town of Fremont considers Indiana Code § 8-1.5-3-8.3(c), among other statutes, to be applicable to the relief requested by this Petition.

7. Joshua A. Burkhardt and Kurt R. Bachman with the law firm of Beers Mallers Backs & Salin LLP are counsel of record for the Petitioner in this matter and are duly authorized to accept service of papers in this cause on behalf of the Petitioner. The papers shall be served as follows:

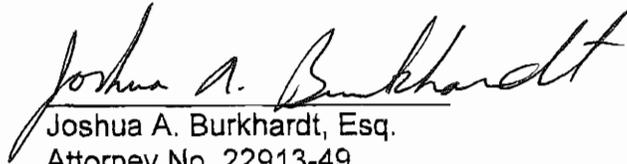
Joshua A. Burkhardt, Esq.  
Beers Mallers Backs & Salin LLP  
110 West Berry Street, Suite 1100  
Fort Wayne, Indiana 46802

and

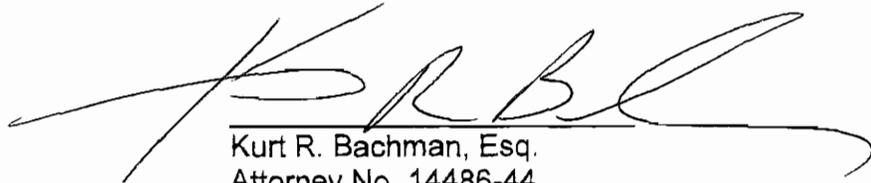
Kurt R. Bachman, Esq.  
Beers Mallers Backs & Salin LLP  
108 West Michigan Street  
LaGrange, Indiana 46761

**WHEREFORE**, Petitioner, the Town of Fremont, Indiana, respectfully requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of the Town of Fremont, Indiana, and for all other just and reasonable relief.

Respectfully Submitted,



Joshua A. Burkhardt, Esq.  
Attorney No. 22913-49  
Beers Mallers Backs & Salin LLP  
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Fort Wayne, Indiana 46802  
Telephone: (260) 426-9706  
Facsimile: (260) 420-1314  
E-mail: [jaburkhardt@beersmallers.com](mailto:jaburkhardt@beersmallers.com)



Kurt R. Bachman, Esq.  
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LaGrange, Indiana 46761  
Telephone: (260) 463-4949  
Facsimile: (260) 463-4905  
E-mail: [krbachman@beersmallers.com](mailto:krbachman@beersmallers.com)

#### VERIFICATION

I, Steve Brown, the Council President for the Town Council for the Town of Fremont, affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

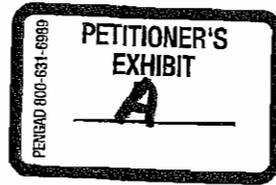
Signature:   
Steve Brown, Council President  
Town Council for the Town of Fremont, Indiana

Date: 7-20-12

Attest:  
  
M. Kathleen Parsons, Clerk-Treasurer

Joshua A. Burkhardt, Esq.  
Beers Mallers Backs & Salin LLP  
110 W. Berry Street, Suite 1100  
Fort Wayne, Indiana 46802  
Telephone: (260) 426-9706  
Facsimile: (260) 420-1314  
E-mail: [jburkhardt@beersmallers.com](mailto:jburkhardt@beersmallers.com)

64363



TOWN OF FREMONT

ORDINANCE NO. 2012-01

AN ORDINANCE AMENDING ORDINANCE NO. 81-217 AND  
REPEALING SECTION 1 OF ORDINANCE 2006-21.

WHEREAS, the Town Council of the Town of Fremont, Indiana, is duly constituted to provide and maintain a sewage works system inside and outside the Town of Fremont, Indiana, and is authorized to fix, alter, charge, and collect reasonable and just rates and other charges in the area served or to be served by the sewage works, either directly or indirectly; and

WHEREAS, the Town Council of the Town of Fremont, Indiana, has determined that it is necessary to amend the current schedule of sewer rates and other charges for the use of the sewage works of said Town to maintain the sewage works in a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town Council of the Town of Fremont, Indiana, passed Ordinance 81-217 establishing rates and charges for use of the Town sewage works system and now desires to amend the rates and charges established by said Ordinance 81-217, as amended, to maintain the sewage works on a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town Council of the Town of Fremont, Indiana, passed Ordinance 2006-21 establishing rates and charges for use of the Town sewage works system and now desires to amend the rates and charges established by said Ordinance 2006-21, to maintain the sewage works on a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town of Fremont has requested that a rate study for the sewage works be made, and has received the results of such study which aforementioned study proposes various rate changes as well as the implementation of different rates for various classes of customers; and

WHEREAS, said rates are necessary to defray increased costs and to pay debt service on the sewage works' proposed bond issue; and

WHEREAS, this Ordinance establishing rates and charges has been introduced; notice of the public hearing has been duly given by publication and by mail to: (i) users of the sewage works located outside the Town's corporate boundaries; and (ii) owners of vacant or unimproved property if there is a fee for sewer availability to said properties; and a public hearing was held at which users of the sewage works, owners of property served or to be served by the sewage works, and other interested persons were heard concerning the proposed rates and charges.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FREMONT, STEUBEN COUNTY, INDIANA, THAT:

SECTION I

That Section 5.15.1 of Ordinance 81-217, and any amendments thereof, be amended to read as follows:

5.15.1 For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

**A. Phase I: Effective March 1, 2012 through and including February 28, 2013**

For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided, to be effective March 1, 2012 through and including February 28, 2013, and shall be in an amount determinable as follows:

METERED USERS	User Charge per <u>1,000 Gallons</u>	Debt Service Charge <u>per 1,000 Gallons</u>	Total Monthly Sewer Charge <u>per 1,000 Gallons</u>
<u>INSIDE TOWN LIMITS</u>			
<u>Class One</u>			
Metered Charges per 1,000 Gallons	\$ 3.11	\$ 2.61	\$ 5.72
Minimum Charge	\$ 9.34	\$ 7.82	\$ 17.16
<u>Class Two</u>			
Metered Charge per 1,000 Gallons	\$ 3.11	\$ 1.86	\$ 4.97
Minimum Charge	\$ 18.68	\$ 11.15	\$ 29.83
<u>Class Three</u>			
Metered Charges per 1,000 Gallons	\$ 3.11	\$ 1.42	\$ 4.53
Minimum Charge	\$ 74.73	\$ 33.99	\$ 108.72
<u>OUTSIDE TOWN LIMITS</u>			
<u>Class One</u>			
Metered Charges per 1,000 Gallons	\$ 4.66	\$ 3.92	\$ 8.58
Minimum Charge	\$ 14.00	\$ 11.73	\$ 25.73
<u>Class Two</u>			
Metered Charges per 1,000 Gallons	\$ 4.67	\$ 2.79	\$ 7.46

Minimum Charge	\$ 28.02	\$ 16.71	\$ 44.73
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Class Three

Metered Charge per 1,000 Gallons	\$ 4.67	\$ 2.13	\$ 6.80
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Minimum Charge	\$ 112.10	\$ 50.99	\$163.09
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UNMETERED USERS	User Charge	Debt Service Charges	Total Monthly Flat Sewer Charge
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INSIDE TOWN LIMITS

Class One	\$ 15.57	\$ 13.03	\$ 28.60
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Class Two	\$ 105.86	\$ 63.16	\$ 169.02
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Class Three	\$3,901.51	\$1,774.94	\$5,676.45
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OUTSIDE TOWN LIMITS

Class One	\$ 23.36	\$ 19.54	\$ 42.90
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Class Two	\$ 158.80	\$ 94.74	\$ 253.54
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Class Three	\$5,852.27	\$2,662.40	\$ 8,514.67
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The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

**B. Phase II: Effective March 1, 2013 through and including February 28, 2014**

For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided, to be effective March 1, 2013 through and including February 28, 2014, and shall be in an amount determinable as follows:

METERED USERS	User Charge per <u>1,000 Gallons</u>	Debt Service Charge <u>per 1,000Gallons</u>	Total Monthly Sewer Charge <u>per 1,000 Gallons</u>
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INSIDE TOWN LIMITS

Class One

Metered Charges

per 1,000 Gallons	\$ 3.16	\$ 2.65	\$ 5.81
Minimum Charge	\$ 9.49	\$ 7.95	\$ 17.44
<u>Class Two</u>			
Metered Charge per 1,000 Gallons	\$ 3.16	\$ 1.89	\$ 5.05
Minimum Charge	\$ 18.98	\$ 11.33	\$ 30.31
<u>Class Three</u>			
Metered Charges per 1,000 Gallons	\$ 3.16	\$ 1.44	\$ 4.60
Minimum Charge	\$ 75.93	\$ 34.54	\$ 110.47

OUTSIDE TOWN LIMITS

<u>Class One</u>			
Metered Charges per 1,000 Gallons	\$ 4.74	\$ 3.98	\$ 8.72
Minimum Charge	\$ 14.23	\$ 11.92	\$ 26.15
<u>Class Two</u>			
Metered Charges per 1,000 Gallons	\$ 4.75	\$ 2.83	\$ 7.58
Minimum Charge	\$ 28.47	\$ 16.98	\$ 45.45
<u>Class Three</u>			
Metered Charge per 1,000 Gallons	\$ 4.75	\$ 2.16	\$ 6.91
Minimum Charge	\$ 113.90	\$ 51.81	\$ 165.71

UNMETERED USERS	User <u>Charge</u>	Debt <u>Service Charges</u>	Total Monthly <u>Flat Sewer Charge</u>
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INSIDE TOWN LIMITS

Class One	\$ 15.82	\$ 13.24	\$ 29.06
Class Two	\$ 107.56	\$ 64.18	\$ 171.74
Class Three	\$3,964.32	\$1,803.52	\$5,767.84

OUTSIDE TOWN LIMITS

Class One	\$ 23.74	\$ 19.85	\$ 45.59
Class Two	\$ 161.36	\$ 96.27	\$ 257.63
Class Three	\$5,946.49	\$2,705.26	\$ 8,651.75

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

**C. Phase III: Effective March 1, 2014 through and including February 28, 2015**

For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided, to be effective March 1, 2014 through and including February 28, 2015, and shall be in an amount determinable as follows:

METERED USERS	User Charge per 1,000 Gallons	Debt. Service Charge per 1,000Gallons	Total Monthly Sewer Charge per1,000 Gallons
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INSIDE TOWN LIMITS

Class One

Metered Charges per 1,000 Gallons	\$ 3.22	\$ 2.70	\$ 5.92
Minimum Charge	\$ 9.68	\$ 8.11	\$ 17.79

Class Two

Metered Charge per 1,000 Gallons	\$ 3.22	\$ 1.93	\$ 5.15
Minimum Charge	\$ 19.36	\$ 11.56	\$ 30.92

Class Three

Metered Charges per 1,000 Gallons	\$ 3.22	\$ 1.47	\$ 4.69
Minimum Charge	\$ 77.46	\$ 35.24	\$ 112.70

OUTSIDE TOWN LIMITS

Class One

Metered Charges per 1,000 Gallons	\$ 4.84	\$ 4.06	\$ 8.90
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Minimum Charge	\$ 14.52	\$ 12.16	\$ 26.68
<u>Class Two</u>			
Metered Charges per 1,000 Gallons	\$ 4.85	\$ 2.89	\$ 7.74
Minimum Charge	\$ 29.05	\$ 17.32	\$ 46.37
<u>Class Three</u>			
Metered Charge per 1,000 Gallons	\$ 4.85	\$ 2.20	\$ 7.05
Minimum Charge	\$ 116.20	\$ 52.86	\$169.06

UNMETERED USERS	User <u>Charge</u>	Debt <u>Service Charges</u>	Total Monthly <u>Flat Sewer Charge</u>
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INSIDE TOWN LIMITS

Class One	\$ 16.14	\$ 13.51	\$ 29.65
Class Two	\$ 109.73	\$ 65.48	\$ 175.21
Class Three	\$4,044.40	\$1,839.95	\$5,884.35

OUTSIDE TOWN LIMITS

Class One	\$ 24.22	\$ 20.25	\$ 44.47
Class Two	\$ 164.62	\$ 98.21	\$ 262.83
Class Three	\$6,066.61	\$2,759.91	\$ 8,826.52

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

**D. Phase IV: Effective March 1, 2015 through and including February 29, 2016**

For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided, to be effective March 1, 2015 through and including February 29, 2016, and shall be in an amount determinable as follows:

METERED USERS	User Charge per <u>1,000 Gallons</u>	Debt Service Charge <u>per 1,000 Gallons</u>	Total Monthly Sewer Charge <u>per 1,000 Gallons</u>
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INSIDE TOWN LIMITS

Class One

Metered Charges per 1,000 Gallons	\$ 3.29	\$ 2.76	\$ 6.05
Minimum Charge	\$ 9.89	\$ 8.29	\$ 18.18

Class Two

Metered Charge per 1,000 Gallons	\$ 3.29	\$ 1.97	\$ 5.26
Minimum Charge	\$ 19.79	\$ 11.81	\$ 31.60

Class Three

Metered Charges per 1,000 Gallons	\$ 3.29	\$ 1.50	\$ 4.79
Minimum Charge	\$ 79.16	\$ 36.02	\$ 115.18

OUTSIDE TOWN LIMITS

Class One

Metered Charges per 1,000 Gallons	\$ 4.95	\$ 4.15	\$ 9.10
Minimum Charge	\$ 14.84	\$ 12.43	\$ 27.27

Class Two

Metered Charges per 1,000 Gallons	\$ 4.96	\$ 2.95	\$ 7.91
Minimum Charge	\$ 29.69	\$ 17.70	\$ 47.39

Class Three

Metered Charge per 1,000 Gallons	\$ 4.96	\$ 2.25	\$ 7.21
Minimum Charge	\$ 118.76	\$ 54.02	\$ 172.78

UNMETERED  
USERS

User  
Charge

Debt  
Service Charges

Total Monthly  
Flat Sewer  
Charge

INSIDE TOWN LIMITS

Class One	\$ 16.50	\$ 13.81	\$ 30.31
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Class Two	\$ 112.14	\$ 66.92	\$ 179.06
Class Three	\$4,133.38	\$1,880.43	\$6,013.81

OUTSIDE TOWN LIMITS

Class One	\$ 24.75	\$ 20.70	\$ 45.45
Class Two	\$ 168.24	\$ 100.37	\$ 268.61
Class Three	\$6,200.08	\$2,820.63	\$ 9,020.71

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

The flat monthly sewer rate shall be charged to any residential or non-residential customer who is not a metered water user or does not have an approved meter attached to their service which would provide readings of either water consumption or sewage flows. Customers who are charged the flat monthly rate may install, at customer's expense, an approved meter for purposes of recording water consumption and/or sewage flow. Non-residential customers who are being charged the flat rate may, at the Town Council's discretion, be required to install an approved meter. Upon installation of an approved meter, a customer's monthly sewage bill shall be calculated according to the above metered schedule of rates and charges.

SECTION II

A copy of the schedule of rates and charges adopted herein shall be kept on file and available for public inspection in the office of the Clerk-Treasurer. The rates and charges established for any class of user or property shall cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

SECTION III

No part of this Ordinance shall be interpreted to conflict with federal, state, or local laws, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION IV

In all other respects said Ordinance 81-217 and any amendments thereof are ratified and confirmed. This Ordinance expressly repeals Section I of Ordinance 2006-21 upon the date the rates

herein are made effective.

SECTION V

The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.

SECTION VI

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law. The rates set forth herein shall begin and be effective as of March 1, 2012.

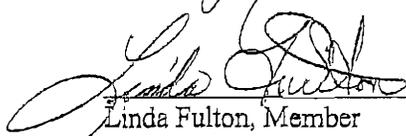
PASSED AND ADOPTED by Town of Fremont, Steuben County, Indiana, at their regular meeting on the 17, day of January, 2012.

THE TOWN COUNCIL OF THE TOWN  
OF FREMONT, INDIANA

  
Charles Steven Brown, President

\_\_\_\_\_  
Joseph Thomas, Member

  
Kay Clark, Member

  
Linda Fulton, Member

  
Steve Vaughn, Member

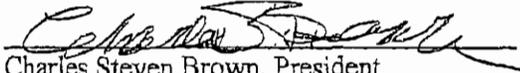
ATTEST:

  
M. Kathleen Parsons, Clerk-Treasurer

WAIVER OF SECOND READING

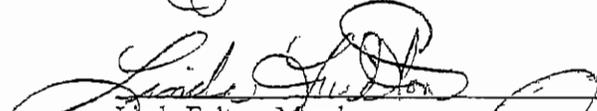
On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived and the Ordinance was deemed effective as of the date of passage.

THE TOWN COUNCIL OF THE TOWN  
OF FREMONT, INDIANA

  
Charles Steven Brown, President

\_\_\_\_\_  
Joseph Thomas, Member

  
Kay Clark, Member

  
Linda Fulton, Member

  
Steve Vaughn, Member

ATTEST:

  
M. Kathleen Parsons, Clerk-Treasurer

**PETITIONER'S EXHIBIT B**

TOWN OF FREMONT

ORDINANCE NO. 2006-21

AN ORDINANCE AMENDING ORDINANCE 81-217 AND REPEALING ORDINANCE 88-04, ORDINANCE 22-94 AND SECTION 2 OF ORDINANCE 23-94.

WHEREAS, the Town Council of the Town of Fremont, Indiana, is duly constituted to provide and maintain a sewage works system inside and outside the Town of Fremont, Indiana, and is authorized to fix, alter, charge, and collect reasonable and just rates and other charges in the area served or to be served by the sewage works, either directly or indirectly; and

WHEREAS, the Town Council of the Town of Fremont, Indiana, has determined that it is necessary to amend the current schedule of sewer rates and other charges for the use of the sewage works of said Town to maintain the sewage works in a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town Council of the Town of Fremont, Indiana, passed Ordinance 81-217 establishing rates and charges for use of the Town sewage works system and now desires to amend the rates and charges established by said Ordinance 81-217, as amended, to maintain the sewage works on a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town of Fremont has requested that a rate study for the sewage works be made, and has received the results of such study which aforementioned study proposes various rate changes as well as the implementation of different rates for various classes of customers; and

WHEREAS, said rates are necessary to defray increased costs and to pay debt service on the sewage works' proposed bond issue; and

WHEREAS, this Ordinance establishing rates and charges has been introduced; notice of the public hearing has been duly given by publication and by mail to: (i) users of the sewage works located outside the Town's corporate boundaries; and (ii) owners of vacant or unimproved property if there is a fee for sewer availability to said properties; and a public hearing was held at which users of the sewage works, owners of property served or to be served by the sewage works, and other interested persons were heard concerning the proposed rates and charges.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FREMONT, STEUBEN COUNTY, INDIANA, THAT:

SECTION I

That Section 5.15.1 of Ordinance 81-217, and any amendments thereof, be amended to read as follows:

5.15.1 For the use and the service rendered by said sewage works, volumetric sewer

charges shall be payable as hereinafter provided and shall be in an amount determinable, as follows:

METERED USERS	User Charge per <u>1,000 Gallons</u>	Debt Service Charge <u>per 1,000 Gallons</u>	Total Monthly Sewer Charge <u>per 1,000 Gallons</u>
<u>INSIDE TOWN LIMITS</u>			
<u>Class One</u>			
Metered Charges per 1,000 Gallons	\$ 2.74	\$ 2.30	\$ 5.04
Minimum Charge	\$ 8.23	\$ 6.89	\$ 15.12
<u>Class Two</u>			
Metered Charge per 1,000 Gallons	\$ 2.74	\$ 1.64	\$ 4.38
Minimum Charge	\$ 16.45	\$ 9.82	\$ 26.27
<u>Class Three</u>			
Metered Charges per 1,000 Gallons	\$ 2.74	\$ 1.25	\$ 3.99
Minimum Charge	\$ 65.82	\$ 29.94	\$ 95.76
<u>OUTSIDE TOWN LIMITS</u>			
<u>Class One</u>			
Metered Charges per 1,000 Gallons	\$ 4.11	\$ 3.45	\$ 7.56
Minimum Charge	\$ 12.33	\$ 10.33	\$ 22.66
<u>Class Two</u>			
Metered Charges per 1,000 Gallons	\$ 4.11	\$ 2.46	\$ 6.57
Minimum Charge	\$ 24.68	\$ 14.72	\$ 39.40
<u>Class Three</u>			
Metered Charge per 1,000 Gallons	\$ 4.11	\$ 1.88	\$ 5.99
Minimum Charge	\$ 98.73	\$ 44.91	\$ 143.64

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher

than the costs of furnishing services to users located within the Town limits.

UNMETERED USERS	User <u>Charge</u>	Debt <u>Service Charges</u>	Total Monthly <u>Flat Sewer Charge</u>
<u>INSIDE TOWN LIMITS</u>			
Class One	\$ 13.71	\$ 11.48	\$ 25.19
Class Two	\$ 93.24	\$ 55.63	\$ 148.87
Class Three	\$3,436.24	\$1,563.27	\$4,999.51
<u>OUTSIDE TOWN LIMITS</u>			
Class One	\$ 20.57	\$ 17.21	\$ 37.78
Class Two	\$ 139.86	\$ 83.44	\$ 223.30
Class Three	\$5,154.37	\$2,344.90	\$ 7,499.27

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

The flat monthly sewer rate shall be charged to any residential or non-residential customer who is not a metered water user or does not have an approved meter attached to their service which would provide readings of either water consumption or sewage flows. Customers who are charged the flat monthly rate may install, at customer's expense, an approved meter for purposes of recording water consumption and/or sewage flow. Non-residential customers who are being charged the flat rate may, at the Town Council's discretion, be required to install an approved meter. Upon installation of an approved meter, a customer's monthly sewage bill shall be calculated according to the above metered schedule of rates and charges.

#### SECTION II

A copy of the schedule of rates and charges adopted herein shall be kept on file and available for public inspection in the office of the Clerk-Treasurer. The rates and charges established for any class of user or property shall cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

#### SECTION III

No part of this Ordinance shall be interpreted to conflict with federal, state, or local laws, and

all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION IV

In all other respects said Ordinance 81-217 and any amendments thereof are ratified and confirmed. This Ordinance expressly repeals Ordinance 88-04, Ordinance 22-94 and section 2 of Ordinance 23-94.

SECTION V

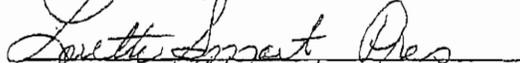
The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.

SECTION VI

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

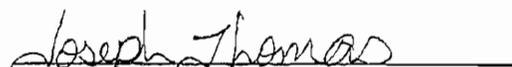
PASSED AND ADOPTED by Town of Fremont, Steuben County, Indiana, at their regular meeting on the 21, day of November, 2006

THE TOWN COUNCIL OF THE TOWN  
OF FREMONT, INDIANA

  
Loretta Smart, President

  
Ronald V. Sullins, Member

  
Charles Steven Brown, Member

  
Joseph Thomas, Member

John N Ludy  
John N. Ludy, Member

ATTEST:

M. Kathleen Parsons  
M. Kathleen Parsons, Clerk-Treasurer

Ordinance 23-94

TOWN OF FREMONT, INDIANA

Amended

Sewage Use and Rate Ordinance

An Ordinance Amending Ordinance 81-217 and repealing Ordinance 88-04 and Ordinance 22-94

An Ordinance regulating the connection and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the sewerage system of the Town of Fremont, Indiana, providing for the registration of and the metering of private wells, providing penalties for violations thereof and other matters pertaining thereto, providing for the establishing of new sewer charges and fees for the use and service of the sewerage works.

WHEREAS, in order for the Town of Fremont and its citizens, businesses and industries not to unduly pollute any streams, or the subsurface ground waters in Fremont or its environs, it is necessary for the Town to maintain a sewerage system and a plant for the treatment of sewage and to adopt and to enforce regulations relating to such system and the use thereof by persons, businesses and industries interconnected with such systems, and for the Town to impose fees and charges for the use of such systems so as to defray the costs and expenses thereof and to comply with applicable state and federal regulations and laws;

WHEREAS, the Town of Fremont has requested that a rate study for the Fremont Municipal Sewage Works be made, and has received the results of such study;

WHEREAS, the aforementioned study proposes various rate changes as well as the implementation of different rates for various classes of customers;

WHEREAS, said rates are necessary to defray increased costs and to pay debt service on the sewage works' proposed bond issue;

The Town Council of the Town of Fremont, Indiana, therefore ordains that Ordinance 81-217, and any amendments thereof, be amended in the following particulars:

Sec. 1. That Section 1.1.48 "Sewer Charge Classes" shall be added to read as follows:

1.1.48.1 "Sewage Charge Classes" - All users of the system shall pay a bill calculated on rates and charges that are based on one of three sewage charge classes. These classes are defined as follow:

1.1.48.2 "Class One" - Class One rates and charges shall be billed to all residential users. Residential users are defined in 1.1.7.1 of this Ordinance.

1.1.48.3 "Class Two" - Class Two rates and charges shall be billed to all non-residential users that are not being billed Class Three rates and charges.

1.1.48.4 "Class Three" - Class Three rates and charges shall be applied to the readings of any individual meter (or at the discretion of the Town Council any combination of individual meters that share a common owner) where water consumption exceeds the level of 1,000,000 gallons per month (if sewage flows are being measured instead of water consumption a method of imputing the water consumption that created the sewage flows shall be devised by the Town Manager. This method shall then be used to determine if the user is to be billed Class Three rates and charges). Class Three rates and charges will commence to be billed in any month that consumption exceeds the aforementioned level and will continue to be billed in all subsequent months.

1.1.48.4.1 "Petition to return to Class Two Rates" - If a user is being billed Class Three rates and charges and has not exceeded the consumption level set out in 1.1.48.4 for three consecutive months, the user may petition the Town Council for resumption of Rate Two billing status. The Town Council shall decide, based upon its judgment and experience, whether to grant or deny the Petition. A User may not Petition the Town Council for resumption of Class Two billing status any more frequently than once every three months.

Sec. 2 That Section 5.15.1 of Section "5.15 Sewer Charges" be amended to read as follows:

5.15.1 For the use and the service rendered by said sewerage works, volumetric sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

	User Charge per 1,000 Gallons	Debt Service Charge per 1,000 Gallons	Total Monthly Sewer Charge per 1,000 Gallons
<u>INSIDE TOWN LIMITS</u>			
<u>Class One</u>			
Metered Charge per 1,000 Gallons	2.33	1.95	4.28
Minimum Charge	6.99	5.85	12.84
<u>Class Two</u>			
Metered Charge per 1,000 Gallons	2.33	1.39	3.72
Minimum Charge	13.98	8.34	22.32

<u>Class Three</u>			
Metered Charge per 1,000 Gallons	2.33	1.06	3.39
Minimum Charge	55.92	25.44	81.36

OUTSIDE TOWN LIMITS

<u>Class One</u>			
Metered Charge per 1,000 Gallons	3.49	2.93	6.42
Minimum Charge	10.48	8.78	19.26

<u>Class Two</u>			
Metered Charge per 1,000 Gallons	3.49	2.09	5.58
Minimum Charge	20.97	12.51	33.48

<u>Class Three</u>			
Metered Charge per 1,000 Gallons	3.49	1.60	5.09
Minimum Charge	83.88	38.16	122.04

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

	<u>User Charge</u>	<u>Debt Service Charge</u>	<u>Total Monthly Flat sewer Charge</u>
<u>INSIDE TOWN LIMITS</u>			
Class One	11.65	9.75	21.40
Class Two	79.22	47.26	126.48
Class Three	2,919.49	1,328.18	4,247.67

OUTSIDE TOWN LIMITS

Class One	17.48	14.62	32.10
Class Two	118.83	70.89	189.72
Class Three	4,379.24	1,992.27	6,371.51

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

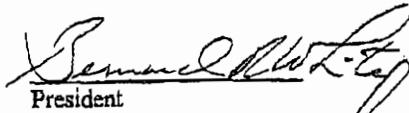
The flat monthly sewer rate shall be charged to any residential or non-residential customer who is not a metered water user and does not have an approved meter attached to their service which would provide readings of either water consumption or sewage flows. Customers who are charged the flat monthly rate may install, at the customer's expense, an approved meter for purposes of recording water consumption and/or sewage flow. Non-residential customers who are being charged the flat rate may, at the Town Council's discretion, be required to install an approved meter. Upon installation of an approved meter, a customer's monthly sewage bill shall be calculated according to the above metered schedule of rates and charges.

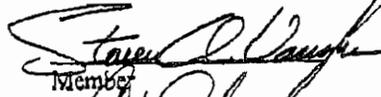
Sec. 3. In all other respects said Ordinance 81-217 and any amendments thereof are ratified and confirmed. This Ordinance expressly repeals Ordinance 88-04 and Ordinance 22-94.

Sec. 4. This Ordinance shall be in full force and effect upon passage.

Passed and adopted this 5th day of December, 1994.

Town of Fremont  
Town Council

  
President

  
Member

  
Member

  
Member

  
Member

Attest:

  
Clerk/Treasurer

Ordinance 22-94

TOWN OF FREMONT, INDIANA

Amended

Sewage Use and Rate Ordinance

An Ordinance Amending Ordinance 81-217 and repealing Ordinance 88-04

An Ordinance regulating the connection and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the sewerage system of the Town of Fremont, Indiana, providing for the registration of and the metering of private wells, providing penalties for violations thereof and other matters pertaining thereto, providing for the establishing of new sewer charges and fees for the use and service of the sewerage works.

WHEREAS, in order for the Town of Fremont and its citizens, businesses and industries not to unduly pollute any streams, or the subsurface ground waters in Fremont or its environs, it is necessary for the Town to maintain a sewerage system and a plant for the treatment of sewage and to adopt and to enforce regulations relating to such system and the use thereof by persons, businesses and industries interconnected with such systems, and for the Town to impose fees and charges for the use of such systems so as to defray the costs and expenses thereof and to comply with applicable state and federal regulations and laws;

WHEREAS, the Town of Fremont has requested that a rate study for the Fremont Municipal Sewage Works be made, and has received the results of such study;

WHEREAS, the aforementioned study proposes various rate changes as well as the implementation of different rates for various classes of customers;

WHEREAS, said rates are necessary to defray increased costs and to pay debt service on the sewage works' proposed bond issue;

The Town Council of the Town of Fremont, Indiana, therefore ordains that Ordinance 81-217, and any amendments thereof, be amended in the following particulars:

Sec. 1. That Section 1.1.48 "Sewer Charge Classes" shall be added to read as follows:

1.1.48.1 "Sewage Charge Classes" - All users of the system shall pay a bill calculated on rates and charges that are based on one of three sewage charge classes. These classes are defined as follow:

1.1.48.2 "Class One" - Class One rates and charges shall be billed to all residential users. Residential users are defined in 1.1.7.1 of this Ordinance.

1.1.48.3 "Class Two" - Class Two rates and charges shall be billed to all non-residential users that are not being billed Class Three rates and charges.

1.1.48.4 "Class Three" - Class Three rates and charges shall be applied to the readings of any individual meter (or at the discretion of the Town Council any combination of individual meters that share a common owner) where water consumption exceeds the level of 1,000,000 gallons per month (if sewage flows are being measured instead of water consumption a method of imputing the water consumption that created the sewage flows shall be devised by the Town Manager. This method shall then be used to determine if the user is to be billed Class Three rates and charges). Class Three rates and charges will commence to be billed in any month that consumption exceeds the aforementioned level and will continue to be billed in all subsequent months.

1.1.48.4.1 "Petition to return to Class Two Rates" - If a user is being billed Class Three rates and charges and has not exceeded the consumption level set out in 1.1.48.4 for three consecutive months, the user may petition the Town Council for resumption of Rate Two billing status. The Town Council shall decide, based upon its judgment and experience, whether to grant or deny the Petition. A User may not Petition the Town Council for resumption of Class Two billing status any more frequently than once every three months.

Sec. 2 That Section 5.15.1 of Section "5.15 Sewer Charges" be amended to read as follows:

5.15.1 For the use and the service rendered by said sewerage works, volumetric sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

	User Charge per 1,000 Gallons	Debt Service Charge per 1,000 Gallons	Total Monthly Sewer Charge per 1,000 Gallons
<b><u>INSIDE TOWN LIMITS</u></b>			
<b><u>Class One</u></b>			
Metered Charge per 1,000 Gallons	2.33	2.14	4.47
Minimum Charge	6.99	6.42	13.41
<b><u>Class Two</u></b>			
Metered Charge per 1,000 Gallons	2.33	1.39	3.72
Minimum Charge	13.98	8.34	22.32

<u>Class Three</u>			
Metered Charge per 1,000 Gallons	2.33	0.95	1.28
Minimum Charge	55.92	22.80	78.72

**OUTSIDE TOWN LIMITS**

<u>Class One</u>			
Metered Charge per 1,000 Gallons	3.49	3.21	6.70
Minimum Charge	10.48	9.63	20.11

<u>Class Two</u>			
Metered Charge per 1,000 Gallons	3.49	2.09	5.58
Minimum Charge	20.97	12.51	33.48

<u>Class Three</u>			
Metered Charge per 1,000 Gallons	3.49	1.43	4.92
Minimum Charge	83.88	34.20	118.08

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

	<u>User Charge</u>	<u>Debt Service Charge</u>	<u>Total Monthly Flat sewer Charge</u>
<b><u>INSIDE TOWN LIMITS</u></b>			
Class One	11.65	10.70	22.35
Class Two	79.22	47.26	126.48
Class Three	2,919.49	1,190.35	4,109.84
<b><u>OUTSIDE TOWN LIMITS</u></b>			
Class One	17.48	16.05	33.53
Class Two	118.83	70.89	189.72
Class Three	4,379.24	1,785.52	6,164.76

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

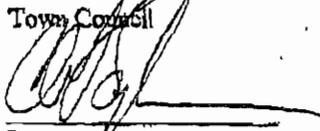
The flat monthly sewer rate shall be charged to any residential or non-residential customer who is not a metered water user and does not have an approved meter attached to their service which would provide readings of either water consumption or sewage flows. Customers who are charged the flat monthly rate may request the sewage works to install, at the customer's expense, an approved meter for purposes of recording water consumption and/or sewage flow. Non-residential customers who are being charged the flat rate may, at the Town Council's discretion, be required to install an approved meter. Upon installation of an approved meter, a customer's monthly sewage bill shall be calculated according to the above metered schedule of rates and charges.

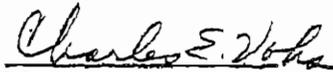
Sec. 3. In all other respects said Ordinance 81-217 and any amendments thereof are ratified and confirmed. This Ordinance expressly repeals Ordinance 88-04.

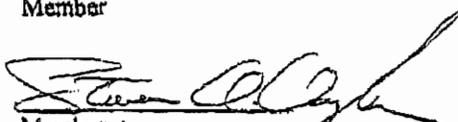
Sec. 4. This Ordinance shall be in full force and effect upon passage.

Passed and adopted this 17th day of November, 1994.

Town of Fremont  
Town Council

  
\_\_\_\_\_  
President

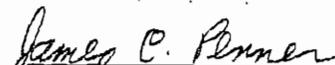
  
\_\_\_\_\_  
Member

  
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Member

  
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Member

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Member

Attest:

  
\_\_\_\_\_  
Clerk/Treasurer

Ordinance 88-04

TOWN OF FREMONT, INDIANA

Amended

Sewer Use and Rate Ordinance

An Ordinance Amending Ordinance 81-217

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the sewerage system of the Town of Fremont, Indiana, providing for the registration of and the metering of private wells, providing penalties for violations thereof and other matters pertaining thereto, providing for the establishing of new sewer charges, surcharges and fees for the use and service of the sewerage works.

WHEREAS, in order for the Town of Fremont and its citizens, businesses and industries not unduly pollute any streams, or the subsurface ground waters in Fremont and its environs, it is necessary for the Town to maintain a sewerage system and a plant for the treatment of sewage and to adopt and to enforce regulations relating to such system and the use thereof by persons, businesses and industries interconnected with such system, and for the Town to impose fees and charges for the use of such system so as to defray the costs and expenses thereof and to comply with applicable state and federal regulations and laws;

WHEREAS, the Town of Fremont has requested that a rate study for the Fremont Municipal Sewage Works be completed by U. J. Umbaugh & Associates, and has received said study under date of January 25, 1988;

WHEREAS, the foregoing study proposes various rate changes and among such it was proposed that the minimum rate be increased;

WHEREAS, said rate increase is necessary to defray increased costs;

The Board of Trustees of the Town of Fremont, Indiana, Therefore Ordains That Ordinance 81-217, and any amends thereof be amended in the following particulars:

That Section 5.15.1 of Section "5.15 Sewer Charges" been amended to read as follows:

5.15.1 For the use and the service rendered by said sewerage works, volumetric sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

Consumption per Month	User Charge	Debt Service	Total Monthly
	per 1,000 Gallons	per 1,000 Gallons	Sewer Charge per 1,000 Gallons
First 6,000 gallons	\$2.43	\$1.07	\$3.50
Next 9,000 gallons	1.83	1.29	3.12
Next 10,000 gallons	1.83	0.80	2.63
Next 15,000 gallons	1.83	0.31	2.14
Over 40,000 gallons	1.83	0.12	1.95

The monthly minimum sewer charges shall be      \$14.58                  \$6.42                  \$21.00

The flat monthly sewer charge for any residential user who is not a metered water user shall be based upon the above rate schedule applied to an estimated volume of 6,000 gallons

User Charge	Debt Service Charge	Total Monthly Flat Sewer Charge
\$14.58	\$6.42	\$21.00

That in all other respects said Ordinance 81-217 and any amendments thereof are ratified and confirmed.

Ordained this 11th day of July, 1988

Town of Fremont  
Board of Trustees

James J. Paulsen  
President

Mary K. Parsons  
Member

\_\_\_\_\_  
Member

Attest:

Barbara A. Lockhart  
Clerk/Treasurer

TOWN OF FREMONT, INDIANA

Sewer Use and Rate Ordinance

Ordinance 81-217

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the sewerage system of the Town of Fremont, Indiana, providing for the registration of and the metering of private wells, providing penalties for violations thereof and other matters pertaining thereto, providing for the establishing of new sewer charges, surcharges and fees for the use and service of the sewerage works.

WHEREAS, in order for the Town of Fremont and its citizens, businesses and industries not unduly to pollute any streams, or the subsurface ground waters in Fremont and its environs, it is necessary for the Town to maintain a sewerage system and a plant for the treatment of sewage and to adopt and to enforce regulations relating to such system and the use thereof by persons, businesses and industries interconnected with such system, and for the Town to impose fees and charges for the use of such system so as to defray the costs and expenses thereof and to comply with applicable state and federal regulations and laws:

THE BOARD OF TRUSTEES OF THE TOWN OF FREMONT, INDIANA, THEREFORE, ORDAINS AS FOLLOWS:

ARTICLE I

GENERAL

1.1 Definitions

Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and American Water Works Association, and the Water Pollution Control Federation and as set forth in 40CFR136. Waste constituents and characteristics shall be measured by Standard Methods unless a mutually agreed upon acceptable alternative method is adopted or in such other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods.

1.1.1 "Town" - The Town of Fremont, Indiana.

1.1.2 "Board" - The Board of Trustees of the Town of Fremont.

It is the governing body of the sewerage system of the Town, which system is a public service.

1.1.3 "Superintendent" - The Superintendent, subject to the control of the Board in all matters, of the Sewer Department.

1.1.4 "Inspector" - A person authorized by the Board or the Superintendent to perform inspection duties assigned to him by the Board or Superintendent.

1.1.5 "Person" - Any natural person, or public or private corporation, or any other entity whatever.

1.1.6 "User" - 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 sewerage system, any substance whatever.

1.1.7 "User Classes"

1.1.7.1 "Residential User" - A user who introduces only normal domestic sewage from a single family or multifamily dwelling into the sewerage system.

1.1.7.2 "Commercial User" - Transit lodging, retail and wholesale establishments or places engaged in providing merchandise for personal, household or industrial consumption and or rendering services to others.

1.1.7.3 "Institutional User" - A publicly or privately owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.

1.1.7.4 "Governmental User" - A user engaged in legislative, judicial or administrative activities of federal, state and local governments, such as court houses, police and fire stations, city halls and similar governmental users.

1.1.7.5 "Industrial User" - Any user who discharges industrial wastes as defined in Section 1.1.8 of this ordinance.

1.1.8 "Industrial Wastes" - Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow into or enter the sewerage system or ground from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user, but not including sanitary sewage or storm water.

1.1.9 "Major Contributor" - A user discharging or introducing into the sewerage system (a) a flow of more than 50,000 gallons per average workday; (b) a toxic pollutant in toxic amounts as defined in § U.S. Public Law 92-500 as now adopted or as hereafter amended; (c) a flow or pollutant concentration as now or hereafter defined or identified as a problem pollutant or flow by applicable state or federal regulations or by the Board; (d) an effluent of significant impact, either singly or in combination with other contributors, on the wastewater treatment plant or the quality of its effluent; or (e) any substance unusual or unique in quality or quantity requiring special attention or processing in order to effect proper wastewater treatment.

1.1.10 "Receiving Sewer System" - The Fremont Municipal Sewer System.

1.1.11 "Sewerage System" - The network of publically owned sewers and appurtenances used for collection, transporting, and pumping wastewater to the wastewater treatment plant, and the wastewater treatment plant itself.

1.1.12 "Building Drain" - The lowest horizontal piping of a building drainage system which receives the discharge from soil pipes, waste pipes and other drainage pipes inside a building and conveys it to a point outside of the building.

1.1.13 "Lateral Sewer or Building (or House) Sewer" - The extension from building to the sewerage system or other place of disposal.

1.1.14 "Public Sewer" - A sewer owned by the Town.

1.1.15 "Sewer" - A pipe or conduit laid for carrying sewage or other liquids, and solids suspended or entrained therein.

1.1.16 "Combined Sewer" - A sewer which carries storm, surface, or ground water runoff in addition to sewage.

1.1.17 "Effluent" - The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

1.1.18 "Sanitary Sewer" - A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants and institutions.

1.1.19 "Storm Sewer" - A sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage.

1.1.20 "Wastewater Treatment Plant" - Any arrangement of devices and structures used by the Town for treatment and disposing of sewage, sludge, and other sewage constituents and products.

1.1.21 "Beneficial Uses" - These include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.

1.1.22 "Waste" - Sanitary sewage and any and all other waste substances liquid, solid, gaseous, or radio-active, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

1.1.23 "Wastewater" - The water-carried waste from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

1.1.24 "Sanitary Sewage" - Sewage such as, and having the characteristics of, domestic sewage from dwellings (including apartment houses and hotels), office buildings, factories, or institutions, free from storm and surface water and industrial wastes.

1.1.25 "Normal Domestic Sewage" - Sewage such as discharged by residential users, with a BOD<sub>5</sub> concentration not in excess of 250 mg/l and a suspended solids concentration not in excess of 250 mg/l.

1.1.26 "Infiltration" - The water entering the sewerage system directly or via private sewers, building drains and building sewers connected therewith from the ground, through such means as, but not limited to, defective pipe joints, connections, or manhole walls.

1.1.27 "Inflow" - Water other than wastewater entering the sewerage system from sources such as leader's, cellar, yard area, and foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff and street wastewater or drainage.

1.1.28 "Pollution" - An alteration of the quality of water by waste, contaminants or pollutants to a degree which renders such water unfit for beneficial users.

1.1.29 "Compatible Pollutants" - Wastewater having or containing (a) measurable biochemical oxygen demand, (b) suspended solids, (c) pH, (d) fecal coliform bacteria, or (e) additional pollutants identified or defined in the Town's National Pollutant Discharge Elimination System (NPDES) permit or by the state or Board.

1.1.30 "Incompatible Pollutants" - Any pollutants which are not compatible pollutants.

1.1.31 "NPDES Permit" - National Pollutant Discharge Elimination System permit now or hereafter held by the Town and setting forth conditions for the discharge of any pollutants or combination of pollutants.

1.1.32 "Nuisance" - Any substance which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

1.1.33 "Constituents and Characteristics" - (of wastewater) - The chemical, physical, bacteriological and radiological properties, including volume, flow rate and such other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

1.1.34 "Garbage" - Any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce.

1.1.35 "Shredded Garbage" - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half (1/2) in ch in dimension.

1.1.36 "pH" - The conventional scientific measure of the degree of acidity or alkalinity.

1.1.37 "Biochemical Oxygen Demand" - (or BOD) of sewage, sewage effluent polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedure for five (5) days at 20° Celsius. The laboratory determinations of BOD shall be made in accordance with procedures set forth in Standard Methods, therein and conventionally referred to as BOD<sub>5</sub>.

1.1.38 "Chemical Oxygen demand" - (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.

1.1.39 "Suspended Solids" - Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.

1.1.40 "User Charge" - A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including) replacement of such works.

1.1.41 "Debt Service Charge" - A charge levied on users of a treatment works to fund debt service on outstanding revenue bonds and current capital cost.

1.1.42 "Sewer Charges" - The total of the User Charge and the Debt Service Charge.

1.1.43 "Surcharge" - A charge for sewerage services in addition to the sewer charge. This charge is assessed users whose sewage is of such a nature imposes upon the Sewage Works a burden greater than that covered by the basic charge.

1.1.44 "Replacement" - Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

1.1.45 "Operation and Maintenance" - All expenses related directly to the operating and maintaining including replacement of the sewage works as identified in the "Uniform System of Accounts for Wastewater Utilities" or as prescribed by the Indiana State Board of Accounts under the general headings, Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance and Taxes.

1.1.46 "May" - May means that the act referred to is both permissible and approved.

1.1.47 "Shall" Shall means the act referred to is mandatory.

1.2 Bylaws and Regulations of the Board of Trustees

The Board of Trustees 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 Town's sewerage system and wastewater treatment plant and for the construction and use of building (or house) lateral sewers and connections to the sewerage system, which regulations may include limitations of or prohibition of introduction of or infiltration by storm water, surface water, and ground water into the sewerage system.

1.3 Damaging, Defacing, etc., Sewerage Works Property

A person shall not maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

1.4 Right of Entry of Superintendent and Inspector to any Premises

The Superintendent, inspector or other duly authorized employee of the Town, upon reasonable notice to any person who is owner, tenant, or occupant of any real estate, is empowered to enter, upon presentation of proper credentials all premises for the purposes of inspection, observation, measuring, sampling and testing water, sewage, and industrial waste.

1.5 Failure to Comply with the Terms of This Ordinance

1.5.1 Accidental Discharges

A user shall notify the Superintendent immediately upon accident discharging chemicals, corrosive substances, or anything harmful to the sewerage system or treatment process, or wastewaters in violation of this ordinance, to enable countermeasures to be taken by the Town to minimize damage to the sewerage system, treatment processes and the receiving stream.

This notification shall be followed within seven (7) days of the date of occurrence by a detailed written report, signed by the user.

describing the causes of the accidental discharge and the measures being taken to prevent future similar occurrences.

Such notification will not relieve users of liability for any expense, loss or damage to the sewerage system, wastewater treatment plant, or treatment process, or any fines or penalties imposed by the Board, which expense, loss or damage shall be paid for by the user.

A notice shall be furnished and permanently posted advising designated responsible employees to call the Superintendent in case of accidental discharge in violation of this ordinance.

1.5.2 Continued Failure to Meet Wastewater Admissibility Requirements of the Terms of Major Contributor Permits

The Board shall have the following methods of recourse in the event of repeated or willful failure by a user to meet the wastewater admissibility requirements of this ordinance. In addition, the Town shall have and the Board may exercise all other legally available remedies.

1.5.2.1 Submission of Time Schedule

When the Town finds that a discharge of wastewater has been taking place in violation of the admissibility requirements prescribed in Article IV of this ordinance or the provisions of a major contributor permit, the Town may require the user to submit for approval a detailed time schedule of specific actions, acceptable to the Board, which the user shall take in order to prevent or correct a violation of requirements.

1.5.2.2 Issuance of Cease and Desist Orders

When the Town finds that a discharge of wastewater has taken place or is likely to take place in violation of the admissibility requirements of Article IV of this ordinance, or of a major contributor permit, the Board may issue an order to cease and desist, and may direct that the user not complying with such requirements (a) comply forthwith, (b) comply with a time schedule set forth by the Board, or (c) take appropriate remedial or preventive action.

1.5.2.3 Injunction

When the Town finds that a discharge of wastewater is a violation of the admissibility requirements of Article IV of this ordinance or the provisions of a major contributor permit, or otherwise causes or threatens to cause a condition of pollution or nuisance, the Board, on behalf of the Town, may petition any court of proper jurisdiction for the issuance of a preliminary or permanent injunction or both, as may be appropriate, to restrain the continuance of such a discharge.

1.5.2.4 Termination of Service

The Town may revoke any major contributor permit or terminate or cause to be terminated wastewater service in whole or in part if a violation of any provisions of this ordinance or the major contributor permit is found to exist, or if a discharge causes or threatens to cause a condition of pollution or nuisance as defined in this ordinance, or causes the Town to violate the terms of its NPDES Permit or any state or federal law or regulation.

1.5.2.5 Administrative Appeals

Any user affected by any decision, action, or determination, including cease and desist orders, made by the Superintendent, in interpreting or implementing the provisions of this ordinance, any permit issued herein, or any action, decision, or regulation of the Board adopted pursuant hereto, may file with the Board a written request for review and reconsideration within ten (10) days of such a decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

The appeal shall, if reasonable possible, be heard by the Board within thirty (30) days from the date of filing. The Superintendent's decisions, action, or determination shall remain in effect during such period of reconsideration, unless the Board otherwise determines on request of the user.

1.5.3 General Penalties; Continuing Violations

The commission of any act prohibited by this ordinance or by lawful order of the Superintendent or lawful order or regulation of the Board, or the failure to perform without lawful justification any lawful order of the Superintendent or lawful order or regulation of the Board shall be a punishable violation of this ordinance for which, unless there is another specific penalty provided, the penalty shall be a fine of not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars. In the case of discharges into the sewerage system in violation of this ordinance or any valid order or regulation of the Board each day of violation constitutes a separate offense.

1.6 Falsifying of Information

A person shall not knowingly make or submit to the Town a false statement, representation, record, report, plan, or other document required to be filed hereunder or under a duly adopted regulation of the Board, or voluntarily filed with the intent that the Town rely thereon, or falsify, tamper with, or knowingly render inaccurate any monitoring, testing, measuring, or timing device required or installed under these regulations. A person shall not, during any monitoring or surveillance period, alter industrial processes or other activities for the purpose of rendering samples drawn or measurements taken during said monitoring or surveillance unrepresentative or uncharacteristic of normal operations, flows or concentrations of pollutants.

ARTICLE II

CONNECTION TO SEWERAGE SYSTEM

2.1 Privies, Septic Tanks, Cesspools, etc.

Except as otherwise provided by this ordinance, a person shall construct or maintain a privy, septic tank, cesspool or other facility intended or used for the disposal of wastewaters.

2.2 When Connection to the Sewerage System is Required

Any person constructing a new house or other building for occupation, employment, recreation, industrial or commercial activity within the

abutting on any street, alley or easement in which there is now located a public sanitary or combined sewer, or along or across which there is access to such a sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect to such sewer in accord with applicable ordinances and regulations, and shall not discharge sewage elsewhere than into the sewerage system provided that said public sewer is within one hundred (100) feet of the property line.

### 2.3 When Public Sewer is Not Available

Where a public sanitary or combined sewer is not available under the provisions of Section 2.2, the building lateral sewer shall be connected to a private sewage disposal system complying with all recommendations of the Indiana State Board of Health.

At such time as a public sewer becomes available to a property served by private sewage disposal system as provided in Section 2.2, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the local Health Officer.

### 2.4 Requirements for Connection to Public Sewers

No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

There shall be two (2) classes of building sewer permits: (1) for residential and commercial service; and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of Five Dollars (\$5) for a residential or commercial building sewer permit and Fifteen Dollars (\$15) for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said Town from any loss or damage that may directly or indirectly be occasioned by said installation.

2.4.1 Determining Major Contributors

Each commercial and industrial user shall supply the Town with information about expected wastewater constituents and characteristics to be used in determining whether or not the user will be a major contributor.

2.4.2 Separate Sewer Requirements

A separate and independent building (or house) lateral sewer shall be provided for every building (or house); except where one building (or house) stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building (or house) through an adjoining alley, court, yard, or driveway. In such cases, the building (or house) lateral sewer from the front building (or house) may be extended to the rear building (or house) and the whole considered as one building (or house) lateral sewer.

2.4.3 Use of Old Building (or House) Lateral Sewer for a New Building (or House)

Old building (or house) lateral sewers may be used in connection with new buildings (or houses) only when they are determined, upon examination and test by the inspector, to meet all requirements of this Ordinance.

2.4.4 Connection Specifications

The building sewer shall be cast iron soil pipe, ASTM specification or equal; vitrified clay sewer pipe, ASTM specification or equal; or other suitable material approved by the said inspector. Joints shall be tight and water-proof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipes with leaded joints may be required by the said inspector where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the said inspector.

The size and slope of the building sewers shall be subject to the approval of the said inspector, but in no event shall the diameter be less than six (6) inches. The slope of such six (6) inch pipe shall not be less than one-eighth (1/8) inch per foot.

Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from fire. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipes and fittings.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the public sewer. No water operated sewage ejector shall be used.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said inspector. Pipe laying and backfill shall be performed in accordance with ASTM specifications except that no backfill shall be placed until the work has been inspected by the inspector or his representative.

All joints and connections shall be made gas tight and water tight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156, not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

All joints in vitrified clay pipe or between such pipe and metal shall be made with approved hot-poured jointing material or cement mortar as specified below.

Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160) degrees Fahrenheit, nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.

Cement joints shall be made by packing a closely twisted jute or oakum gasket, of suitable size, to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar and sand. The material shall be mixed dry; sufficient water shall be added to the mixture workable. Mortar which has begun to set shall not be used or retempered. Lime putty of hydrated lime may be substituted to the extent of not more than twenty-five per cent (25%) of the volume of the Portland cement that may be added.

Other jointing materials and methods may be used only by approval of said inspector.

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less and no properly located "Y" branch is available, the owner shall at his expense install a branch in the public sewer at the location specified by the said inspector. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut in the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the said inspector.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to said Town

2.4.5 Connection of Downspouts, Drains, etc.

No person shall hereafter connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots, or other source of surface, runoff or groundwater, to a building (or house) lateral sewer or building (or house) drain which is in turn connected directly or indirectly to the sewerage system.

2.4.6 Inspection; Supervision of Connection

The applicant for the building (or house) lateral sewer permit shall notify the Board or its designated representative when a building (or house) lateral sewer is ready for inspection and connection to the sewerage system. The connection shall be made under the supervision of the inspector or his representative using materials and techniques conforming to the requirements of the Board. The applicant shall give notice before the burial or covering of the lateral sewer and shall not cover or bury the sewer until the inspection is completed and the connection approved.

2.4.7 Tap Charges and Other Requirements for Connection to Public Sewer

No owner or occupant of any real property shall tap or drain a sewer directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligation to pay all assessments, reimbursements or pro rata shares of sewer extension costs laid against property for public sewers installed to serve it. A tap permit given or sewerage service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded.

The Board of Trustees shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry runoff of natural precipitation. Property owners shall have thirty days after notice to comply with any such requirements. The Board of Trustees shall not authorize any tap permit which will cause excess flow, BOD and/or Suspended Solid loading of the wastewater treatment plant, force mains stations or sewers.

2.5 Extensions Outside of the Town

A person shall not directly or indirectly make any connections with or openings into the sewerage system for the purpose of serving any areas outside the corporate boundaries of the Town without first securing a specific resolution of the Board describing the real estate and property to be served and authorizing such connection.

2.6 Connections to Sewerage System by Certain Out-of-Town Properties.

Notwithstanding the provisions of Section 2.5, the Board of Trustees of the Town shall have the authority to permit a property located outside the corporate limits of the Town to connect to an existing sewer which is part of the Town's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph 2.4.7

2.7 Prohibition of Discharge to Natural Outlets

It shall be unlawful to discharge to any natural outlet within the Town of Fremont or in any area under the jurisdiction of said Town, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

2.8 Right to Prohibit New Connections

The Town shall have the right to prohibit new connections when the excess capacity of the sewerage system is deemed insufficient by the Board to accommodate the expected flow, BOD and/or Suspended Solids loading from the prospective sewer user.

ARTICLE III

PRIVATE WELLS

3.1 Registration of Wells

Every owner or occupant of real estate within the corporate limits of the Town of Fremont, or real estate from which there is a lateral sewer or other means or path of direct or indirect flow into the sewerage system, shall, on a form provided by the Board, report the existence of such well to the Superintendent. The information furnished on such form by the owner or occupant shall include, among other items, the name of the owner and occupant of such real estate, the location on said real estate of such well, the size of the well pipe, the size (voltage, amperage and horsepower where ascertainable) of the well pump motor, and the purpose for which the well water is used by the owner, occupant or others.

3.2 Metering of Well Water

The Board shall determine by any reasonable means, including, but not limited to, the use of water meters and timing devices, the flow of such well

in order to determine the amount of sewage entering the sewerage system. The owner or occupant of such real estate shall pay for such metering device, which shall be of a type approved by the Board, and which shall remain the property of the owner but shall be under the exclusive control of the Board and shall not under any circumstances be tampered with by the owner, occupant or any other person. In the case of wells for household use only the Board may in lieu of metering or timing the use of the well, provide for use of reasonable estimates regarding water volume.

### 3.3 Inspection of Wells

The Board may direct the Superintendent, inspector or any other employee to enter upon private property for the purpose of inspecting to determine the existence of private wells, to oversee or to direct the installation of metering or timing devices, and to read such meters and devices.

### 3.4 Well Digging

A person shall not hereafter dig or drive a well within the Town limits without first making application therefor to the Superintendent, which application shall be on a form approved by the Board and shall show all pertinent data regarding size and flow. The application shall be signed by both the installer of the well (the contractor or other person doing the work) and the owner or his agent (other than the installer). The failure to file such an application shall be a violation of this ordinance.

## ARTICLE IV

### WASTEWATER ADMISSIBILITY

#### 4.1 Major Contributor Permits

Any industrial user and any other user on demand of the Board shall provide the Town with sufficient information to determine if he is a major contributor. Any user determined to be a major contributor shall be required to obtain a permit which describes the wastewater constituents and characteristics allowed and which sets forth the applicable surveillance schedule and the monitoring requirements the user shall be subject to in order to discharge into the sewerage system. A major contributor permit shall be valid for four (4) years unless processing changes are made that, in the opinion of the Superintendent or Board, alter the wastewater constituents and characteristics significantly. In the event of such a change, a new application shall be filed accordingly. A permit may be renewed without reapplication at the end of four (4) years at the discretion of the Town.

Nothing in a major contributor permit shall constitute an exception to the prohibitions and limitations on wastewater admissibility as set forth here. Major contributors are subject to all applicable fees, rates, and charges set forth in Article V of this ordinance.

A user holding an NPDES permit from the State of Indiana is prima facie entitled to a major contributor permit from the Town. The holder of any NPDES permit from the State shall file with the Superintendent a copy of each report or application such permit holder files with the State, such copy to be filed with the Town not later than three (3) business days after the filing with the appropriate state authority. Each user who applies to the State for an NPDES permit shall similarly file a copy of such application and all supporting documents with the Town within said three (3) day time period.

4.2 Major Contributor Permit Applications; Fees

Major contributors shall make application for the proposed discharge on form provided by the Town. The permit application shall be supplemented by plans, specifications, studies or other information considered pertinent by the Board.

4.2.1 Fees

Permit fees for major contributors shall be as follows:

	<u>Permit Fee</u>
Initial Major Contributor Permit	
Industries connected to sewerage works prior to the effective date of this ordinance	\$ 20.00
Industries connected to sewerage works after the effective date of this ordinance	\$100.00

4.3 Surveillance of Major Contributors

To establish a feasible surveillance schedule, the following classes of major contributors are formed:

<u>Class</u>	<u>Qualification</u>	<u>Minimum Surveillance Schedule</u>
A	Flow of one hundred thousand (100,000) gallons per day (0.1 MGD) or more per average workday	Quarterly
B	Flow from 0.04 MGD to 0.1 MGD per average workday or discharge with constituents or characteristics that result in a major contributor classification	Semiannually

The surveillance period will normally be for a period of seven (7) consecutive days, but can be of longer or shorter duration at the discretion of the Board or Superintendent. In cases where the surveillance period extends for a greater number of consecutive days than seven (7), the Town shall have the prerogative of selecting the seven (7) consecutive days of its choice for establishing rates and charges as provided for in Article V of this ordinance.

4.3.1 Surveillance Survey Charge

The charge for each surveillance survey shall be \$20.00 per day with a maximum charge for seven (7) days of \$140.00. The Board may adopt a schedule of lower, but not higher, surveillance fees and may waive surveillance fees in proper instances, particularly when surveillance is to detect or determine improper discharge found not to exist. In a case where no improper discharge is found, the Board may nevertheless charge a minimum fee of \$10.00.

Where the industry has an ongoing pretreatment facility or system approved by the State or by the Board, there will be no surveillance fee, unless the Board finds that the user having such a pretreatment facility or system has repeatedly violated the effluent standards applicable to such user.

4.4 Monitoring of Major Contributors

A major contributor shall install at its own expense (a) a suitable control manhole or other access means, together with such necessary appurtenance in or on each building lateral sewer to facilitate observation, sampling and measurement of the wastewater, and (b) such sampling devices as may be reasonably necessary, all unless otherwise instructed by the Town. A user may be required by the Town to install such manholes or other access means to verify his status as a major contributor or otherwise. Such manholes or other access means and sampling and testing devices shall be constructed and maintained to the Town's satisfaction at the expense of the user, but shall be under the control of the Town.

The Town may provide monitoring equipment during a surveillance period for control manholes or other access means.

Monitoring equipment shall, unless otherwise specified by the Town, include a device for automatically measuring flow and a device for automatically taking a composite sample of wastewater during a twenty-four hour period.

4.5 Limitations on Point of Discharge

No person shall discharge any substance directly into a manhole or other opening in the sewerage system other than through the approved building (or house) lateral sewer, except in accordance with the terms of this ordinance or by express permission of the Board.

4.6 Licensed Commercial or Industrial Waste Hauling

A person who is a licensed commercial or industrial waste hauler may not discharge compatible pollutants and those incompatible pollutants within the limits of admissibility set out herein to the wastewater treatment plant at any time or place; however, the Board may accept such discharge if it elects in special cases to do so. Wastewater so received must have been generated within Steuben County.

4.7 Special Agreements

Special agreements and arrangements between the Town and any person within Steuben County may be established by the Board within the terms and intent of this ordinance when, in the opinion of the Board, unusual or extraordinary circumstances compel special terms and conditions whereby an unusual wastewater may be accepted for treatment, subject to payment of applicable fees.

4.8 Admissibility - Prohibitions on Discharges

No person shall discharge to the sewerage system wastes which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

4.8.1

a fire or explosion;

4.8.2

obstruction of flow in the sewerage system or injury to the system or damage to the wastewater collection, treatment, or disposal facilities;

4.8.3

danger to life or safety of personnel;

4.8.4

a nuisance or hindrance of the effective maintenance or operation of the sewer system, such as through having an unusually strong or unpleasant odor;

4.8.5

air pollution by the release of toxic or unusually malodorous gases or malodorous gas-producing substances;

4.8.6

interference with the wastewater treatment process;

4.8.7

the wastewater treatment plant's effluent or any other product of the treatment process, residues, sludges, or scum, to be unsuitable for reclamation, disposal, or to interfere with the reclamation process, or fail to meet any of the limitations set by any Federal or state agency or the terms of the Town NPDES Permit;

4.8.8

discoloration or any other condition that interferes with control of the treatment process.

4.9 Admissibility - Prohibition of Unpolluted Waters

Unpolluted water, including, but not limited to Town water, cooling water, process water or blowdown from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to the sewerage system for purposes of diluting wastewater in order to reduce sewer rates or charges of the user. Limitations on the amount of unpolluted water that is discharged shall be part of a major contributor's permit.

4.10 Admissibility - Limitations on Radioactive Wastes

No person shall discharge or cause to be discharged any radioactive waste into the sewerage system.

4.11 Admissibility - Limitations on the Use of Garbage Grinders

Only properly shredded garbage, as defined in paragraph 1.1.35, may be discharged into the sewerage system.

4.12 Admissibility - Limitations on Wastewater Strength

All constituents and characteristics which singly or in combination may damage structures, impair the operation of the wastewater treatment plant, interfere with treatment process or impair the quality of the Receiving Stream or its

tributaries are prohibited, including, but not limited to, the following constituents and characteristics, with maximum concentration as shown below:

4.12.1 A person shall not discharge any wastewater with concentrations greater than the following, unless review and acceptance by the superintendent shall be obtained prior to the discharge into the public sewers:

- a. a BOD<sub>5</sub> concentration in excess of 250 mg/l (milligrams per liter);
- b. a suspended solids concentration in excess of 250 mg/l;

4.12.2 A person shall not discharge any wastewater containing concentrations in excess of:

- a. a temperature higher than 150° F. (65.5° C);
- b. a pH lower than 6.0 or higher than 9.0;
- c. 0.20 mg/l cadmium;
- d. 0.25 mg/l hexavalent chromium (Cr, VI) for one day, or 0.09 mg/l hexavalent chromium for any thirty consecutive day average;
- e. 2.00 mg/l copper;
- f. 0.20 mg/l cyanide amenable to chlorination (CN, A) for one day, or 0.08 mg/l cyanide amenable to chlorination for any thirty consecutive day average;
- g. 0.64 mg/l cyanide, total (CN, T) for one day, or 0.24 mg/l cyanide, total for any thirty consecutive day average;
- h. 1.00 mg/l lead;
- i. 0.20 mg/l mercury;
- j. 0.80 mg/l nickel;
- k. 0.10 mg/l silver;
- l. 0.50 mg/l zinc;
- m. 200 mg/l oil and grease (animal or vegetable origin);
- n. 100 mg/l oil and grease (mineral or petroleum origin);
- o. 0.5 mg/l phenolic compounds which cannot be removed by the Town's wastewater treatment process;
- p. any of the above, a through o, in other concentration than stated above if applicable state or federal regulations, or regulations of the Board, set different maximum concentrations;
- q. any other substance or concentration thereof prohibited to all users or classes of users by state or federal law, or regulation now or hereafter adopted by the Board.

r. any waters or wastes containing a toxic or poisonous substance sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans or animals to create any hazard in the receiving waters of the treatment

4.12.3 The limitations imposed in 4.12.2 a through r are found by the Board to be those attainable by the best practical technology.

Limitations adopted by the Board shall in all cases be based on the best practical technology.

#### 4.13 Grease, Oil and Sand Interceptors

Such interceptors shall be provided at (a) all restaurants, and at (b) all industrial or commercial enterprises when, in the opinion of the Town they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the Town and shall be readily and easily accessible for cleaning and inspection. Such interceptors shall be installed and maintained continuously in satisfactory and effective operating condition by the person at his own expense.

#### 4.14 Liability for Maintenance of Pretreatment and Other Equipment

Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his expense, and shall at all reasonable times be open to inspection and testing by the Town.

#### 4.15 Right to Reject Waste

The Town shall have the right to reject waste and prohibit the introduction of rejected waste into the sewerage system or the Town may require pretreatment of the waste when the strength or character of the waste is such that it could cause damage to or interfere with the operation of the sewerage system. When pretreatment is necessary, the pretreated wastes must meet the restrictions contained in The Environmental Protection Agency Pretreatment Standard (40CFR403).

### ARTICLE V

#### SEWER CHARGES, SURCHARGES AND SERVICE FEES

##### 5.1 Persons Subject to Fees and Sewer Charges

For the use and service rendered by the sewerage works, sewer charges shall be collected from the person who owns each and every parcel of real estate that is connected directly or indirectly to the Town's sewerage system or otherwise discharges wastewater either directly or indirectly into the sewerage system of the Town, which sewer charges shall be payable as provided in this article.

5.2 Effective Date; Extension to Additional Property

The sewer charges fixed by this article shall become effective at the time the user first discharges to the sewerage system. These sewer charges shall be extended to and cover any additional premises thereafter served, without the necessity of any hearing or notice.

5.3 Rate Basis

The sewer flow charges shall be based on the quantity of water as measured by the water meter used on or in the premises subject to such sewer charges, except as otherwise provided in this article.

5.4 Schedule of Meter Reading

Water meters shall be read once each month, or at the option of the Town at other intervals.

5.5 Procedure When Water is Obtained Partially or Wholly From Sources Other Than Town Waterworks

In the event a user obtains water partially or wholly from sources other than the Town Waterworks, the total water used must be measured or determined as provided in Section 3.2, Section 4.4, or by other reasonable means as the Board may direct. In the case of single-family household having a private well but no Town water supply, the sewer flow charge shall be for 5,000 gallons per month, unless a meter is installed on the well at the request of either the user or the Town, in which case the cost of installation will be paid for by the user and the meter will be provided by the Town. The installation of any such meter shall be approved by the Town.

5.6 Procedure When Single Meter Serves More Than One Lot or Building

In the event two (2) or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum sewer charge and the monthly metered charge per 1,000 gallons shall apply to each of the number of residential lots, parcels or real estate or buildings served through the single water meter.

5.7. Procedure When Single Water Meter Serves More Than One Dwelling Unit

In the event two (2) or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewer system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein. In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

5.8 Portion of Water Not Entering Sewerage System

Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, and where the quantity of water entering the premises averages more than 20,000 gallons per month, the person having charge of the property may request permission from the Town to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system. Facilities used to accomplish this shall be maintained in a servicable condition by the user at his expense. When appropriate, the Town reserves the right to determine whatever other means and methods it may find practicable the percentage of the metered water that enters the sewerage system. In any case the user charge shall be applied to the quantity of water that can or actually does enter the public sewerage system.

5.9 Metering of Sewage

The Town may require a user to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. Any non-residential user whose monthly water consumption exceeds 2,000 gallons or more shall install a meter. The Town shall inspect and approve such installations and no such service, once installed, shall be removed without the Town's approval.

5.10 Billing Procedure Generally

Sewer billings and invoices shall be rendered and collected approximately monthly.

The Board shall make and enforce such bylaws and regulations as may be deemed necessary for the regulation, collection, rebating and refunding of the sewer charges prescribed by this section of this ordinance

Major contributors with a flow in excess of 40,000 gallons per average workday shall have billing determined on the basis of wastewater discharged as per Article IV, Section 4.3 of this ordinance, with the following exception.

At its option, the Town may accept monitoring data and information from a major contributor to substantiate billing determination on a more frequent basis than as established in Article IV, Section 4.3, of this ordinance. Such allowance, however, does not exempt the major contributor from the surveillance survey fee set by the Town to offset the costs of monitoring performed by the Town.

In the event there is a difference in analytical results that is not explainable by normal variation in the testing procedure, the user may, within thirty (30) days of billing, appeal to the Board.

5.11 Tenants May be Billed; Right of Owners to Examine Records

The sewer charges may be billed to the tenants occupying the premises served, unless otherwise instructed in writing by the person who owns the premises. Such billings shall in no way relieve the owner of liability in the event payment is not made as herein required. The owners of the premises served, which are occupied by tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether such sewer charges have been paid by such tenants; provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business.

5.12 Liability of Town for Charges

For the service rendered to any department or agency of the Town, except the Sewer Department, the Town shall be subject to the sewer charges provided in

5.13 Surcharge Based on Flow and Concentration of Wastewater

All wastewater discharged by major contributors shall meet the admissibility standards in Article IV of this ordinance, by pretreatment if necessary, as determined by the Board. Wastewater beyond the limits of admissibility set forth in Section 4.12.1 may be accepted and surcharged in accordance with the schedule in Section 5.14.

Surcharges shall be based on actual quantities discharged for treatment as determined from measured concentration and flow. Surcharge rates for

wastewater characteristics not provided for herein may be set at the reasonable discretion of the Board, taking into account all of the Sewer Department's significant cost factors, relating to treatment, handling and disposal.

5.14 Rates of Surcharge

The rate of surcharge, in addition to volumetric charges, for the following constituents shall be as follows:

- a. for biochemical oxygen demand (BOD) in excess of 250 milligrams per liter 13.5¢ per pound
- b. for chemical oxygen demand (COD) where BOD cannot be determined in excess of 500 milligrams per liter 13.5¢ per pound
- c. for suspended solids in excess of 250 milligrams per liter 18.3¢ per pound

5.15 Sewage Charges

5.15.1 For the use and the service rendered by said sewerage works, volumetric sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

<u>Consumption per Month</u>	<u>User Charge per 1,000 Gallons</u>	<u>Debt Service per 1,000 Gallons</u>	<u>Total Monthly Sewer Charge per 1,000 Gallons</u>
First 5,000 gallons	\$2.55	\$0.96	\$3.51
Next 10,000 gallons	1.83	1.29	3.12
Next 10,000 gallons	1.83	0.80	2.63
Next 15,000 gallons	1.83	.31	2.14
Over 40,000 gallons	1.83	.12	1.95

The monthly minimum sewer charges shall be \$12.75 \$4.80 \$17.55

The flat monthly sewer charge for any residential user who is not a meter water user shall be based upon the above rate schedule applied to an estimated volume of 5,000 gallons

<u>User Charge</u>	<u>Debt Service Charge</u>	<u>Total Monthly Flat Sewer Charge</u>
\$12.75	\$4.80	\$17.55

5.15.2 The Board is empowered to determine rates, charges, and fees for septic tank, industrial wastes, and other disposable wastewater and wastes delivered to the wastewater treatment plant, as provided in Section 4.6, and to collect such charges and fees.

5.15.3 The Board is empowered to determine and to collect such charges as it may reasonable provide for under special agreements entered into by the Board, on behalf of the Town, under Section 4.7.

5.16 Delinquent Accounts

5.16.1 How Delinquencies Arise

Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately 10 days after the bill is rendered) shall be considered delinquent. Delinquent sewage charges together with costs and other expenses of collection may be collected by any lawful remedy, including, where applicable, the placing of the foreclosure of liens on real estate as provided by state law. In such case, the delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and collected in the same manner as regular taxes and assessments are collected.

5.17 Collection Through Court Actions

In addition to the foregoing remedies, the Town shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right, as provided by the Statutes of the State of Indiana, to foreclose any lien established under the provisions of paragraph 5.16.1, with recovery of the charge, a penalty of ten percent and a reasonable attorney's fee.

5.18 First Billings.

The sewer charges and surcharges fixed in this ordinance shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing month, then the sewer charges for such billing shall be in keeping with the standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such sewer charges and/or surcharges are changed, the first billing after such change may be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.

5.19 Notification

Each user shall be notified annually, in conjunction with a regular billing, of the user charge rate and that portion of the sewer charges which is attributable to waste water treatment services.

ARTICLE VI

BIENNIAL REVIEW

6.1 Biennial Review

The Board of Trustees of the Town of Fremont shall review not less oft every two years the waste water contribution of users and user classes, the costs of operation and maintenance of the treatment works, and its approved charge system. The Board of Trustees shall revise the charges for users or classes to accomplish the following:

6.1.1 Maintain the proportionate distribution of operation and mainte costs among users and user classes;

6.1.2 Generate sufficient revenue to pay the total operation and mai costs necessary to the proper operation and maintenance (including re of the treatment works);

6.1.3 Apply excess revenues collected from a class of users to the c operation and maintenance attributable to that class for the next yea the rate accordingly; and

6.1.4 Generate sufficient revenue to pay principal and interest on b able and other obligations of the sewage works in order to meet the r ments of the sewage works bond ordinance of any bonds outstanding.

ARTICE VII

EFFECTIVE AND SEVERABILITY

7.1 Effective Date

The provisions of this ordinance shall be in full force and effective with upon its passage and signing by the Board of Trustees and publication to law.

7.2 Severability

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

7.3 Repeal of Other Ordinances

All ordinances and parts of ordinances in conflict herewith are here repealed.

Passed and adopted by the Board of Trustees of the Town of Fremont on the

8<sup>th</sup> day of March, 1982

Bernard R. White  
Paul G. Gage  
Duane Firestone  
Board of Trustees

Attest,

Helma Mitchell  
Clerk-Treasurer

**Lynn, Dana**

---

**From:** Josh A. Burkhardt [JABURKHARDT@beersmallers.com]  
**Sent:** Wednesday, August 22, 2012 3:03 PM  
**To:** Lynn, Dana  
**Cc:** Josh A. Burkhardt; Kurt R. Bachman  
**Subject:** RE: Town of Fremont Inside/Outside Rate Differential Petition, Filed July 26, 2012  
**Attachments:** AR-M355N\_20120822\_133717.pdf

Ms. Lynn,

Attached for your review is an electronic copy of Ordinance No. 2012-07, which was approved and signed by the Town Council yesterday, correcting the scrivener's error in the Town's prior rate ordinance (Ord. No. 2012-01). This corrects the total monthly flat sewer charge incorrectly shown in Ordinance 2012-01 for "Class One" unmetered users outside of the municipal boundaries of the Town of Fremont during Phase II. Should you have any questions, please do not hesitate to contact me.

Thank you for your time and attention to this matter.

Regards,

Joshua A. Burkhardt, Esq.  
Beers Mallers Backs & Salin, LLP  
110 West Berry Street, Suite 1100  
Fort Wayne, Indiana 46802  
Telephone: (260) 426-9706  
Facsimile: (260) 420-1314

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**From:** Lynn, Dana [mailto:DLynn@urc.IN.gov]  
**Sent:** Thursday, August 16, 2012 10:47 AM  
**To:** Josh A. Burkhardt  
**Subject:** RE: Town of Fremont Inside/Outside Rate Differential Petition, Filed July 26, 2012

Thank you for the update. Have a great day☺

*Dana M. Lynn*  
*Senior Utility Analyst*  
*Indiana Utility Regulatory Commission*  
*(317) 232-2750*

 please consider the environment before printing this e-mail

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**From:** Josh A. Burkhardt [mailto:JABURKHARDT@beersmallers.com]  
**Sent:** Thursday, August 16, 2012 10:49 AM  
**To:** Lynn, Dana  
**Cc:** Josh A. Burkhardt  
**Subject:** Re: Town of Fremont Inside/Outside Rate Differential Petition, Filed July 26, 2012

Ms. Lynn,

I wanted to give you a brief update regarding this Town's petition. The Town Council of the Town of Fremont has its next meeting this coming Tuesday, August 21, 2012. The Town Council will consider the attached ordinance to correct the scrivener's error we discussed. Should you have any questions or concerns regarding the attached ordinance, please let me know. Otherwise, assuming it is approved, I will e-mail to you a signed copy afterwards.

Thank you for your help with this matter.

Regards,

Joshua A. Burkhardt, Esq.  
Beers Mallers Backs & Salin, LLP  
110 West Berry Street, Suite 1100  
Fort Wayne, Indiana 46802  
Telephone: (260) 426-9706  
Facsimile: (260) 420-1314

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**TOWN OF FREMONT**  
ORDINANCE 2012-07

**AN ORDINANCE CORRECTING A SCRIVENER'S ERROR  
IN ORDINANCE NO. 2012-01.**

WHEREAS, the Town of Fremont, Indiana (the "Town") adopted Ordinance No. 2012-01 on January 17, 2012;

WHEREAS, said Ordinance established just and equitable fees for sewer services;

WHEREAS, said Ordinance contained a scrivener's error in stating the "Total Monthly Flat Sewer Charge" for "Class One" unmetered users outside of the municipal boundaries of the Town during Phase II;

WHEREAS, said Ordinance erroneously stated that the "Total Monthly Flat Sewer Charge" for "Class One" unmetered users outside of the municipal boundaries of the Town during Phase II was \$45.59;

WHEREAS, said Ordinance should have stated that the "Total Monthly Flat Sewer Charge" for "Class One" unmetered users outside of the municipal boundaries of the Town during Phase II is \$43.59;

WHEREAS, the total of the "User Charge" and "Debt Service Charges" for "Class One" unmetered users outside of the municipal boundaries of the Town during Phase II is \$43.59;

WHEREAS, this Ordinance does not establish fees or change the rates for sewer services;

WHEREAS, the public good of the Town of Fremont will be best served by correcting Ordinance No. 2012-01.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FREMONT, INDIANA THAT:

SECTION I

Section I, Subsection B, of Ordinance No. 2012-01 had a table establishing rates for various users. For "Class One" unmetered users outside of the municipal boundaries of the Town during Phase II there was a scrivener's error in the column designated "Total Monthly Flat Sewer Charge." It erroneously read as follows:

UNMETERED USERS	User Charge	Debt Services Charges	Total Monthly Flat Sewer Charge
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\* \* \*

OUTSIDE TOWN LIMITS

Class One	\$ 23.74	\$ 19.85	\$ 45.59
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The scrivener's error contained in Section I, Subsection B, of Ordinance No. 2012-01 for "Class One" unmetered users outside of the municipal boundaries of the Town during Phase II is hereby corrected to read as follows:

UNMETERED USERS	User <u>Charge</u>	Debt <u>Services Charges</u>	Total Monthly <u>Flat Sewer</u> <u>Charge</u>
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\* \* \*

OUTSIDE TOWN LIMITS

Class One	\$ 23.74	\$ 19.85	\$ 43.59
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SECTION II

The Town hereby confirms that the Total Monthly Flat Sewer Charge for "Class One" unmetered users outside of the municipal boundaries of the Town during Phase II is \$43.59, which is exactly fifty percent (50%) more than said Total Monthly Flat Sewer Charge for "Class One" unmetered users inside the municipal boundaries of the Town during Phase II..

SECTION III

All other provisions of Town of Fremont Ordinance 2012-01 shall remain in full force and effect.

SECTION IV

The express or implied repeal or amendment by this Ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Ordinance had not been adopted.

SECTION V

No part of this Ordinance shall be interpreted to conflict with federal, state, or local laws, and all reasonable efforts should be made to harmonize the same. Should any section, or part

thereof, of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION VI

This Ordinance shall be effective upon promulgation according to law.

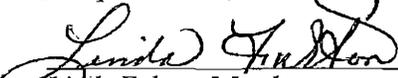
Ayes: 5  
Nays: -  
Abstentions: -

Adopted and Ordained this 21st day of August, 2012.

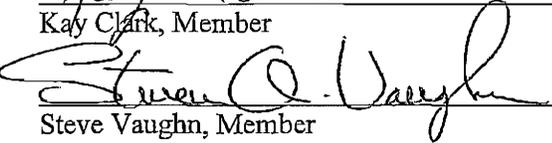
**TOWN COUNCIL OF THE  
TOWN OF FREMONT, INDIANA**

  
Steve Brown, President

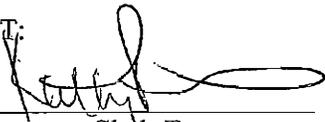
  
Joseph Thomas, Vice President

  
Linda Fulton, Member

  
Kay Clark, Member

  
Steve Vaughn, Member

ATTEST:

  
Kathy Parsons, Clerk-Treasurer

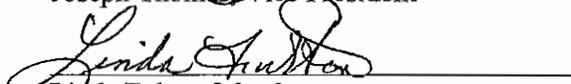
**WAIVER OF SECOND READING**

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived and the Ordinance was deemed effective as of the date of passage.

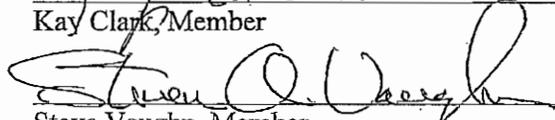
**TOWN COUNCIL OF THE  
TOWN OF FREMONT, INDIANA**

  
Steve Brown, President

  
Joseph Thomas, Vice President

  
Linda Fulton, Member

  
Kay Clark, Member

  
Steve Vaughn, Member

ATTEST:

  
Kathy Parsons, Clerk-Treasurer

64573

TOWN OF FREMONT

ORDINANCE NO. 2012-01

AN ORDINANCE AMENDING ORDINANCE NO. 81-217 AND  
REPEALING SECTION I OF ORDINANCE 2006-21.

WHEREAS, the Town Council of the Town of Fremont, Indiana, is duly constituted to provide and maintain a sewage works system inside and outside the Town of Fremont, Indiana, and is authorized to fix, alter, charge, and collect reasonable and just rates and other charges in the area served or to be served by the sewage works, either directly or indirectly; and

WHEREAS, the Town Council of the Town of Fremont, Indiana, has determined that it is necessary to amend the current schedule of sewer rates and other charges for the use of the sewage works of said Town to maintain the sewage works in a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town Council of the Town of Fremont, Indiana, passed Ordinance 81-217 establishing rates and charges for use of the Town sewage works system and now desires to amend the rates and charges established by said Ordinance 81-217, as amended, to maintain the sewage works on a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town Council of the Town of Fremont, Indiana, passed Ordinance 2006-21 establishing rates and charges for use of the Town sewage works system and now desires to amend the rates and charges established by said Ordinance 2006-21, to maintain the sewage works on a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town of Fremont has requested that a rate study for the sewage works be made, and has received the results of such study which aforementioned study proposes various rate changes as well as the implementation of different rates for various classes of customers; and

WHEREAS, said rates are necessary to defray increased costs and to pay debt service on the sewage works' proposed bond issue; and

WHEREAS, this Ordinance establishing rates and charges has been introduced; notice of the public hearing has been duly given by publication and by mail to: (i) users of the sewage works located outside the Town's corporate boundaries; and (ii) owners of vacant or unimproved property if there is a fee for sewer availability to said properties; and a public hearing was held at which users of the sewage works, owners of property served or to be served by the sewage works, and other interested persons were heard concerning the proposed rates and charges.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FREMONT, STEUBEN COUNTY, INDIANA, THAT:

SECTION I

That Section 5.15.1 of Ordinance 81-217, and any amendments thereof, be amended to read as follows:

5.15.1 For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

**A. Phase I: Effective March 1, 2012 through and including February 28, 2013**

For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided, to be effective March 1, 2012 through and including February 28, 2013, and shall be in an amount determinable as follows:

METERED USERS	User Charge per <u>1,000 Gallons</u>	Debt Service Charge per 1,000Gallons	Total Monthly Sewer Charge per1,000 Gallons
<u>INSIDE TOWN LIMITS</u>			
<u>Class One</u>			
Metered Charges per 1,000 Gallons	\$ 3.11	\$ 2.61	\$ 5.72
Minimum Charge	\$ 9.34	\$ 7.82	\$ 17.16
<u>Class Two</u>			
Metered Charge per 1,000 Gallons	\$ 3.11	\$ 1.86	\$ 4.97
Minimum Charge	\$ 18.68	\$ 11.15	\$ 29.83
<u>Class Three</u>			
Metered Charges per 1,000 Gallons	\$ 3.11	\$ 1.42	\$ 4.53
Minimum Charge	\$ 74.73	\$ 33.99	\$ 108.72
<u>OUTSIDE TOWN LIMITS</u>			
<u>Class One</u>			
Metered Charges per 1,000 Gallons	\$ 4.66	\$ 3.92	\$ 8.58
Minimum Charge	\$ 14.00	\$ 11.73	\$ 25.73
<u>Class Two</u>			
Metered Charges per 1,000 Gallons	\$ 4.67	\$ 2.79	\$ 7.46

Minimum Charge	\$ 28.02	\$ 16.71	\$ 44.73
<u>Class Three</u>			
Metered Charge per 1,000 Gallons	\$ 4.67	\$ 2.13	\$ 6.80
Minimum Charge	\$ 112.10	\$ 50.99	\$163.09
UNMETERED USERS	<u>User Charge</u>	<u>Debt Service Charges</u>	<u>Total Monthly Flat Sewer Charge</u>

INSIDE TOWN LIMITS

Class One	\$ 15.57	\$ 13.03	\$ 28.60
Class Two	\$ 105.86	\$ 63.16	\$ 169.02
Class Three	\$3,901.51	\$1,774.94	\$5,676.45

OUTSIDE TOWN LIMITS

Class One	\$ 23.36	\$ 19.54	\$ 42.90
Class Two	\$ 158.80	\$ 94.74	\$ 253.54
Class Three	\$5,852.27	\$2,662.40	\$ 8,514.67

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

**B. Phase II: Effective March 1, 2013 through and including February 28, 2014**

For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided, to be effective March 1, 2013 through and including February 28, 2014, and shall be in an amount determinable as follows:

METERED USERS	<u>User Charge per 1,000 Gallons</u>	<u>Debt Service Charge per 1,000 Gallons</u>	<u>Total Monthly Sewer Charge per 1,000 Gallons</u>
------------------	--	--	---

INSIDE TOWN LIMITS

Class One  
Metered Charges

per 1,000 Gallons	\$ 3.16	\$ 2.65	\$ 5.81
Minimum Charge	\$ 9.49	\$ 7.95	\$ 17.44
<u>Class Two</u>			
Metered Charge per 1,000 Gallons	\$ 3.16	\$ 1.89	\$ 5.05
Minimum Charge	\$ 18.98	\$ 11.33	\$ 30.31
<u>Class Three</u>			
Metered Charges per 1,000 Gallons	\$ 3.16	\$ 1.44	\$ 4.60
Minimum Charge	\$ 75.93	\$ 34.54	\$ 110.47

OUTSIDE TOWN LIMITS

<u>Class One</u>			
Metered Charges per 1,000 Gallons	\$ 4.74	\$ 3.98	\$ 8.72
Minimum Charge	\$ 14.23	\$ 11.92	\$ 26.15
<u>Class Two</u>			
Metered Charges per 1,000 Gallons	\$ 4.75	\$ 2.83	\$ 7.58
Minimum Charge	\$ 28.47	\$ 16.98	\$ 45.45
<u>Class Three</u>			
Metered Charge per 1,000 Gallons	\$ 4.75	\$ 2.16	\$ 6.91
Minimum Charge	\$ 113.90	\$ 51.81	\$ 165.71

UNMETERED USERS	User Charge	Debt Service Charges	Total Monthly Flat Sewer Charge
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INSIDE TOWN LIMITS

Class One	\$ 15.82	\$ 13.24	\$ 29.06
Class Two	\$ 107.56	\$ 64.18	\$ 171.74
Class Three	\$ 3,964.32	\$ 1,803.52	\$ 5,767.84

OUTSIDE TOWN LIMITS

Class One	\$ 23.74	\$ 19.85	\$ 45.59
Class Two	\$ 161.36	\$ 96.27	\$ 257.63
Class Three	\$5,946.49	\$2,705.26	\$ 8,651.75

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

**C. Phase III: Effective March 1, 2014 through and including February 28, 2015**

For the use and the service rendered by said sewage works, volumetric sewer charges shall be payable as hereinafter provided, to be effective March 1, 2014 through and including February 28, 2015, and shall be in an amount determinable as follows:

METERED USERS	User Charge per <u>1,000 Gallons</u>	Debt Service Charge <u>per 1,000Gallons</u>	Total Monthly Sewer Charge <u>per 1,000 Gallons</u>
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INSIDE TOWN LIMITS

Class One

Metered Charges per 1,000 Gallons	\$ 3.22	\$ 2.70	\$ 5.92
Minimum Charge	\$ 9.68	\$ 8.11	\$ 17.79

Class Two

Metered Charge per 1,000 Gallons	\$ 3.22	\$ 1.93	\$ 5.15
Minimum Charge	\$ 19.36	\$ 11.56	\$ 30.92

Class Three

Metered Charges per 1,000 Gallons	\$ 3.22	\$ 1.47	\$ 4.69
Minimum Charge	\$ 77.46	\$ 35.24	\$ 112.70

OUTSIDE TOWN LIMITS

Class One

Metered Charges per 1,000 Gallons	\$ 4.84	\$ 4.06	\$ 8.90
--------------------------------------	---------	---------	---------

Minimum Charge	\$ 14.52	\$ 12.16	\$ 26.68
<u>Class Two</u>			
Metered Charges per 1,000 Gallons	\$ 4.85	\$ 2.89	\$ 7.74
Minimum Charge	\$ 29.05	\$ 17.32	\$ 46.37
<u>Class Three</u>			
Metered Charge per 1,000 Gallons	\$ 4.85	\$ 2.20	\$ 7.05
Minimum Charge	\$ 116.20	\$ 52.86	\$169.06

UNMETERED USERS	User <u>Charge</u>	Debt <u>Service Charges</u>	Total Monthly <u>Flat Sewer Charge</u>
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INSIDE TOWN LIMITS

Class One	\$ 16.14	\$ 13.51	\$ 29.65
Class Two	\$ 109.73	\$ 65.48	\$ 175.21
Class Three	\$4,044.40	\$1,839.95	\$5,884.35

OUTSIDE TOWN LIMITS

Class One	\$ 24.22	\$ 20.25	\$ 44.47
Class Two	\$ 164.62	\$ 98.21	\$ 262.83
Class Three	\$6,066.61	\$2,759.91	\$ 8,826.52

The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

**D. Phase IV: Effective March 1, 2015 through and including February 29, 2016**

~~For the use and the service rendered by said sewage works, volumetric sewer charges~~ shall be payable as hereinafter provided, to be effective March 1, 2015 through and including February 29, 2016, and shall be in an amount determinable as follows:

METERED USERS	User Charge per <u>1,000 Gallons</u>	Debt Service Charge per 1,000Gallons	Total Monthly Sewer Charge per1,000 Gallons
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INSIDE TOWN LIMITS

Class One

Metered Charges per 1,000 Gallons	\$ 3.29	\$ 2.76	\$ 6.05
Minimum Charge	\$ 9.89	\$ 8.29	\$ 18.18

Class Two

Metered Charge per 1,000 Gallons	\$ 3.29	\$ 1.97	\$ 5.26
Minimum Charge	\$ 19.79	\$ 11.81	\$ 31.60

Class Three

Metered Charges per 1,000 Gallons	\$ 3.29	\$ 1.50	\$ 4.79
Minimum Charge	\$ 79.16	\$ 36.02	\$ 115.18

OUTSIDE TOWN LIMITS

Class One

Metered Charges per 1,000 Gallons	\$ 4.95	\$ 4.15	\$ 9.10
Minimum Charge	\$ 14.84	\$ 12.43	\$ 27.27

Class Two

Metered Charges per 1,000 Gallons	\$ 4.96	\$ 2.95	\$ 7.91
Minimum Charge	\$ 29.69	\$ 17.70	\$ 47.39

Class Three

Metered Charge per 1,000 Gallons	\$ 4.96	\$ 2.25	\$ 7.21
Minimum Charge	\$ 118.76	\$ 54.02	\$ 172.78

UNMETERED  
USERS

User  
Charge

Debt  
Service Charges

Total Monthly  
Flat Sewer  
Charge

INSIDE TOWN LIMITS

Class One	\$ 16.50	\$ 13.81	\$ 30.31
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Class Two	\$ 112.14	\$ 66.92	\$ 179.06
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Class Three	\$4,133.38	\$1,880.43	\$6,013.81
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OUTSIDE TOWN LIMITS

Class One	\$ 24.75	\$ 20.70	\$ 45.45
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Class Two	\$ 168.24	\$ 100.37	\$ 268.61
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Class Three	\$6,200.08	\$2,820.63	\$ 9,020.71
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The Town Council finds that the costs of furnishing services to users located outside, including capital expenditures to extend sewage treatment service beyond the Town limits, is higher than the costs of furnishing services to users located within the Town limits.

The flat monthly sewer rate shall be charged to any residential or non-residential customer who is not a metered water user or does not have an approved meter attached to their service which would provide readings of either water consumption or sewage flows. Customers who are charged the flat monthly rate may install, at customer's expense, an approved meter for purposes of recording water consumption and/or sewage flow. Non-residential customers who are being charged the flat rate may, at the Town Council's discretion, be required to install an approved meter. Upon installation of an approved meter, a customer's monthly sewage bill shall be calculated according to the above metered schedule of rates and charges.

SECTION II

A copy of the schedule of rates and charges adopted herein shall be kept on file and available for public inspection in the office of the Clerk-Treasurer. The rates and charges established for any class of user or property shall cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

SECTION III

No part of this Ordinance shall be interpreted to conflict with federal, state, or local laws, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION IV

In all other respects said Ordinance 81-217 and any amendments thereof are ratified and confirmed. This Ordinance expressly repeals Section I of Ordinance 2006-21 upon the date the rates

herein are made effective.

SECTION V

The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.

SECTION VI

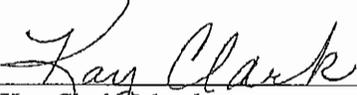
This Ordinance shall be in full force and effect from and after its passage and approval as provided by law. The rates set forth herein shall begin and be effective as of March 1, 2012.

PASSED AND ADOPTED by Town of Fremont, Steuben County, Indiana, at their regular meeting on the 19, day of January, 2012.

THE TOWN COUNCIL OF THE TOWN  
OF FREMONT, INDIANA

  
Charles Steven Brown, President

\_\_\_\_\_  
Joseph Thomas, Member

  
Kay Clark, Member

  
Linda Fulton, Member

  
Steve Vaughn, Member

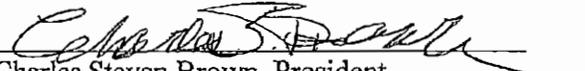
ATTEST:

  
M. Kathleen Parsons, Clerk-Treasurer

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived and the Ordinance was deemed effective as of the date of passage.

THE TOWN COUNCIL OF THE TOWN  
OF FREMONT, INDIANA

  
Charles Steven Brown, President

\_\_\_\_\_  
Joseph Thomas, Member

  
Kay Clark, Member

  
Linda Fulton, Member

  
Steve Vaughn, Member

ATTEST:

  
M. Kathleen Parsons, Clerk-Treasurer