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September 17, 2012

Mr. E. Curtis Gassert  
Director Water/Wastewater Division  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, IN 46204-3419

RECEIVED  
SEP 27 2012  
INDIANA UTILITY  
REGULATORY COMMISSION

In Re: Town of Syracuse, Indiana, Sewer Utility  
Outside User Rate Petition

Dear Mr. Gassert:

On behalf of the Town of Syracuse, Indiana, please find enclosed a Petition for Approval of Rate and Charge Difference Between Property Within and Property Outside the Corporate Boundaries of the Town of Syracuse, Indiana. I submit this to you on behalf of the Town of Syracuse as I am the Town's attorney.

If at any time you have any questions or need additional information, please feel free to contact me. Thank you in advance for your anticipated consideration and cooperation in this matter.

Sincerely,



Michael W. Reed

MWR/mmw  
Enclosures  
cc: Julie A. Kline, Clerk-Treasurer  
Town of Syracuse

STATE OF INDIANA

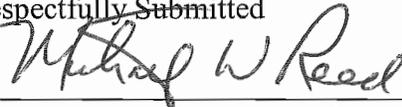
INDIANA UTILITY REGULATORY COMMISSION

PETITION FOR APPROVAL OF RATE AND CHARGE DIFFERENCE BETWEEN PROPERTY WITHIN AND PROPERTY OUTSIDE THE CORPORATE BOUNDARIES OF THE TOWN OF SYRACUSE, INDIANA.

Pursuant to Indiana Code § 8-1.5-3-8.3(c), the Town of Syracuse, Indiana, by counsel, 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 Syracuse, Indiana. In support of its request the Town of Syracuse, Indiana states:

1. The ordinance setting rates and charges for property within and property outside the municipality's corporate boundaries took effect on July 14, 1992.
2. Attached as "Exhibit A" is a copy of the Ordinance.
3. The works that is the subject of the Ordinance is 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 25%.
5. If the percentage difference in #4 above varies based upon the amount of consumption, attached is a chart illustrating the various consumption levels in 1,000 gallon increments with the corresponding percent surcharge.
6. Michael W. Reed is counsel of record for the Petitioner in this matter and is duly authorized to accept service of papers in this cause on behalf of the Petitioner.

Respectfully Submitted

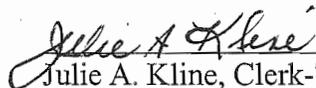


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Michael W. Reed, Attorney for the Town of  
Syracuse, Indiana, Petitioner  
318 South Buffalo Street  
Warsaw, IN 46580  
574-267-7929  
Attorney No. 6372-98

VERIFICATION

I, Julie A. Kline, Clerk-Treasurer, Town of Syracuse, Indiana, affirm under penalties that the foregoing representations are true to the best of my knowledge, information and belief.



Julie A. Kline, Clerk-Treasurer  
Town of Syracuse, Indiana

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Petition was served upon the following by hand delivery or mail, postage pre-paid, in the United States mail, this 19th day of September, 2012 to :

Director of Water/Wastewater Division  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 E  
Indianapolis, IN 46204-3419



Michael W. Reed  
Attorney at Law  
Attorney No. 6372-98

Attorney Contact Information:

Michael W. Reed  
REED & EARHART ATTORNEYS AT LAW, P.C.  
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ORDINANCE NO. 92-4

An Ordinance establishing a new schedule of rates and charges collected by the Town of Syracuse, Indiana, from the owners of property served by the sewage works of said Town and other matters connected therewith.

WHEREAS, the Town Council of the Town of Syracuse is charged with the responsibility for the operation, management and control of the sewage treatment works of said Town and properly protecting the health, well-being and property of said Town and its inhabitants; and

WHEREAS, the Town Council of the Town of Syracuse is further charged with the responsibility to establish just and equitable rates and charges which will produce sufficient revenue to pay all the legal and other necessary expenses incident to the operation of the works to include maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide the sinking fund for the liquidation of bonds or other evidences of indebtedness and reserves against default in the payment of interest and principal of bonds, to provide adequate funds to be used as working capital, as well as funds for making improvements, additions, extensions and replacements in order to maintain the sewage works in sound physical and financial condition to render adequate and efficient service; and

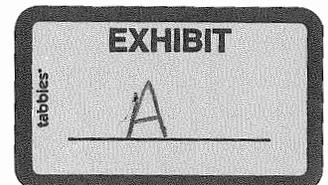
WHEREAS, the Town Council now finds that the existing rates and charges for the use of and service rendered by the sewage treatment works of said Town are too low and are insufficient to enable the Town to operate its sewage treatment works properly, and that the existing rates and charges should be increased.

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

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

(a) "Debt Service" means that portion of the sewage works treatment costs attributable to debts incurred for improvements to the sewage works.

(b) "Operation, Maintenance and Replacement" means that portion of the sewage works treatment costs attributable to expenses incurred for labor, materials, supplies, equipment, accessories and appurtenances required to operate the sewage works, to keep the sewage works in good and reasonable operating condition, and to maintain the capacity and performance during the



useful life of the sewage works for which such works were designed and constructed.

(c) "User Charge" means that amount paid by each lot, parcel of real estate or building connected to the sewage system proportionate to the service provided. Such charge shall cover all operation, maintenance and replacement costs and any debt service for the sewage works.

(d) "User Class" means the division of users within the Town's sewer service area by the origin of the sewage discharged and by the similarity of the function of such users. Stated in four (4) general classes, the user classes are:

1. "Industrial User" means a user who discharges industrial wastes which are the liquid waste resulting from any manufacturing or industrial operation or process.
2. "Residential User" means any premise used only for human residency.
3. "Commercial User" means any establishment whose principal activity is to provide merchandise or services.
4. "Institutional/Governmental User" means any establishment whose primary purpose is education and/or operation of a governmental entity.

(e) "Inside User" means any user of the sewage treatment works located within the Town of Syracuse.

(f) "Outside User" means any user of the sewage treatment works located outside the Town of Syracuse.

(g) "Normal Domestic Sewage" means wastes which do not exceed a Biochemical Oxygen Demand strength of 200 milligrams per liter of fluid, do not exceed a suspended solids strength of 250 milligrams per liter of fluid, do not exceed an ammonia strength of 15 milligrams per liter of fluid, and do not exceed a phosphorus strength of 10 milligrams per liter of fluid.

(h) "Sanitary Sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains and stable floor drains, and all other water-carried wastes except industrial waste.

(i) "Industrial Waste" means the liquid waste resulting from any manufacturing or industrial operation or process.

(j) "Connection Charge" means a charge made to a customer for the availability for any lot, parcel of real estate or building which was situated and located within the Town of Syracuse on or before February 24, 1970, of a local and lateral sewer constructed by the Syracuse Sewage Works in the event the local and lateral sewer is available for service to such building or other structure which discharges sanitary sewage.

(k) "Connection Surcharge" means a monthly charge to a customer for the availability for any lot, parcel of real estate or building which was not situated and located within the Town of Syracuse on or before February 24, 1970, of a local and lateral sewer constructed by the Syracuse Sewage Works, in the event the local and lateral sewer was made available for service to such building or other structure subsequent to February 24, 1970, which discharges sanitary sewage.

Section 2. For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary sewage system or that otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town, which rates and charges shall be payable as provided in I.C. 36-9-23 and shall be in an amount determinable as follows:

(a) For each and every lot, parcel of real estate or building located within the limits of the Town, the rates and charges shall be as follows:

1. There shall be a fixed rate billing charge of \$1.82 per month, plus rates and charges based on the quantity of water used on or in the property or premises served by such sewage system, as the same is measured by the water meter there in use, and shown by the consumption records of the water utility serving the Town and its inhabitants.
2. The sewage rates and charges fixed and imposed on the quantity of water usage shall be \$2.77 per 1,000 gallons per month for operation, maintenance and replacement costs and \$2.65 per 1,000 gallons per month for debt service costs for a total commodity charge of \$5.42 per 1,000 gallons per month.
3. There shall be a minimum monthly charge for sewage services in the amount of \$7.24.

(b) For each and every lot, parcel of real estate or building located outside the limits of the Town, the rates and charges shall be as follows:

1. There shall be a fixed rate billing charge of \$1.82 per month, plus rates and charges based on the quantity of water used on or in the property or premises served by such sewage system, as the same is measured by the water meter there in use, which said meter shall be approved by the Town.
2. The sewage rates and charges fixed and imposed on the quantity of water usage shall be \$2.77 per 1,000 gallons per month for operation, maintenance and replacement costs and \$3.97 per 1,000 gallons per month for debt service costs for a total commodity charge of \$6.74 per 1,000 gallons per month.
3. There shall be a minimum monthly charge for sewage services in the amount of \$8.56.

(c) In the event a user has a private supply of water or receives service on an unmetered basis then the Town shall base its charges on the flat rate charges as set forth in Section 2(g) hereof.

(d) For the service rendered to the Town of Syracuse said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(e) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage 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 consist of a fixed charge as set out elsewhere herein of \$1.82 per month times the number of such dwelling units plus the rates and charges based on the quantity of water used as set out elsewhere herein. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus 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.

(f) In order that the single family domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months of June, July, August, and September the billing for sewage services for residences and/or domestic users

for said months may be based upon the water usage for the previous months of December, January, February, and March. In the event the water usage for said previous months is greater than the water usage for said summer months, then the billing for sewage services may be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a single family residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate. A user desiring computation of charges for the months of June, July, August and September be made in accordance with the sprinkling rate shall notify the Clerk-Treasurer of Town on or before the first day of the month for which such computation is requested.

(g) For users of sewage services who have a private supply of water or have a municipal supply of water that is unmetered, or in the event a significant portion of the water used on or in the premises is not returned to the Town's sanitary sewage system, then charges for sewage service shall be a fixed rate charge of \$1.82 per month, plus flat rate monthly charges as follows:

<u>Flat Rate Charge</u>	<u>Monthly Charge</u>	
	<u>Inside User</u>	<u>Outside User</u>
Single family dwelling unit	\$ 21.68	\$ 26.96
Multi-family dwellings, mobile home courts, etc. - Each unit	21.68	26.96
Laundromats - Each washer	71.49	88.95
Professional offices, governmental, banks or utilities - Each employee	1.93	2.40
Retail establishments - Each employee	3.11	3.87
Commercial or industrial users not otherwise specified - Each employee (Does not include industrial waste.	5.68	7.09

Charges for industrial waste shall be negotiated with Town's waste water utilities Commissioner)

Gasoline Service Stations	27.60	34.40
Car Wash - manual- per bay	56.84	70.79
automatic - per bay	117.79	146.56
Shop in residence	43.31	53.91
Motels and hotels		
Per room available for rent	16.23	20.22
Theaters, drive-in movies, summer theaters	127.97	161.74
Schools		
Per enrolled pupil	3.40	4.22
Churches		
Per person attending	0.18	0.20
Each church shall submit total monthly attendance to Clerk-Treasurer by 5th day following conclusion of each month. Monthly attendance shall be divided by number of Sundays in the month. Average weekly attendance in the month shall constitute number of persons for which church is charged.		
Restaurants, drive-in eating establishments, taverns, etc.		
Per seat available for service of customers	2.29	2.81
Lodges, youth centers and veterans organizations without eating and/or drinking facilities		
Per each 200 members of fraction thereof	21.68	26.96

Provided, however, the customer shall have the privilege, at the customer's expense, to install, maintain and operate a water meter, weir, volumetric measuring devise, or other method of measurement of sewage flow from the premises acceptable to the Town. In such event, the charges for sewage services shall be based upon rates and charges as set forth in Section 2(a) and (b) hereof, whichever shall be applicable.

(h) In the event the Town shall agree to allow and permit the dumping and discharge of normal domestic wastes into the sewage works by persons engaged in the cleaning of private domestic septic tanks, there is hereby fixed and imposed for each and every such dumping and discharge a charge and rate as follows:

(1) \$38.20 for each and every such dumping and discharge not in excess of 2,000 gallons.

(2) \$47.25 for each and every such dumping and discharge in excess of 2,000 gallons, but not more than 2,500 gallons.

(3) \$0.0189 for each and every gallon in excess of 2,500 gallons for each and every such dumping and discharge.

No person shall discharge septic tank wastes to the treatment works at any location other than the location of special facilities provided by the Town for such purpose. Acceptance of septic tank sludge and wastes at special facilities of the Town shall be limited to sludges and wastes originating within the Town from private wastewater disposal facilities, and from such facilities located in areas outside the Town for which there are in effect formal agreements, which agreements shall provide for the acceptance of septic tank sludges originating from areas outside the Town.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town shall base its charges not only on volume, but also on the strength and character of the sewage and waste which it is required to treat and dispose of. The Town shall require the customer, at the customer's expense, to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly into the Town's sanitary sewer system or sewage treatment works in such manner and by such method as may be deemed practical in light of the conditions and attending circumstances of the case, in order to determine the proper charge. Any and all commercial and industrial installations shall be so controlled and/or treated as to the sewage strength that their effluent discharged to the Town's sewer system shall have a biochemical oxygen demand not to exceed 200 milligrams per liter of fluid, ammonia not to exceed 15 milligrams per liter of fluid, phosphorus not to exceed 10 milligrams per liter of fluid, and suspended solids not to exceed 250 milligrams per liter of fluid at any time. In case the Town permits any user to discharge industrial waste to the Town's sewer system in excess of the foregoing strength, additional rates shall be imposed as follows:

(a) For a five day biochemical oxygen demand in excess of 200 milligrams per liter of fluid, an additional charge of \$0.20 shall be made for each pound.

(b) For ammonia in excess of 15 milligrams per liter of fluid, an additional charge of \$1.30 shall be made for each pound.

(c) For phosphorus in excess of 10 milligrams per liter of fluid, an additional charge of \$1.79 shall be made for each pound.

(d) For suspended solids of 250 milligrams per liter of fluid, an additional charge of \$0.18 shall be made for each pound.

Section 4. There shall be a biennial review of total operational, maintenance and replacement (OMR) costs and subsequent rate adjustments (if necessary). This is a requirement of the Federal Single Audit Act and Federal Regulation 40 CFR 35.2140 "User Charge Systems".

There shall further be an annual notification of each sewer customer as to the portion of their billing attributable to operational, maintenance and replacement (OM&R) expenses. This is a requirement of Federal Regulation 40 CFR 35.2140 "User Charge Systems".

Section 5. The Town shall prohibit the dumping of industrial wastes which, in its discretion, affect and are deemed harmful to the operation of the sewage treatment works of the Town, or may require methods of pretreatment of waste to reduce the characteristics of the waste satisfactory to the Town.

Section 6. In order to reasonably recover the costs of local and lateral sewers constructed by the sewage works available for any lot, parcel of real estate or building which was not situated and located within the Town of Syracuse on or before February 24, 1970, for the connection of individual customers, additional charges shall be made as follows:

(a) There shall be a connection surcharge for all customers existing in the service area on October 1, 1976, and to whom a local and lateral sewer is available. The connection surcharge shall be a monthly surcharge in the amount of \$5.00 per month, and such surcharge shall commence on October 1, 1976, and will extend for a period of thirty-nine (39) years from October 1, 1976. In lieu of the monthly surcharge the customer may have made a cash payment of \$1,000.00 on or before October 1, 1976.

(b) For all new customers building or constructing along such local and lateral sewers after October 1, 1976, there shall be

collected a connection surcharge, prior to connection to the sewer line, which shall be the greater of the following:

1. \$1,000.00
2. \$10.00 per lineal feet of property abutting the local and lateral sewer.

Section 7. The owner of any lot, parcel of real estate or building which was situated and located within the Town of Syracuse on or before February 24, 1970, connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$300.00 for each connection, which charge the Town Council now finds to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property.

Section 8. In the event subdividers, developers or other persons shall build or construct dwelling units, commercial properties or other users of sewage services in or about the Town of Syracuse, such subdivider, developer or other person shall, at the subdivider's, developer's or other person's expense, install local and lateral sewers throughout the new development. Such local and lateral sewers shall be constructed according to plans and specifications approved by the Town in streets, alleys or public rights of way. Such local and lateral sewers shall become the property of the Town and shall be owned, operated and maintained by the Town.

Section 9. Such rates and charges shall be prepared, billed, and collected monthly by the Town in the manner provided by law and ordinance.

(a) The rates and charges may be billed to the tenant or tenants occupying the properties served, when requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(b) All rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto.

Section 10. The Town Council shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges.

Section 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 12. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Syracuse, Indiana, this 14<sup>th</sup> day of July, 1992.

Kenneth D. Johnson  
William J. Patten  
Barbara Caswell  
\_\_\_\_\_  
\_\_\_\_\_

TOWN COUNCIL

Attest:

Elgie A. Tatmer  
Clerk-Treasurer