

**STEBEN LAKES REGIONAL WASTE DISTRICT**

**ORDINANCE NO. 2023-07**

**SUBDIVISION CONTROL ORDINANCE**

AN ORDINANCE ESTABLISHING PROCEDURES FOR CONNECTING SEWAGE COLLECTION, TRANSMISSION, AND TREATMENT SYSTEMS PRIVATELY CONSTRUCTED FOR SUBDIVISIONS AND INDIVIDUAL LOTS TO THE DISTRICT'S SEWER WORKS; ACCEPTING SAME FOR OWNERSHIP, MAINTENANCE AND REPLACEMENT BY THE DISTRICT; AND PROTECTING AND REGULATING THE CAPACITY OF THE DISTRICT'S SEWAGE WORKS.

WHEREAS, the Steuben Lakes Regional Waste District (hereinafter "the District") is authorized, pursuant to IND. CODE §13-26-5-2, to require owners of real property to connect their properties to the District's sewage works when there is an available sanitary sewer within three hundred (300) feet of the structure (or the property line if on a body of water or within 300 feet of a subdivision) unless an owner of real property is exempt in accordance with IND. CODE §13-26-5-2.5 or IND. CODE §13-26-5-2.6; and

WHEREAS, the District is from time to time approached by persons who wish to connect individual lots or subdivisions to the District's sewer works and receive sewage collection, transmission, and treatment service from the District; and

WHEREAS, the District wants to ensure the connection of individual lots and subdivisions to the District's sewage works does not cause harm to the sewage works either by allowing the introduction of harmful or toxic wastes into the works or by the introduction of flows that exceed the works' capacity either in volume or strength; and

WHEREAS, the District is authorized, pursuant to IND. CODE §13-26-5-2 and IND. CODE §13-26-5-4 to adopt, amend, or repeal standards for the administration of the District's affairs and rules and regulations for the control of the administration and operation of the District's services and facilities; and

WHEREAS, the District is authorized, pursuant to IND. CODE §13-26-5-2, to acquire, operate, or manage works of a person or eligible entity and to acquire, operate, preserve, and maintain works considered necessary to accomplish the purposes of the District's establishment both within and outside of the District;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE STEUBEN LAKES REGIONAL WASTE DISTRICT, AS FOLLOWS:

## **SECTION 1. Definitions**

- 1.1 “Board of Trustees” shall mean the governing body of the District as duly appointed in accordance with The Code.
- 1.2 “Capacity” shall mean the limit, expressed in terms of volume of flow, strength of flow, including the strength of its various individual components, or both, at which a sewage works or any part thereof is designed to operate or is authorized to operate by federal, state, or local law.
- 1.3 “District” shall mean the Steuben Lakes Regional Waste District of Steuben County, Indiana; and shall include such employees, contractor’s agents, or designees of the District, as it shall, from time to time utilize in making the examinations, reviews, inspections and/or tests referred to herein.
- 1.4 “District Administrative Manager” shall mean the administrator or company hired to handle the administration of the District or its authorized deputy, agent or representative assigned by the District to supervise the day-to-day operation and charged with certain duties and responsibilities by this Ordinance. The Administrator may be a natural Person or a corporation, limited liability company (LLC), partnership, the Operator or other organization providing operation services to the District pursuant to an agreement.
- 1.5 “EU” means an equivalent unit, which is a unit of measure by which the rates and charges for sewer services provided by the District are calculated and imposed upon each improved property served by the Sewage Works, as determined in accordance with the schedules of rates and charges established by the District’s Rate Ordinance, as amended from time to time.
- 1.6 “Inspector” shall mean a Person duly authorized by the District’s Sewer Use Ordinance to inspect and approve the installation of sewers and their connection to the Public Sewer.
- 1.7 “Operator” shall mean the person or entity holding the position of Operator of the sewage works of the District, or his, her or its duly authorized employee, deputy, agent, or representative.
- 1.8 “Ordinance” shall mean this Subdivision Control Ordinance.
- 1.9 “Person” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- 1.10 “Private Sewer” shall mean any pipe, conduit, grinder pump system, air release valve, pumping station, manhole, valve, or any other components which is neither owned nor operated by the District or any public authority for the purpose of carrying sewage or other waste liquids.
- 1.11 “Public Sewer” shall mean any pipe, conduit, grinder pump system, air release valves, pumping stations, manholes, valves or any other components which is owned and

controlled by the District or any public authority for carrying sewage or other waste liquids.

- 1.12 “Sewage” water-carried wastes from residences, commercial buildings, institutions, and industrial establishments, singular or in any combination, together with such unintentional ground, surface and storm waters as may be present.
- 1.13 “Sewage Works” shall mean all facilities for collecting, transporting, pumping, treating and disposing of sewage and Sludge, namely the Sewerage System and WWTP.
- 1.14 “Sewer” shall mean a pipe or conduit for carrying Sewage or other waste liquids as differentiated below:
  - 1.14.1 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial wastewaters are not intentionally admitted.
  - 1.14.2 “Storm Sewer” shall mean a sewer which carries storm, surface, and ground water drainage but excludes Sanitary Sewer.
- 1.15 “Single Lot” shall mean one lot, tract, or parcel of real property.
- 1.16 “Subdivision” shall mean the division of a Single Lot into two (2) or more lots (or a group of lots or parcels previously divided), for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes or the division of a Single Lot into two (2) or more lots by means of buildings, building groups, streets, alleys, parking areas or leaseholds for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes.
- 1.17 “The Code” means IND. CODE §13-26, *et seq.*

Any terms not defined herein, but defined in the District’s Rate Ordinance or the District’s Sewer Use Ordinance or any amendment thereto shall have the same meaning herein.

## **SECTION 2. Applicability**

This Ordinance is applicable to all Single Lots and Subdivisions that were not a part of the initial design, plans and/or construction of the District’s original Sanitary Sewer collection system project.

## **SECTION 3. Single Lots**

- 3.1 If the owner of a Single desires to reserve Capacity for future construction, they can do so as permitted by this Section. If the owner of a Single Lot or its agent wishes to reserve capacity in the District’s Sanitary Sewer collection system, they may do so by paying the District’s “Capacity Reservation Fee” each EU associated with the Single Lot, or fraction

thereof. The owner shall provide the District's Administrative Manager a completed Capacity Reservation Fee form and the Capacity Reservation Fee. Reservation of Capacity for a Single Lot must be approved by the District's Administrative Manager. The Capacity Reservation Fee is Five Hundred Dollars and 00/100 (\$500.00) per EU, it is non-refundable and it guarantees the owner the reserved capacity (as paid for) in the District's Sanitary Sewer for five (5) years. The Reserved Capacity may be renewed, if available and upon paying the requisite Capacity Reservation Fee.

- 3.2 In addition, no person owning a Single Lot or his agent shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof, nor shall the District accept for ownership, operation, maintenance, repair, or replacement the Private Sewers of a Single Lot, nor shall the District reserve capacity in its works or advise any other entity of any commitment to provide sewage collection, transmission, and treatment service to a subdivision unless and until the person owning a Single Lot shall first obtain a written permit from the District. The permit may be obtained only by the Owner or a Licensed Contractor duly authorized by the Owner to obtain the permit, in addition the District may impose a permit fee. The permit fee shall be detailed in the District's Use Ordinance as may be modified from time to time. The cost of the permit shall only cover the inspection of sewage producing structure to the Sewage Works at the grinder pump, or main line if no grinder pump. Any other additional costs for inspection or the connection shall be the obligation of the owner.
- 3.3 A permit shall not be issued unless and until the District Administrative Manager and the Operator have examined and reviewed the application and any information provided in addition thereto and has approved the application.
- 3.4 The District Administrative Manager and the Operator shall examine and review the application and any information provided in addition thereto for the purpose of ensuring that the Private Sewer proposed for the Single Lot is compatible with and will not harm the District's Sewage Works, that the proposed Private Sewer will not result in the introduction of flows that will cause harm to the District's Sewage Works, the Private Sewer meets the then current District's Development Standards, and that the proposed Private Sewer will not result in flows that will cause the District to exceed its Capacity, either by volume (subject to the Owner's rights in reserved Capacity) or strength. The District Administrative Manager or the Operator may retain the services of an engineer or other professional advisor as either deems necessary to accomplish said purposes. All costs of and expenses incident to retaining the services of an engineer or other professional advisor shall be borne by the permit applicant.
- 3.5 The Single Lot's Private Sewer shall be installed and connected to the District's Sewage Works in conformity with all applicable federal, state, and local laws, including, but not limited to, the District's Sewer Use Ordinance and the District's Development Standards, Details and Specification Manual.
- 3.6 A Single Lot's Private Sewer shall not be accepted by the District for ownership, operation, maintenance, repair, or replacement until it has been completed to the satisfaction of the District's inspector and all sums due are paid to the District. Provided

however, all lines, equipment and related components from any structure to a grinder (or mainline in no grinder) shall remain Private Sewer. The inspector shall be allowed to inspect the Subdivision's Private Sewers at any stage of the installation or construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection and before any underground portions are covered. All additional costs and expenses, out of the ordinary and not covered by the permit fee, incident to any inspection shall be borne by the Subdivision owner.

- 3.7 The Single Lot owner shall warrant the workmanship, materials, and equipment of the Subdivision's Private Sewer for a period of one year from the date the District accepts the Subdivision's Private Sewers for ownership, operation, maintenance, repair, or replacement. In the event that any part or portion of the Single Lot Owner's Private Sewer shall fail during the warranty period, the Single Lot owner shall (or cause its contractor to) repair or replace the same at its sole expense.
- 3.8 As a condition of connecting the Single Lot owner's Private Sewer to the District's Sewage Works, and the District accepting ownership, operation, maintenance, repair, or replacement of the Private Sewer, the owner shall grant to the District and record, at the owner's sole expense, in the office of the recorder of the county where the property is located a permanent easement to be located 7.5 feet from each side of all components associated with the Private Sewers (15 feet wide total) for the purposes of operating, cleaning, maintaining, repairing, replacing, and inspecting said Private Sewer (which will at that time then become Public Sewers). Said easement shall be provided by the District or in a form acceptable to the District, and said easement shall also comply with all applicable state and local laws, including, but not limited to, any the District's and any applicable county ordinances and any amendments thereto.
- 3.9 When an Owner is connected to the Sewage Works, the Owner shall then pay the then applicable Capacity Fee, at the time of connection of the sewage producing structure, as determined by the District's Rate Ordinance. A Capacity Fee shall be paid per EU, or a fraction thereof.

#### **SECTION 4. Subdivisions**

- 4.1 The owner of each Subdivision or its agent may reserve capacity in the District's Sanitary Sewer collection system by paying the District's "Capacity Reservation Fee" for each EU (or fraction thereof) the Subdivision wishes to reserve. The owner shall provide the District's Administrative Manager a completed Capacity Reservation Fee form and the Capacity Reservation Fee. Reservation of Capacity for a Subdivision must be approved by the District's Operator and the Board of Trustees. The Capacity Reservation Fee is Five Hundred Dollars and 00/100 (\$500.00) per EU, it is non-refundable and it guarantees the owner the reserved capacity (as paid for) in the District's Sanitary Sewer for five (5) years. The Reserved Capacity may be renewed, if available and upon paying the requisite Capacity Reservation Fee.

- 4.2 In addition, no person owning a Subdivision or his agent shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof, nor shall the District accept for ownership, operation, maintenance, repair, or replacement the Private Sewers of said Subdivision, nor shall the District reserve capacity in its works or advise any other entity of any commitment to provide sewage collection, transmission, and treatment service to a subdivision unless and until the person owning a Subdivision shall first obtain a written permit from the District. The permit may be obtained only by the Owner or a Licensed Contractor duly authorized by the Owner to obtain the permit, in addition the District may impose a permit fee. The permit fee shall be detailed in the District's Use Ordinance as may be modified from time to time. The cost of the permit shall only cover the inspection of sewage producing structure to the Sewage Works at the grinder pump, or main line if no grinder pump. Any other additional costs for inspection or the connection shall be the obligation of the owner.
- 4.3 A permit shall not be issued unless and until (a) the District Administrative Manager and the Operator have examined and reviewed the application and any information provided in addition thereto, (b) the District Administrative Manager and the Operator have recommended in writing to the Board of Trustees that the application be approved, and (c) the Board of Trustees has approved the application.
- 4.4 The District Administrative Manager and the Operator shall examine and review the application and any information provided in addition thereto for the purpose of ensuring that the Private Sewer proposed for the Subdivision is compatible with and will not harm the District's Sewage Works, that the proposed Private Sewer will not result in the introduction of flows that will cause harm to the District's Sewage Works, the Private Sewer meets the then current District's Development Standards, and that the proposed Private Sewer will not result in flows that will cause the District to exceed its Capacity, either by volume (subject to the Owner's rights in reserved Capacity) or strength. The District Administrative Manager or the Operator may retain the services of an engineer or other professional advisor as either deems necessary to accomplish said purposes. All costs of and expenses incident to retaining the services of an engineer or other professional advisor shall be borne by the permit applicant.
- 4.5 The Subdivision's Private Sewers shall be installed and connected to the District's Sewage Works in conformity with all applicable federal, state, and local laws, including, but not limited to, the District's Sewer Use Ordinance and the District's Development Standards, Details and Specification Manual
- 4.6 A Subdivision's Private Sewers shall not be accepted by the District for ownership, operation, maintenance, repair, or replacement until it has been completed to the satisfaction of the District's inspector and all sums due are paid to the District. Provided however, all lines, equipment and related components from any structure to a grinder (or mainline if no grinder) shall remain Private Sewer. The inspector shall be allowed to inspect the Subdivision's Private Sewers at any stage of the installation or construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection and before any underground portions are covered. All costs and

expenses, out of the ordinary and not covered by the permit fee, incident to any inspection shall be borne by the Subdivision owner.

- 4.7 The Subdivision owner shall warrant the workmanship, materials, and equipment of the Subdivision's Private Sewers for a period of one year from the date the District accepts the Subdivision's Private Sewers for ownership, operation, maintenance, repair, or replacement. In the event that any part or portion of the Subdivision's Private Sewers shall fail during the warranty period, the Subdivision owner shall (or cause its contractor to) repair or replace the same at its sole expense.
- 4.8 As a condition of connecting the Subdivision's Private Sewers to the District's Sewage Works, and the District accepting ownership, operation, maintenance, repair, or replacement of the Subdivision's Private Sewers, the Subdivision owner shall grant to the District and record, at the owner's sole expense, in the office of the recorder of the county where the property is located a permanent easement for each and every area of the Subdivision's Private Sewers for the purposes of operating, cleaning, maintaining, repairing, replacing, and inspecting said Private Sewers (which will at that time then become Public Sewers), including but not limited to an easement for each Single Lot within the Subdivision. Said easement shall be provided by the District or be subject to its approval, in addition it shall comply with all applicable state and local laws, including, but not limited to, the District's and any county ordinances and any amendments thereto.
- 4.9 When an Owner is connected to the Sewage Works for which capacity has been continuously reserved in accordance with this Section, the Owner shall then pay the then applicable Capacity Fee, at the time of connection of the sewage producing structure, as determined by the District's Rate Ordinance. A Capacity Fee shall be paid per EU, or a fraction thereof.

#### **SECTION 5. Regulation of Capacity**

- 5.1 The District Administrative Manager and the Operator shall create and maintain or cause to be created and maintained maps, charts, diagrams, spreadsheets, or other compilations of information for the purpose of monitoring and tracking the Capacity of the District and whether existing flows and reserved flows are approaching those capacities.
- 5.2 The District Administrative Manager and/or the Operator shall report to the Board of Trustees periodically or upon request by the Board of Trustees on the extent to which existing flows and reserved flows have approached or exceeded Capacity.

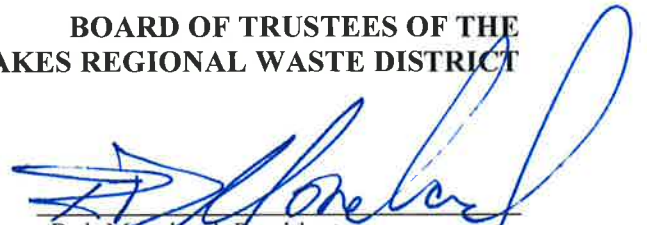
#### **SECTION 6. Miscellaneous Matters**

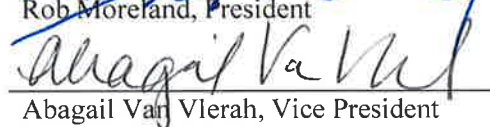
- 6.1 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect any other part of this Ordinance, which shall be given effect without such invalid part or parts.

- 6.2 The Capacity reserved pursuant to this Ordinance by an owner, and after completion of the applicable form and payment of the Capacity Reservation Fee, is non-transferable nor assignable by the owner. Provided however, said reserved Capacity may be assigned to an affiliated entity of the owner or a developer developing the same property for which the Capacity was originally reserved.
- 6.3 This Ordinance shall take effect upon promulgation according to law.

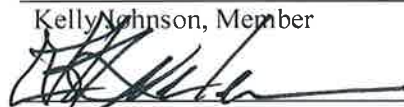
ALL OF WHICH IS DULY ORDAINED THIS 27<sup>TH</sup> DAY OF September, 2023, BY A VOTE OF 5 FOR, 0 AGAINST, AND 0 ABSTAIN.

**BOARD OF TRUSTEES OF THE  
STEBEN LAKES REGIONAL WASTE DISTRICT**

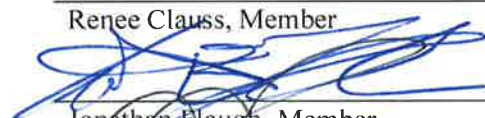
  
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Rob Moreland, President

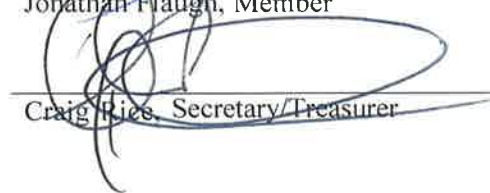
  
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Abigail Van Vlerah, Vice President

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Kelly Johnson, Member

  
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Laurence Keeler, Member

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Renee Clauss, Member

  
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Jonathan Flaugh, Member

  
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Craig Rice, Secretary/Treasurer

ATTEST

  
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Craig Rice, Secretary