

ORDINANCE NO. 110

AN ORDINANCE ADOPTING A POLICY GOVERNING SEWER EXTENSIONS AND IMPROVEMENTS AND THE ESTABLISHMENT OF CERTAIN SEWER FEES FOR THE TOWN OF VERNON'S WASTEWATER SYSTEM

SECTION 1 - DEFINITIONS

Applicant is a person, firm, corporation, partnership who has the authority to act on behalf of the owner(s) or developer(s) of a new development or existing sewer service connection.

Capital Improvement is land and/or facilities for the collection, treatment or disposal of sewage or sewage by products.

Town Council is the Common Council of the Town of Vernon, Indiana.

Collector Sewer is the sewer line to which sewer laterals are connected. Collector sewer lines shall be at least 8" in diameter.

County is that area outside the Town of Vernon Corporation limits but within Jennings County.

Development is the construction of improvements to land which requires modification of existing sewer service connection or the construction of new sewer service connections to the sanitary sewer system.

Dwelling Unit means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating and includes a mobile home.

Existing Sewer Service means all existing physical sewer service connections to the sanitary sewer system.

Force Main is a pressurized sewer line from a sewage pump station.

Interceptor or Trunk Sewer is the sewer line to which trunk sewers are connected. Interceptor or Trunk sewer lines shall be at least 12" in diameter.

Major Improvements are improvements to wastewater treatment plants, interceptor sewers, trunk sewers, or sewage pump stations which benefit the entire sewer system specified in the Master Sewer Plan.

Minor Improvements are improvements required to connect a proposed development or subdivision plat to existing sewer system facilities in compliance with the Town of Vernon's specifications.

Non Residential Development means all development other than residential development and includes commercial and industrial development.

Pump Station is a facility which pumps wastewater into a gravity pipe through a force main.

Residential Development means the construction of improvements to property used for the construction of a dwelling unit or dwelling units.

Residential Equivalent Unit (REU) is the basis for comparing sewer customers. One (1) REU is equal to a sewer flow contribution of 400 gallons per day.

Sewer Board is the Town Council of Vernon, Indiana.

Sewer Lateral is the sewer line that connects a building sewer to the collect sewer. Sewer laterals shall be 6" in diameter unless waived by Sewer Board action.

Sewer System Capacity Fee is a fee charged to an applicant who is authorized to connect to the Town of Vernon system or who is authorized to increase the capacity of an existing sewer connection.

Sewer Service is a utility service provided by the Town of Vernon for a specific applicant upon approval of an application.

Sewer Service Connection is the connection between a customer's building sewer to the collector sewer including the sewer lateral pipe up to the fitting on the collector sewer to which the sewer lateral pipe connects.

Significant User is as defined in the Town of Vernon's Sewer Use Ordinance.

Wastewater Treatment Plant (WWTP) is the site where wastewater is collected from the sanitary sewer system and treated to acceptable standards.

SECTION 2 - STATEMENT OF POLICY

2.0 It is the policy of the Town of Vernon to provide for the orderly growth of the Town of Vernon sanitary sewer system.

2.1 Sanitary sewer service will be available to:

- a. Properties within the Town of Vernon;
- b. Properties outside of the Town of Vernon subject to the approval vote of the Town Council.

2.2 All improvements to the Town of Vernon sewer system or any privately or publicly owned sewer system connected to the Town of Vernon's sewer system shall be constructed in accordance with the City of North Vernon's specifications.

2.3 The construction of Minor Improvements shall be at the sole cost of the applicant for sewer service. The Town Council, at its sole discretion, may require an increase in the capacity of all or part of the improvements when such increase in capacity is consistent with the adopted Master Sewer Plan. Only the incremental cost associated with the increase capacity requirements specified by the Town Council shall be paid by the Town of Vernon. Nothing contained herein shall be construed to be paid by the Town of Vernon. Nothing contained herein shall be construed to require the Town Council to increase the capacity of the proposed Minor Improvements.

2.4 The construction of Major Improvements shall be at the sole discretion of the Town of Vernon subject to planning considerations and finance availability. Major Improvements made to the Vernon sanitary sewer system may be financed with revenue generated by all customers of the utility upon approval of the Common Council of Vernon.

SECTION 3 - ESTABLISHMENT OF SEWER SYSTEM CAPACITY FEE

3.0 A Sewer System Capacity Fee is hereby created and is required to be paid to the Town of Vernon prior to the connection of any new sewer service to the Vernon Wastewater system.

3.1 The Sewer System Capacity Fee shall be as set forth in Table A entitled "Sewer System Capacity Fee Schedule" and attached hereto.

3.2 The Town Council shall review the Sewer System Capacity Fee Schedule at least once every two (2) years.

SECTION 4 - USE OF SEWER SYSTEM CAPACITY FEE

4.0 The Sewer System Capacity Fee shall only be used for payment of such fees to the City of North Vernon. The Sewer System Capacity Fee shall be paid to the City of North Vernon.

4.1 Expansion of the Town of Vernon's sewer collection, pumping or treatment systems is considered:

- 1.) The expansion of existing systems or construction of new systems in order to provide transport or treatment capacity (either hydraulic processing or waste load treatment capacity): or,
- 2.) The upgrade of existing systems to meet federal, state or local treatment requirements.

SECTION 5 - ESTABLISHMENT OF SEWER TAP FEE

5.1 A Sewer Tap Fee is hereby established and is required to be paid to the Town of Vernon prior to the installation or connection of any new sewer service to Vernon's wastewater collecting system.

5.2 Any person connecting to the sewage works shall, prior to being issued a permit to make a connection, pay a tap fee to the Town of Vernon in the amount of \$500.00 per lateral connection to the public sewer.

5.3 The Town Council shall review the Sewer Tap Fee Schedule at least once every two (2) years.

SECTION 6 - USE OF SEWER TAP FEE

6.0 Sewer Tap Fee revenue shall be paid to the City of North Vernon in the amount of \$250.00 per connection and the remainder to the Town of Vernon.

6.1 Sewer Tap Fees shall be deposited into the appropriate operating revenue account. Although Sewer Tap Fees may be deposited into the sewer operating fund account, Sewer Tap Fees shall be reported as a separate revenue source for the purpose of revenue accounting.

SECTION 7 - APPLICATION FOR SEWER SERVICE

7.0 Sewer service applications for a sewer lateral line 6" and smaller in diameter may be approved by the Town Council provided the sewer customer is not a Significant User.

7.1 Sewer service applications for a sewer lateral line 6" in diameter; a Significant User; or requiring Major Improvements of the sewer system shall be approved by the Town Council.

7.2 A change in occupancy or use that increases the flow quantity or quality discharged into the sanitary sewer shall be reviewed by the Town Council. An application as prescribed herein shall be filed.

7.3 An applicant for sewer service shall file a letter of intent that contains the following information:

- a. Name and address of customer or owner and the name and telephone number of the person to contact regarding the application.
- b. Legal description of the property.
- c. Identify the type and size of the development. State the type such as residential, commercial, institutional, or industrial; the number of proposed units or number of employees; and the total sewer demand or usage.
- d. A plan shall be submitted to include the following:
 - Tract boundary and acreage;
 - Proposed street and lot locations;
 - Proposed land users and zoning designations;
 - Location of requested water and sewer service;
 - Adjacent existing roads;
 - North arrow.

7.4 Upon determination that sewer service cannot be provided to the applicant, the Town Council shall provide written notification thereof and the reasons for denial of sanitary sewer service.

7.5 Upon the Town Council's determination that sewer service can be provided to the applicant, the Sewer System Capacity Fee and the Sewer Tap Fee shall be calculated provided sufficient information has been received. The Town Council shall notify the applicant in writing of authorization for sewer service, the total sewer fee amount due, and any conditions pertaining to the sewer service authorization.

7.6 Where an extension of service is necessary to serve a development (Residential or Nonresidential), the Sewer Board shall make the following findings of fact and these findings shall be reflected in the minutes for the meeting for which the extension of service was approved. For approval, all three criteria must be met.

- a. There have been or are proposed major changes of an economic, physical, or social nature within the designated service areas which were not planned or constructed when the existing utilities were constructed.
- b. The proposed extension of the utilities is in compliance with the Master Plan as adopted by the Town Council.
- c. The proposed extension will not adversely affect the performance capabilities of the sewer utility system.

7.7 If the Sewer Board fails to make the findings of fact as outlined above, the Town Council shall notify the applicant in writing as to the reasons for denying the request for extension of utility service.

SECTION 8 - PAYMENT OF FEES

8.0 No building sewer shall be connected to the sewer service until all sewer fees established by this Ordinance have been paid.

8.1 If the approved sanitary sewer connection is not made within one (1) year of the date of authorization, or if the building permit is revoked or expires, the authorization for the sanitary sewer service shall be considered terminated.

8.2 An applicant may make application to the Town of Vernon for a refund of sewer fees paid provided that:

- 1.) 120 days has passed from the original payment of the fees; and,
- 2.) The written authorization for sanitary sewer connection is returned to the Town Council; and,
- 3.) The applicant provides a written statement that future sewer connection rights are held; and,
- 4.) That Applicant is not indebted to the Town of Vernon.

8.3 Upon approval of the Town Council, the sewer fees previously paid may be refunded to the Applicant.

SECTION 9 - EXEMPTIONS

9.0 The following developments are exempt from the payment of the Sewer System Capacity Fee:

1.) Any development for which the final Subdivision Plat of Record or Project was recorded on or before the effective date of this Ordinance to the extent that the original owner/developer obtained approval of the development, whether platted or not, prior to June 1, 1995, from the Town Council. The exemption shall remain in effect until June 1, 1998. This exemption is available only to the original owner/developer. It does not run with the land nor can it be transferred or conveyed in any manner to any subsequent owner.

2. Any Building Permit application filed on or before June 1, 1995.

SECTION 10 - APPEALS

10.0 A decision made by the Town Council under this Ordinance may be appealed to the Town Council by submitting a written appeal within ten (10) days from the date of the decision. The written appeal should be addressed to the Mayor of Vernon, Indiana. In considering the appeal, the Town Council may affirm, modify, extend or overrule its prior decision in a manner that is consistent with the provisions of this Ordinance.

SECTION 11 - SEVERABILITY

11.0 If any section, subsection, paragraph, clause, phrase or provision of this Ordinance is for any reason held to be invalid, ineffective or unconstitutional by the final decision of any court of competent jurisdiction, the remainder thereof shall remain in force and effect, it being expressly hereby found and declared that the remainder of this Ordinance would have been adopted despite the invalidity of such section, subsection, paragraph, clause, phrase or provision.

Adopted by the Common Council of the Town of Vernon, Indiana, this 17 day of July, 1995.

Mayor Allie Hazelwood

Clerk- Megan Rucker

Council Bob Dunning

Council Bonnie Becker

ATTEST:

M. Jean Rockey
M. Jean Rockey, Clerk - Treasurer

APPROVED AND SIGNED THIS 17 DAY OF July, 1995.

Ollie Hazelwood
Ollie Hazelwood, Mayor
Town of Vernon, Indiana

TABLE A
SEWER SYSTEM CAPACITY FEE SCHEDULE

SEWER USER	AMOUNT
Residential Users	
Single Family	\$600/unit
Multi-Family	\$525/living unit
Hotel/Motel, Lodging Houses	\$600 plus \$525/unit
Mobile Homes	\$600/trailer site
 Commercial & Industrial Users	
Water meter < 1"	\$800
Water meter 1 1/2"	\$1,600
Water meter > 1 1/2"	As determined by the Sewer Board for the specific Application

Capacity Fee for water services not listed are based on \$600 per 400 gallons per day (REU) or part thereof, contributed to the sewer system.