

**RESOLUTION NO. 2020-24**  
**A PROPOSED RESOLUTION of the SANITARY DISTRICT of**  
**HIGHLAND, LAKE COUNTY, INDIANA**

**A RESOLUTION MODIFYING AND ESTABLISHING USER FEES FOR**  
**THE COLLECTION, TREATMENT AND DISPOSAL OF WASTEWATER**  
**AND FOR THE MANAGEMENT OF STORMWATER, PURSUANT TO**  
**I.C. 36-9-25 ET SEQ.**

**WHEREAS**, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq; and

**WHEREAS**, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

**WHEREAS**, The Board of Sanitary Commissioners in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 36-9-25 including repealing and amending them consistent with the Sanitary District Law; and

**WHEREAS**, IC 36-9-25-11 and Section 12.10.050 of the Highland Municipal Code, specifically provides that the Board of Sanitary Commissioners may fix fees for disposal of sewage and other waste discharged into the sewerage system, *which includes* -- structures necessary or useful for the collection, treatment, purification, and **sanitary disposal** of the liquid waste, *solid waste*, sewage, *storm drainage*, and other drainage of a municipality, and may change fees from time to time in order to produce revenues sufficient to pay operation, maintenance and Administrative expenses; and

**WHEREAS**, Pursuant to HMC Section 12.20.360 *Annual Review*, the Board of Sanitary Commissioners has studied the current rates and charges of the district and has determined that the revenues are insufficient to provide reasonable funds for operation, maintenance, and replacements to the sewerage systems or that the rates need to better consistently recover fixed costs associated with the operation, maintenance and replacements to systems; and

**WHEREAS**, The Board has determined that changing rates and charges over all classes of users, including storm water charges, beginning on a date stated

herein, is necessary to provide sufficient revenues for operation, maintenance, and replacements to the sewerage systems; and

**WHEREAS**, The Board now desires to change the currently established sewer use rates for all classes of users,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Sanitary Commissioners of the Sanitary District of the Town of Highland, Indiana, and the Department of Public Sanitation that the following provisions and associated rates and charges for the disposal of sewage and other waste discharged into the sewerage system, including storm water, subject to IC 36-9-25-11(c):

**Section 1.** That **Section 12.20.050** of the Highland Municipal Code be hereby repealed in its entirety and amended to add a section to be numbered Section 12.20.050, which shall read as follows:

**12.20.050 Billing and collection of charges and rates.**

(A) Sewage service bills shall be rendered pursuant to the billing and reading frequencies and practices of the municipal water utility, all pursuant to Chapter [12.05](#) HMC. Service bills shall be payable at the same time as water service bills of said utility are payable.

(B) Such sewage service bills shall be based upon the rates and charges for the use of and service rendered by the sewage works, as described in this chapter. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owners; but such billings shall in no ~~wise~~ way relieve the owner from liability in the event payment is not made as herein required.

(C) *Landlord right to review records of tenant.* The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the district for the purpose of determining whether such rates and charges have been paid by such 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.

(D) The rates or charges made pursuant to the terms of this chapter against any lot, parcel of real estate or building that is connected with and uses the sewage works by or through any part of the sewage system of the district, or that in any way uses or is served by such works, shall be a lien, and the same are hereby declared, made, and constituted a lien upon and against any such lot, parcel of real estate or building. Such lien, after written notice to the owner of any such lot, parcel of real estate or building, shall attach as such rates or charges become due and payable,

and shall be superior to and take precedence over all other liens except the lien for taxes, and shall be enforced as hereinafter set out.

**(E) Delinquent Bills and Fees.** ~~Such~~ Rates or charges so established shall be paid **on the due date as stated in such bills, pursuant to Section 12.20.050 (A) of this code. Such rates and charges not paid when due shall be subject to a collection or delinquent payment charge.**

~~within 30 days after same are due.~~ If such rates or charges are not paid **on the due date thereof, as stated in such bills,** after written notice to the owner of any such lot, parcel of real estate or building, the same shall thereupon become and hereby are declared to be delinquent and a penalty of ~~10~~ ten percent (10%) of the amount of such rates or charges shall thereupon attach thereto, which rates or charges, together with the penalty, shall be collectible in the manner hereinafter provided.

~~(E)~~ **(F)** It shall be the duty of the clerk-treasurer of the town to enforce payment thereof, together with the penalty hereinabove provided.

(1) The clerk-treasurer shall certify to the county auditor a list of such rates or charges, including the amount of the penalty, which have become delinquent according to law.

(2) Such list shall include the name or names of the owner or owners of each and every lot, parcel of real estate or building on which such rates or charges have become delinquent, the description of such premises as shown by the records of the office of the county auditor, and the amount of such rates or charges, together with the amount of the penalty.

(3) It shall be the duty of the county auditor to place and include any such rates or charges, including the amount of the penalty, on the tax list, roll of taxes or tax duplicate, in the appropriate place thereon in respect to the premises on which any such rates or charges and penalty are due and payable, in such manner and pursuant to the terms of IC [36-9-25-11\(g\)](#), [36-9-23-33](#) and [36-9-23-34](#).

(4) **A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.**

(5) **A lien attaches against real property occupied by someone other than the owner only if the utility notifies the owner not later than twenty (20) days**

after the time the utility fees become sixty (60) days delinquent. A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under [IC 1-1-7-1](#)) to:

- (a) the owner of record of real property with a single owner; or
- (b) at least one (1) of the owners of real property with multiple owners; at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection. The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

~~(D)~~ (G) In addition to the methods of collection of such rates or charges, including the penalty thereon, when the same become delinquent as hereinabove provided, the sewage works shall have the right to foreclose the lien hereinbefore established. In all suits brought to foreclose such lien, the sewage works shall recover the amount of such rates or charges and the penalty thereon, together with a reasonable attorney's fee, pursuant to the terms of IC [36-9-25-11](#)(g), [36-9-23-33](#) and [36-9-23-34](#). [Ord. 764, 1978; amended during 2012 recodification; Ord. 1628 § 5, 2016. Code 1983 § 17-20. Code 2000 § 171.05].

(H) The municipality is subject to the fees established under this chapter for services rendered the municipality, and shall pay the fees when due.

**Section 2.** That **Section 12.25.030 (B)** of the Highland Municipal Code be hereby repealed in its entirety and amended to add a section to be numbered Section 12.25.030 (B), which shall read as follows:

(B) For the periods identified below and thereafter, the following fees and charges are in effect:

**Storm Water Management Fees Schedule**

(1) For the period beginning **January 1, 2021** and continuing thereafter, the following fees and charges are in effect:

Fees	M o n t h l y
<b>Residential</b>	
Single-Family Unit	\$ 15.22
Multiple-Family Units	
1 to 4 units (each)	\$ 11.39
5 to 12 units (each)	\$ 8.34

Greater than 12 units (each) \$ 5.30

**Non-Residential**

Category 1 (0 - 5,000 sq. ft.)	\$ 15.22
Category 2 (5,001 – 40,000 sq. ft.)	\$ 61.03
Category 3 (40,001 – 100,000 sq. ft.)	\$ 182.51
Category 4 (Over 100,000 sq. ft.)	\$ 304.16

**Section 3.** That Section 12.20.350 of the Highland Municipal Code be hereby repealed in its entirety and amended to add a new section to be numbered Section 12.20.350, which shall read as follows:

**12.20.350 Wastewater Rates and Charges; Collection and Billing.**

(A) For users of the sewage works who are also metered users of the municipal water works, the basis for user fees will be comprised of a **separate rate for Storm water management as set forth in Section 12.25.030 of this code, and another set of recurrent rates to cover costs** associated with ~~combined wastewater disposal, collection and wastewater treatment.~~ ~~rate which will be based~~ Users of the sewage works will be charged a flat rate designed to recover fixed costs that shall be based upon ~~metered usage and a second component which will be a flat fee or base rate to be based upon~~ **the size of water meter servicing the user, and a second charge, calculated as a rate upon metered usage**, all pursuant to I.C. 36-9-25-12.

(B) *The monthly base charge shall be based on a water meter size of not more than one size smaller than the service line in which the meter is installed.* Water meters shall be read and sewage service bills shall be rendered pursuant to the billing and reading frequencies and practices of the municipal water works utility, pursuant to Chapter 12.05 of this code.

(C) Rates and charges for wastewater treatment and management services are hereby fixed and shall be comprised of the following metered rates and base charges to be effective beginning **January 1, 2021:**

(1) A Monthly Base rate as set forth in this schedule, which shall be charged unrelated to metered usage:

<b>Meter Size</b>	<b>Base Rate Total</b>
5/8"	\$8.42
3/4"	\$12.62
1"	\$21.43
1 1/4"	\$33.52
1 1/2"	\$47.40
2"	\$82.15

3"	\$186.49
4"	\$331.37

(2) ~~Add a Metered rate~~ **A monthly rate based upon metered usage:**

\$ ~~3.26~~ **\$5.33** per 1,000 metered gallons

(3) For users of the sewage works that are unmetered users of the municipal water works, the monthly charge shall be determined by equivalent single-family residential units, except as otherwise herein provided. Sewage service bills shall be rendered pursuant to Section 12.20.350 (A). The schedule on which said rates shall be determined is as follows:

Unmetered monthly User Charge: **\$48.57** per unit.

(4) An additional surcharge for each dwelling unit over one serviced through a *single water meter* shall be added to the above rates **and charged according to the following schedule:**

Monthly surcharge: **\$8.49** per unit.

**Section 3.** That Section 12.20.340 (B) of the Highland Municipal Code be hereby repealed in its entirety and amended to add a new subdivision to the section to be styled as subdivision (B) and numbered Section 12.20.340, which shall read as follows:

**12.20.340 Special adjustments**

**(B) Summer Consumption Protocol.** There shall be a summer usage consumption protocol in order that single and two-family residential users of wastewater service shall not be unduly charged for sprinkling their lawns and other summer activities where higher consumption does not have a nexus to cost recovery and wastewater treatment.

**(1) There is established a summer usage period in which** shall apply to single-family and two-family residential users. The summer usage period applies to metered usage ~~for beginning on the date the meter is read in May,~~ June, July, August, **and September** and ~~ending on the date the meter is read in September~~ **October;**

**(2) There is established a winter measurement period, which shall comprise the actual metered usage for November, December, January, February and March. An average consumption shall be calculated for the winter measurement period. The average shall be calculated by taking the sum of the actual metered consumption for a customers in the months of the winter period, and dividing the total metered**

*usage by the five months.* The average metered usage for the winter measurement period of a customer will be calculated as a single average metered consumption for the billing season to which it applies;

~~The sewer charges associated with metered usage for May, June, July, August, and September shall be calculated on the basis of the **average** water **metered** usage in the designated months of winter usage: November and December, respectively. The sewer charges for July and August shall be calculated on the basis of water usage in the months of January and February, respectively.~~

~~(3)~~ In the event that the total actual water usage for said months of May, June, July, August and September in subsection (B)(1) of this section is less than the total actual water usage for said months of November, December, January, February and March, then the charges for the months of May, June, July, August, September shall be calculated on the basis of the total actual water used in these months. **During the summer usage period, charges for metered usage shall be based upon the lesser of either actual metered usage for period invoiced or the average metered consumption for the designated winter period.**

~~(3)(4)~~ The aforementioned consumption protocol will be executed and in effect immediately following the meter readings conducted in May. Notwithstanding the preceding, the summer consumption protocol will be observed on the bills mailed in June, July, August, September and October, where it will conclude. **The Superintendent of the Utility and the Billing authority (Clerk-Treasurer) shall jointly determine which bill(s) best reflect the metered usage intended to be captured during the summer usage period.**

~~(4)~~ (5) The aforementioned provisions shall apply to each lot, parcel of real estate or building which is occupied and used as a single-family residence. Said provisions shall not apply to any premises which are partially or wholly used for multifamily, commercial or industrial purposes. In the event a portion of such premises shall be used for single-family residence, 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 provisions hereunder shall be applicable to that portion of the premises used for residential purposes.

**(6) In the event a single-family or two-family residential user for *any reason* has no actual or insufficient usage associated with the winter measurement period, the Clerk-Treasurer shall be authorized to make a reasonable determination for the average usage that shall be used in calculating the adjustment associated with the summer usage protocol.**

**(7) Allowances shall not be granted for the filling of swimming pools nor for irrigation outside the summer rate period.**

**Section 4.** That pursuant to IC 36-9-25-11(c), the fees and charges imposed by the passage and adoption of this resolution shall become and be effective upon all users whose property is within the district, upon approval by ordinance passed and approved by the municipal legislative body, which is the Highland Town Council;

**Section 5.** That the Secretary of the Board of Sanitary Commissioners is hereby directed to forward a copy of this resolution to the Office of the Clerk-Treasurer as clerk of the legislative body, with a request that the Town Council of the Town of Highland, take up the matter for consideration and action at its earliest opportunity.

*Introduced on November 17, 2020. Ordered for a public hearing on December 15, 2020, all, pursuant to IC 36-9-25-11.*

**Duly Adopted** and approved this \_\_\_\_ Day of \_\_\_\_\_ 2020, by the Board of Sanitary Commissioners of the Town of Highland Sanitary District, Lake County, Indiana by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**SANITARY DISTRICT of HIGHLAND  
By Its BOARD of COMMISSIONERS:**

\_\_\_\_\_  
Richard Garcia, President

**Attest:**

\_\_\_\_\_  
David Jones, Secretary