

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF )  
THE TOWN OF WINFIELD, LAKE )  
COUNTY, INDIANA, FOR APPROVAL OF )  
A REGULATORY ORDINANCE )  
ESTABLISHING A SERVICE TERRITORY )  
FOR THE TOWN'S MUNICIPAL SEWER )  
SYSTEM PURSUANT TO IND. CODE § 8- )  
1.5-6 *ET SEQ.* )

CAUSE NO.: 45992

**PETITION**

The Town of Winfield, Lake County, Indiana ("Winfield"), by counsel, respectfully petitions the Indiana Utility Regulatory Commission ("Commission") for approval of Winfield's regulatory ordinance establishing a service territory for Winfield's municipal sewer system in accordance with Ind. Code § 8-1.5-6 *et seq.* In support of its Petition, Winfield shows the Commission as follows:

**I. Commission Jurisdiction**

1. Winfield is an Indiana municipality located in Lake County, Indiana, which owns and operates a municipal sewer utility.
2. Winfield serves a total of 2,252 sewer customers.
3. Winfield's sewer utility constitutes a "municipal utility" as defined in Ind. Code § 8-1.5-6-1.
4. As discussed in Part II below, the Town Council for the Town of Winfield, Lake County, Indiana ("Town Council"), adopted a "regulatory ordinance" as that term is defined in Ind. Code § 8-1.5-6-3. The regulatory ordinance establishes a service territory for Winfield's municipal sewer utility.

5. Pursuant to Ind. Code §§ 8-1.5-6-6 and 8-1.5-6-9, the Commission has jurisdiction over Winfield's regulatory ordinance to the extent such ordinance regulates areas within ten (10) miles outside Winfield's municipal boundaries.

## **II. Approval of Regulatory Ordinance**

6. On December 12, 2023, the Town Council adopted Ordinance No. 358, which is a regulatory ordinance (as defined in Ind. Code § 8-1.5-6-3) establishing Winfield's Sewer Service Area ("Sewer Service Area") and regulating the furnishing of sewer therein ("Regulatory Ordinance"). A copy of Ordinance No. 358 is attached hereto as Exhibit 1.

7. Winfield now seeks Commission approval of Ordinance No. 358 and to the extent such ordinance regulates areas within ten (10) miles outside Winfield's municipal boundaries. The Sewer Service Area is located within ten (10) miles of Winfield's municipal boundaries.

8. A general description and map depicting the Sewer Service Area are attached as Exhibit 2.

9. The enforceability of the Regulatory Ordinance (for those areas outside Winfield's municipal boundaries) is subject to the jurisdiction of the Commission pursuant to Ind. Code §§ 8-1.5-6-6 and 8-1.5-6-9.

10. The applicable Winfield ordinances (i.e. Ordinance Nos. 143-F and 143-G) that set forth the rates and charges for the services to be provided in the Sewer Service Area are attached as Exhibit 3.

11. There is not currently any administrative or judicial proceedings regarding the Regulatory Ordinance.

12. Upon information and belief, the utility that might be impacted by the Sewer Service Area is as follows:

- a. City of Crown Point, Indiana.
- b. Community Utilities of Indiana, Inc.

### **III. Conclusion**

13. Winfield is represented in this matter by the following counsel who respectfully requests service of all Commission Orders and/or filings by any parties in this matter:

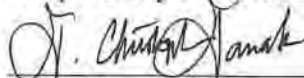
J. Christopher Janak, Atty. No. 18499-49  
Jacob Antrim, Atty No. 36762-49  
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14. Consistent with to Ind. Code § 8-1.5-6 *et seq.*, Winfield respectfully requests that the Commission approve Winfield Ordinance No. 358 (i.e., the Regulatory Ordinance) to the extent such ordinance regulates areas within ten (10) miles outside Winfield's municipal boundaries.

WHEREFORE, the Town of Winfield, Indiana, respectfully requests that the Commission approve the Regulatory Ordinance (as requested in paragraph 14 herein), the Sewer Service Area established therein, and for all other necessary and proper relief.

Respectfully submitted,



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130 N. Main Street  
Crown Point, Indiana 46307  
(219) 663-5600 | (219) 662-3519 Fax

*Counsel for the Town of Winfield, Indiana*

**CERTIFICATE OF SERVICE**

I certify that a copy of the fore going "Petition" was served upon the following by electronic mail this 13<sup>th</sup> day of December, 2023:

Indiana Office of Utility Consumer Counselor  
PNC Center, Suite 1500 South  
115 West Washington Street  
Indianapolis, IN 46204  
[infomgt@oucc.in.gov](mailto:infomgt@oucc.in.gov)

  
\_\_\_\_\_  
J. Christopher Janak

Bose McKinney & Evans LLP  
111 Monument Circle, Suite 2700  
Indianapolis, IN 46204  
(317) 684-5000

4682109.1

## **Exhibit 1**

TOWN OF WINFIELD, LAKE COUNTY, INDIANA

ORDINANCE NO. 358

AN ORDINANCE ESTABLISHING THE WASTEWATER SERVICE AREA FOR THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA, REGULATING THE FURNISHING OF WASTEWATER SERVICE THEREIN, AND ALL MATTERS RELATED THERETO

**WHEREAS**, the Town of Winfield, Lake County, Indiana (hereinafter, the "Town"), owns and operates the Town's municipal sewer system; and

**WHEREAS**, the provisions of I.C. § 36-9-23-2 and I.C. § 36-9-23-36 permits a municipal utility to exercise powers granted by I.C. § 36-9-23-2 in areas within ten (10) miles outside the municipality's corporate boundaries; and

**WHEREAS**, I.C. § 8-1.5-6-1 et seq., permits the Town to adopt a "Regulatory Ordinance" which, upon adoption, can be submitted to the Indiana Utility Regulatory Commission (hereinafter, the "Commission") for its review and approval and said Regulatory Ordinance allows the Town to regulate the furnishing of wastewater service in areas within ten (10) miles outside of the Town's corporate boundaries; and

**WHEREAS**, the Town seeks to establish a specific wastewater service area in an area that is within ten (10) miles of the Town's boundaries as permitted by Indiana law, excluding any area within the authorized service area of another wastewater utility.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WINFIELD, INDIANA, THAT:**

**SECTION ONE:** The Town of Winfield Wastewater Service Area is hereby defined and established as those areas within the corporate boundaries of the Town, as well as certain areas within ten (10) miles outside the Town's corporate municipal boundaries, excluding any area within the authorized service area of another wastewater provider. A map and description detailing the Town of Winfield Wastewater Service Area is attached hereto as Exhibit A.

**SECTION TWO:** Upon adoption of this Ordinance and its approval by the Commission, the Town (and its Municipal Wastewater Utility Department) shall hold an exclusive license to furnish and regulate wastewater service in the Town of Winfield Wastewater Service Area, and

the Town shall be the exclusive provider of wastewater utility service to the public within the Town of Winfield Wastewater Service Area.

**SECTION THREE:** Upon adoption of this Ordinance and its approval by the Commission, no other utilities are permitted to provide wastewater service within the Town of Winfield Wastewater Service Area. This Ordinance does not: (i) mandate the Town to extend service to areas where technically or financially not feasible; or (ii) prevent the use of onsite disposal systems where the Town does not currently have facilities available. Rather, this Ordinance expressly prohibits other utilities from furnishing wastewater service to customers within the Town of Winfield Wastewater Service Area.

**SECTION FOUR:** No end service user shall permit a connection to wastewater service within the Town of Winfield Wastewater Service Area by any other wastewater service provider.

**SECTION FIVE:** Any person, firm, or corporation that violates this Ordinance shall be subject to a civil penalty of two thousand dollars (\$2,000.00) per violation, and each day of violation shall be deemed a separate violation.

**SECTION SIX:** The Town's existing rules and regulations for wastewater service, as amended from time to time, including, but not limited to , the Town Sewer Use and Rate Ordinances, as amended from time to time, NPDES Permit, and all related rules and regulations, shall apply to and within the Town of Winfield Wastewater Service Area.

**SECTION SEVEN:** The Town hereby authorizes the Town Manager and Town Attorney to pursue any and all necessary approvals for the implementation, effectiveness, and enforcement of this Ordinance, including, but not limited to, seeking approval of this Ordinance by the Commission.

**SECTION EIGHT:** If any section, clause, provision, or portion of this Wastewater Service Area Establishment Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

**SECTION NINE:** That all existing Ordinances and Town Code provisions, or parts thereof, in conflict with the provisions of this Wastewater Service Area Establishment Ordinance, are hereby deemed null, void and of no legal effect, and are specifically repealed.





**SECTION NINE:** This Wastewater Service Area Establishment Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Winfield, Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF December, 2023, BY THE TOWN COUNCIL OF THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA.

TOWN OF WINFIELD,  
LAKE COUNTY, INDIANA,  
TOWN COUNCIL

**AYES**

  
TIMOTHY CLAYTON, President

  
ZACK BEAVER, Vice-President

  
DAVID ANDERSON, Member

  
JON DERWINSKI, Member

MICHAEL LAMBERT, Member

**NAYS**

\_\_\_\_\_  
TIMOTHY CLAYTON, President

\_\_\_\_\_  
ZACK BEAVER, Vice-President

\_\_\_\_\_  
DAVID ANDERSON, Member

\_\_\_\_\_  
JON DERWINSKI, Member

\_\_\_\_\_  
MICHAEL LAMBERT, Member

ATTEST:


  
\_\_\_\_\_  
RICHARD C. ANDERSON, JR., MBA,  
Clerk-Treasurer



Exhibit A

The following parcels of land lying in Township 34 North, 7 West of the Second Principal Meridian Lake County, Indiana:

South ½ of Section 21,  
South ½ Section 20,  
South ½ Section 19,  
Section 30,  
Section 29,  
Section 28,  
Northeast quarter of Section 31 lying north of the centerline of US 231 and the east half of the southeast quarter;  
Section 32;  
And Section 33,

And the following parcels of land lying in Township 33 North, 7 West of the Second Principal Meridian Lake County, Indiana:

The northeast quarter of Section 5 excepting the following parcel numbers per the Lake County Indiana Recorder's Office;

45-21-05-200-002.000-044

45-21-05-200-003.000-044

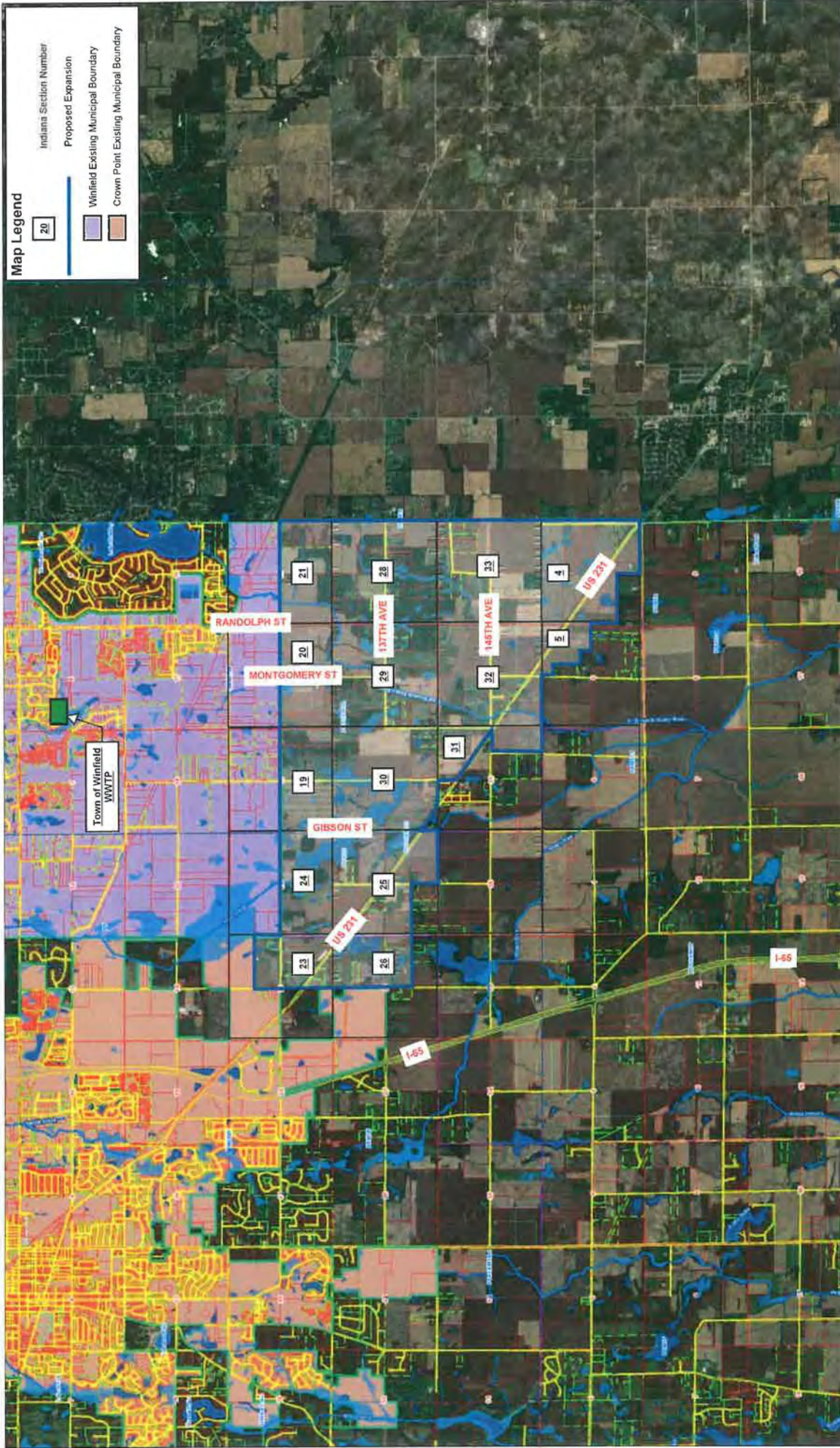
45-21-05-200-004.000-044

Section 4 except the south half of the southwest quarter thereof

Along with the following parcels of land lying in Township 34 North, 8 West of the Second Principal Meridian Lake County, Indiana:

South half of Section 24,  
Section 25 excepting the south half of the southwest quarter;  
South half of the northeast quarter and the southeast quarter of Section 23;  
Northeast quarter and the north half of the southeast quarter of Section 26

As shown on attached Exhibit A.



**Map Legend**

- Indiana Section Number  
20
- Proposed Expansion
- Winfield Existing Municipal Boundary
- Crown Point Existing Municipal Boundary

**WINFIELD, LAKE COUNTY, INDIANA DEVELOPABLE AREA**

Web Print: 12/04/2023

0 6,019 12,037 Feet

This map is a map generated from an aerial photograph and is for reference only. Data is not to be used for any other purpose. This map may or may not be accurate, current, or otherwise reliable.



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## **Exhibit 2**



The following parcels of land lying in Township 34 North, 7 West of the Second Principal Meridian Lake County, Indiana:

South ½ of Section 21,

South ½ Section 20,

South ½ Section 19,

Section 30,

Section 29,

Section 28,

Northeast quarter of Section 31 lying north of the centerline of US 231 and the east half of the southeast quarter;

Section 32;

And Section 33,

And the following parcels of land lying in Township 33 North, 7 West of the Second Principal Meridian Lake County, Indiana:

The northeast quarter of Section 5 excepting the following parcel numbers per the Lake County Indiana Recorder's Office;

45-21-05-200-002.000-044

45-21-05-200-003.000-044

45-21-05-200-004.000-044

Section 4 except the south half of the southwest quarter thereof

Along with the following parcels of land lying in Township 34 North, 8 West of the Second Principal Meridian Lake County, Indiana:

South half of Section 24,

Section 25 excepting the south half of the southwest quarter;

South half of the northeast quarter and the southeast quarter of Section 23;

Northeast quarter and the north half of the southeast quarter of Section 26

As shown on attached Exhibit A.



## **Exhibit 3**



**TOWN OF WINFIELD, LAKE COUNTY, INDIANA**

**ORDINANCE NO.: 143-F**

**AN ORDINANCE AMENDING TOWN SEWER RATE ORDINANCE NO. 143, AS AMENDED BY TOWN ORDINANCE NOS. 143-A, 143-B, 143-C, 143-D, AND 143-E, THE SAME BEING THE TOWN SEWER RATE ORDINANCE, REPEALING ALL ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HERewith, AND ALL MATTERS RELATED HERETO.**

**WHEREAS**, the Town Council of the Town of Winfield, Lake County, Indiana (hereinafter, the "Town Council"), has reviewed the matters pertaining to rates and charges to be collected by the Town from the owners of property served by the Sewage Works of the Town; and

**WHEREAS**, the Town Council has been informed and advised by the Town Sewer Board, as the jurisdictional body responsible for oversight and management of the Town Sewage Works System, that capital improvements for the Wastewater Collection System are necessary and required based upon conditions found in said collection system and determined to require immediate rehabilitation and capital improvement to properly operate the Sewage Works and Municipal Utility; and

**WHEREAS**, the Town Council has been further informed and advised that in order to properly operate the Sewage Works System and Town Municipal Utility, extensive collection system improvement is required immediately, and that in order to fund same, it is necessary and appropriate to adjust and amend the Schedule of Rates and Charges collected by the Town of Winfield from the owners of property served by the wastewater utility collection system of the Town so as to collect sufficient revenues to pay capital indebtedness for the Wastewater Collection System and Sewage Works of the Town to operate properly; and

**WHEREAS**, the Town Council has been further informed and advised by its Sewer Board, as jurisdictional body over the Town Sewage Works and Municipal Wastewater Utility that extensive improvement to the portion of the Wastewater Collection System serving the Doubletree Lake Estates Planned Unit Development Community, and specifically, as identified in the approved, executed and recorded Second Amended Final Development Plan for Doubletree Lake Estates Planned Unit Development, is immediately required; further, that for said mandatory and immediate necessary infrastructure improvement to the aforementioned community (hereinafter, "Doubletree Project Area"), substantial capital financing is required; and

**WHEREAS**, the Town Council, being duly informed, has been further informed and advised by its Financial Consultants, London Witte Group, as well as the Town Sewer Board, as jurisdictional body of the Town Sanitary District, that it is necessary to immediately raise sufficient revenues to pay capital or bonded indebtedness and operate the utility properly; further, the Town Council has been informed and advised by its aforementioned Financial Advisor Firm, London Witte Group, as well as the Town Sewer Board, as jurisdictional body of the Town Sewage Works and Municipal Wastewater Utility that it is now necessary and appropriate to adjust and amend the Schedule of Rates and Charges collected by the Town of Winfield from the owners of property served by the Sewage Works of the Town so as to collect sufficient revenues to pay capital or bonded indebtedness for the capital improvement projects now deemed mandatory and necessary for the Doubletree Project Area, as well as to properly operate the utility; and

**WHEREAS**, the Town Council, being duly advised regarding the Wastewater Collection System, as well as the conditions and circumstances in the Doubletree Project Area of the Town of Winfield, has

determined that it is necessary and appropriate to adjust and amend the Schedule of Rates and Charges collected by the Town of Winfield from the owners of property served by the Sewage Works of the Town so as to collect sufficient revenues to pay capital or bonded indebtedness for the Wastewater Collection System operation and capital improvement projects, including for the Doubletree Project Area, as well as to properly operate the Municipal Utility; and

**WHEREAS**, the Town Council, being duly advised, has further been provided the recommendation of the Town Sewer Board, in its advisory Resolution, noting the necessity of capital improvements in the Doubletree Project Area, and the Town Wastewater Collection System generally, and has considered these advisory recommendations herein for the purposes of this Amendatory Town Sewer Rate Ordinance; and

**WHEREAS**, the Town Council has held a Public Hearing on the proposed amendment to the Schedule of Rates and Charges to be collected by the Town of Winfield from the owners of property served by the Wastewater Collection System and Sewage Works of the Town in conformance with applicable law; and

**WHEREAS**, the Town Council, having conducted its Public Hearing, after being duly advised by its Financial Advisors at London Witte Group, as well as the Town Sewer Board, as jurisdictional body with authority over the Town Wastewater Collection System and Sewage Works of the Town, has concluded that amendment to the Schedule of Rates and Charges to be collected by the Town of Winfield from the owners of property served by the Sewage Works of the Town, is necessary and appropriate; further, the Town Council has concurred and agreed that a separate and special category or User Class of rates be adopted related specifically to the direct capital improvements and rehabilitation necessary in the Doubletree Project Area, as well as to amend the Schedule of Rates and Charges for all other owners of property served by the Wastewater Collection System and Sewage Works of the Town; and

**WHEREAS**, the Town Council, being duly advised by its Municipal Financial Advisor Firm, London Witte Group, its Sewer Board as jurisdictional body with authority over the Town Wastewater Collection System and Sewage Works, and having conducted its own review, while also conducting and holding its Public Hearing on the proposed amendment to the Schedule of Rates and Charges to be collected by the Town from owners of property served by the Wastewater Collection System and Sewage Works of the Town, now concurs and agrees that the Schedule of Rates and Charges to be collected by the Town of Winfield, Lake County, Indiana, from the owners of the property served by the Sewage Works of the Town be amended herewith accordingly.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That Section 1. of the Town Sewer Rate Ordinance No. 143, as amended after adoption by Town Sewer Rate Amendatory Ordinance Nos. 143-A, 143-B, 143-C, 143-D, and 143-E, be, and the same is now hereby amended to read and add hereafter as follows, namely:

**"Section 1.** Unless the context specifically indicates otherwise, the meaning of terms used in this Town Sewer Rate Ordinance, as amended from time to time, shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Winfield, Lake County, Indiana, or any duly authorized Officials acting in its behalf.
- (b) "Debt Service Costs" shall mean the maximum annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.

- (c) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (d) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (e) "Operation and Maintenance Cost" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that confirm with all related Federal, State and local requirements.
- (f) "Other Service Charges" shall mean tap charges, system development charges, connections charges, area charges, and other identifiable charges other than excessive strength surcharges.
- (g) "Person" shall mean any and all persons, natural or artificial, including an individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (h) "Project" shall mean DLZ Project No. 1764-2143-50 plans and contract documents titled DOUBLETREE EAST SANITARY SEWER REHABILITATION PROJECT, and dated August 18, 2017.
- (i) "Replacement Costs" shall mean the 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.
- (j) "Shall" is mandatory; "May" is permissive.
- (k) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Town Sewer Rate Ordinance, as amended from time to time, which regulates the connection to the use of public and private sewers.
- (l) "Town" shall mean the Town of Winfield, Lake County, Indiana, acting by and through the duly elected Town Council.
- (m) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities, as specified in this Town Sewer Rate Ordinance herein, as amended from time to time.

- (n) The classes of users of the Sewage Works for the purpose of this Ordinance, as amended from time to time, shall be as follows:

**Class I -** Residential  
Commercial  
Governmental  
Institutional  
Industrial

(Class I shall comprise all users whose premises are served by said Town Sewage Works, except Class II Users, as same are defined hereinafter in this Section 1. of the Town Sewer Rate Ordinance, as amended from time to time).

- (1) **Residential User** – shall mean a user of the treatment works whose premises or building is used primarily as a residence for one (1) or more persons, including all dwelling units, etc.
- (2) **Commercial User** – shall mean any establishment involved in a commercial enterprise, business or service, which based on a determination by the Town, discharge primarily segregate domestic wastes or wastes from sanitary conveniences.
- (3) **Governmental User** – shall mean any Federal, State or local governmental user of the wastewater treatment works, which based on a determination by the Town, discharge primarily segregate domestic wastes or wastes from sanitary conveniences.
- (4) **Institutional User** – shall mean any establishment involved in a social, charitable, religious, and/or educational function, which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- (5) **Industrial User** – shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

**Class II – Doubletree Project Area**

The Class II User Class herein shall include the persons whose premises are served by the project to be commenced and completed in the Doubletree Project Area, which is specified by the boundaries of the Second Amended Final Development Plan for Doubletree Lake Estates Planned Unit Development approved by the Lake County Plan Commission and Lake County, Indiana, Council October 15, 1996, and duly recorded in the Office of the Lake County Recorder August 1, 1997; that a copy of said recorded Second Amended Final Development Plan is attached hereto and incorporated herein as Exhibit "A". The Class II User Class shall include, as determined by the Town of Winfield, all persons whose premises are outside the above-referenced Second Amended Final Development Plan boundaries, but are benefitted and served by the Wastewater collection system improvements made in the Doubletree Project Area for which Class II User Rates and Charges are established,



as determined by the Town. Further, the Class II User Rates and Charges are resultant of the substantial and mandatory Rehabilitation improvements required in the Doubletree Project Area, as determined and reported to the Town by its Municipal Utility Engineering Firm and specified by the Project Design Plans, as defined and described herein.

**Section 2:** Every person whose premises are served by said Sewage Works shall be charged for the service provided. These charges are established for each User Class, as defined, in order that the Sewage Works shall recover, from each user and user class, revenue, which is proportional to its use of the treatment works in terms of peak requirements, volume, and load. User charges shall be uniform in magnitude within a designated User Class.

**Section 3.** For the use of the service rendered by 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, Sewage Works, or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the Wastewater Collection System and Sewage Works of the Town of Winfield. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided, and shall be in an amount and manner determined as follows:

- (a) Sewage service bills shall be rendered and payment shall be required to be made hereafter on a monthly basis.
- (b) Except as herein otherwise provided, the sewage rates and charges shall be based on the quantity of water used or shall be based on the quantity of sewage flow on or in the property or premises subject to such rates and charges as the same is determined by the water meter or sewage flow meter thereby used. Sewage service bills shall be rendered once each month (or period equaling a month).
- (c) The schedule on which said rates and charges shall be determined is as follows:

Treatment rate per 1,000 gallons:	\$11.95
Automotive Car Washes - Required to Use Metered Rates	
Evaporation Discount on Metered Water Usage	15% Discount
Minimum Monthly Charge (up to 2,000 gallons allowed)	\$23.90

- (d) For the water usage months of November, December, January, February, March, and April, in each year, metered residential customers shall be charged for waste water volume on the basis of actual monthly water meter readings.
- (e) For the water usage months of May, June, July, August, September, and October, metered residential customers shall be billed on the basis of an average of the individual customer's monthly water meter readings for the prior November, December, January, February, March, and April water meter readings.
- (f) Where the residential customer's actual usage for the May, June, July, August, September, or October billing periods is less than the average use for the previous winter, the lower number shall be used for the volume calculation.

- (g) When a metered residential customer has no usage history for the subject real estate from the base period of November, December, January, February, March, April, or May, in order to calculate a summer adjusted billing, the metered residential customer shall be charged the User Class I amount of \$59.75 per month, or the applicable monthly User Class II charge per monthly billing period for the summer (May, June, July, August, September, October) rate.
- (h) The monthly sewer service charge for each User, if such User is not a metered water customer and such User does not have a sewage flow meter, shall be as follows:

**Flat Rate Charges (For Non-Metered Customers ONLY):**

Single Family Residential Dwelling – User Class I	Per Home	\$59.75
Single Family Residential – User Class II (includes Doubletree Project Area surcharge)	Per Home	\$69.75
Duplex Residential Dwelling	Per Duplex	\$120.00
Apartment and Condominiums:		
One Bedroom	Per Unit	\$39.00
Two Bedroom	Per Unit	\$58.20
Three Bedroom	Per Unit	\$67.80
Assembly Hall	Per Seat	\$0.60
Bar (without Food Service)	Per Seat	\$1.80
Beauty Salon	Per Customer	\$6.60
Bowling Alley:		
With Bar and/or Food Service	Per Lane	\$24.00
Without Food Service	Per Lane	\$14.40
Church:		
With Kitchen	Per Sanctuary Seat	\$1.20
Without Kitchen	Per Sanctuary Seat	\$0.60
Day Care Center	Per Person	\$3.60
Dentist	Per Chair Plus	\$145.20
	Per Employee	\$14.40
Food Service Operations:		
Cocktail Lounge	Per Seat	\$6.60
Non 24 Hour Restaurant	Per Seat	\$6.60
24 Hour Restaurant	Per Seat	\$9.60
Interstate 24 Hour Restaurant	Per Seat	\$13.80
Tavern	Per Seat	\$6.60
Curb Service (Drive In) Restaurant	Per Seat	\$9.60
Governmental Entities or Public Authorities		
Required to use metered rates based on water		

usage		
Hospital or Medical Facilities	Per Bed	\$39.00
Hotel	Per Room	\$19.20
Kennels	Per Animal Enclosure	\$3.60
Mental Health Facility	Per Patient	\$19.20
Mobile Home Park	Per Lot	\$39.00
Motel	Per Room	\$19.20
Nursing Home	Per Bed	\$19.20
Office Building	Per Employee	\$3.60
Orthodontist	Per Chair Plus	\$72.60
	Per Employee	\$7.20
Outpatient Surgical Center	Per Patient	\$9.60
School:		
Elementary	Per Pupil	\$3.00
Secondary	Per Pupil	\$4.80
Service (Gas) Station	Per Restroom	\$77.40
Shopping Center	Per 1,000 Sq. Ft of Floor Space	\$19.20
	Per Employee	\$3.60
Theater		
Drive In	Per Car Space	\$1.20
Inside Building	Per Seat	\$1.20

**Doubletree Project Area Surcharge (Class**

**II):**

Surcharge per month \$10.00

**Nonrecurring Charges:**

Non-Sufficient Funds (Bad Check Charge or Otherwise Dishonored Payment) or the charge incurred by the Town of Winfield from its depository bank, whichever is greater. per occurrence \$27.50

- (i) The monthly rates and charges provided herein shall be applied throughout the year based upon the maximum sewage service required in any month in any calendar year. For example, the user charges based upon employment shall be applied throughout the year based upon the maximum employment of the user for such single maximum employment month, and such maximum usage shall be applied though the year."

**SECTION TWO:** That all other provisions of Town Ordinance No. 143, as amended by Town Ordinance Nos. 143-A, 143-B, 143-C, 143-D, and 143-E, the Town Sewer Rate Ordinance, not amended hereby, are herein ratified and reaffirmed, and shall remain in full force and effect.



**SECTION THREE.** That all existing Ordinances and Town Code Sections, or parts thereof, in conflict with the provisions of this Amendatory Sewer Rate Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

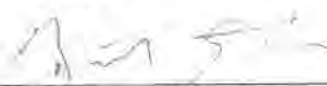
**SECTION FOUR.** If any section, clause, provision, or portion of this Town Sewer Rate Amendatory Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Town Sewer Rate Amendatory Ordinance.

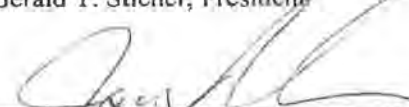
**SECTION FIVE:** That this Town Sewer Rate Amendatory Ordinance shall take effect, and be in full force and effect November 1, 2017, upon passage and adoption by the Town Council of the Town of Winfield, Lake County, Indiana, and publication, in conformance with applicable law.

**ALL OF WHICH IS PASSED AND ADOPTED THIS 26<sup>th</sup> DAY OF October, 2017, BY THE TOWN COUNCIL OF THE TOWN OF WINFIELD, INDIANA.**


**TOWN COUNCIL  
TOWN OF WINFIELD, LAKE COUNTY, INDIANA**


**AYES**

  
Gerald T. Stiener, President

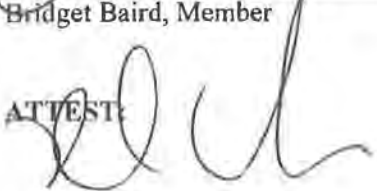
  
James Simmons, Vice President

  
David Anderson, Member

  
Timothy Clayton, Member

  
Bridget Baird, Member

**ATTEST:**

  
Richard C. Anderson Jr., MBA,  
Clerk-Treasurer

**NAYES**

\_\_\_\_\_  
Gerald T. Stiener, President

\_\_\_\_\_  
James Simmons, Vice President

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David Anderson, Member

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Timothy Clayton, Member

\_\_\_\_\_  
Bridget Baird, Member

**TOWN OF WINFIELD, LAKE COUNTY, INDIANA**

**ORDINANCE NO.: 143-G**

**AN ORDINANCE AMENDING TOWN ORDINANCE NO. 143, AS AMENDED BY TOWN ORDINANCE Nos. 143-A, 143-B, 143-C 143-D, 143-E, and 143-F, THE SAME BEING THE TOWN SEWER RATE ORDINANCE, REPEALING ALL ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED THERETO.**

**WHEREAS**, the Town of Winfield, Lake County, Indiana (hereinafter, the "Town"), pursuant to the applicable provisions of I.C. § 36-9-23-1, et seq., (hereinafter the "Act"), owns, operates, manages and controls a Sewage Works Collection System (hereinafter, the "Sewage Works System"); and

**WHEREAS**, the capital costs of the Town Sewage Works System have been paid for by existing ratepayers and customers through rates and charges, as set forth in Town Sewer Rate Ordinance No. 143, as adopted, and thereafter, amended from time to time; and

**WHEREAS**, pursuant to the Town Sewer Rate Ordinance No. 143, passed and adopted by the then-Town Council of the Town March 21, 2006, there is a current System Development Charge to new customers of the Town Sewage Works System to pay for such new customer's proportionate share of the historical capital costs of the Sewage Works System, all pursuant to said Town Sewer Rate Ordinance No. 143, as amended; and

**WHEREAS**, the Town Council has reviewed the existing and current System Development Charge, and has engaged the Town Municipal Financial Advisor Firm, London Witte Group, for review and analysis of the adequacy and sufficiency of the current System Development Charge rate schedule for the appropriate and proportionate share of new customers' responsibilities for historical capital costs of the Town Sewage Works System, as well as for the proper and lawful operation and maintenance of the Town Sewage Works System; and

**WHEREAS**, the Town Council has been informed and advised by its Municipal Financial Advisor Firm, London Witte Group, that it is appropriate and advisable for new customers to pay, upon connection, an increased fee by which they can pay their proportionate share paid by or on behalf of existing customers so as to finance further improvements and extensions to the Sewage Works System, and meet all lawful revenue requirements; and

**WHEREAS**, the Town Council, having reviewed the circumstances and present current System Development Charge, as well as being duly advised by its Municipal Financial Advisor Firm, London Witte Group, now concurs and agrees that it is necessary and advisable to amend Town Sewer Rate Ordinance No. 143, as same has been amended thereafter, to increase the amount of said System Development Charge by new customers of the Sewage Works System based upon historical costs incurred as well as anticipated costs for improvements and additions to the Sewage Works System necessitated by new and future customers anticipated to connect to said Town Sewage Works System; and

**WHEREAS**, the Town Council has specifically relied upon the advice and recommendation of its Municipal Financial Consultant Firm, London Witte Group (hereinafter, the "Financial Advisor"), which has recommended the appropriate level of amended System Development Charge; and

**WHEREAS**, the proposed Amended System Development Charge recommended to the Town Council by its Financial Advisor Firm is computed pursuant to a methodology which is widely accepted in the industry for purposes of computing rates and charges which are non-discriminatory, reasonable, just and equitable; and

**WHEREAS**, the Act authorizes the Town Council to adopt by Ordinance a just and equitable schedule of rates and charges for sewer service; and

**WHEREAS**, a Notice of Public Hearing has been published giving notice to present and future customers of the Town Sewage Works System of a Public Hearing held regarding the proposed schedule of amended rates and charges, and specifically those pertaining to Sewer System Development Charges; and

**WHEREAS**, the Town Council has held a Public Hearing as noticed and published in conformance with applicable law, whereby present and future customers of the Sewage Works System were given an opportunity to be heard concerning such proposed schedule of amended rates and charges; and

**WHEREAS**, the Town Council, being duly advised, including by and through its Municipal Financial Advisor Firm, London Witte Group, has determined that the recommended schedule of amended rates and charges adopted herein, and specifically for System Development Charges, is non-discriminatory, reasonable, just and equitable.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA:**

**SECTION ONE:** That Section 4, entitled System Development Charge, of Town Sewer Rate Ordinance No. 143, as amended, is hereby currently again amended to read and provide hereafter for System Development Charges to be charged and collected from new and future customers of the Town Sewage Works System as set forth, namely:

**"Section 4. System Development Charge**

A System Development Charge will be collected from new customers of the Town Sewage Works System in accordance with the following schedule:

Meter Size	5/8" - 3/4"	1"	1 1/4"	1 1/2"	2"	3"	4"	6"	8"
Ratio	1.0	2.5	4.0	5.8	10.0	23.0	40.0	91.0	162.1
Charge	\$3,190	\$7,975	\$12,760	\$18,502	\$31,900	\$73,370	\$127,600	\$290,290	\$517,099

**SECTION TWO:** That the Amended System Development Charge Rate established hereby shall be charged and collected by the Town at the same time and in the same manner as the collection of Building Permit Fees in the Town.

**SECTION THREE:** That all remaining terms and provisions of Town Sewer Rate Ordinance No. 143, as amended by each of Town Ordinance Nos. 143-A, 143-B, 143-C, and 143-D, 143-E, and 143-F, not amended hereby, shall remain in full force and effect and are hereby ratified.

**SECTION FOUR.** That all existing Ordinances and Town Code Sections, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION FIVE.** If any Section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other Section, clause, provision or portion of this Ordinance.

**SECTION SIX:** That this Ordinance shall take effect, and be in full force and effect upon passage and adoption by the Town Council of the Town of Winfield after publication of notice of said adoption in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF Feb., 2019, BY THE TOWN COUNCIL OF THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA.

**TOWN COUNCIL  
TOWN OF WINFIELD, LAKE COUNTY, INDIANA**

AYES



Gerald T. Stiener, President



Timothy Clayton, Vice President



David Anderson, Member

Bridget Baird, Member

James R. Simmons, Member

NAYES

Gerald T. Stiener, President

Timothy Clayton, Vice President

David Anderson, Member

Bridget Baird, Member

James R. Simmons, Member

**TOWN COUNCIL  
TOWN OF WINFIELD, LAKE COUNTY, INDIANA**

ATTEST:



Richard C. Anderson Jr., MBA,  
Clerk-Treasurer