

Petitioner's Exhibit 2

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 12th 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.

