

IC 14-33-22

Chapter 22. Rates or Charges for Sewerage System Service in Marion County

IC 14-33-22-1

Application of chapter

Sec. 1. This chapter applies only to a district located in whole or in part in a county having a consolidated city.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-2

"Sewage" defined

Sec. 2. As used in this chapter, "sewage" means the water carried wastes:

- (1) created in; and
- (2) carried or to be carried away from;

residences, hotels, schools, hospitals, industrial establishments, and other private or public buildings.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-3

"Sewerage system" defined

Sec. 3. (a) As used in this chapter, "sewerage system" means plants, works, systems, facilities, or properties used or having the capacity for use in connection with the:

- (1) collection;
- (2) carrying away;
- (3) treating;
- (4) neutralizing;
- (5) stabilizing; or
- (6) disposing;

of sewage, industrial waste, or other wastes and any integral part of the wastes.

(b) The term includes the following:

- (1) Disposal fields, lagoons, pumping stations, drainage ditches, surface water intercepting sewers, lateral sewers, force mains, pipes, pipelines, conduits, equipments, and appurtenances.
- (2) All properties, rights, easements, and franchises relating to the system considered necessary or convenient by the board.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-4

"User" defined

Sec. 4. As used in this chapter, "user" means a person or governmental entity that is the owner or occupant of real property, a part of which is connected to a sewerage system operated by a district.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-5

"Works" defined

Sec. 5. As used in this chapter, "works" means a sewage treatment plant, intercepting sewers, main sewers, submain sewers, local and lateral sewers, outfall sewers, force mains, pumping stations, ejector stations, and other appurtenances that are:

- (1) necessary or useful and convenient for the collection, treatment, purification, and disposal in a sanitary manner of the liquid and solid waste, sewage, sludge, night soil, and industrial waste; and
- (2) owned, operated, and maintained under the control of a board.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-6

Request for assessment

Sec. 6. A user, all or a part of whose real property is subject to no tax other than the special benefits tax imposed under this article, may file with the county assessor and the board a request for assessment of the user's real property under this chapter. A request for a change in assessment must be filed before November 2 of the year preceding the March 1 assessment date for which the change in assessment is requested. Every request applies only to the following:

- (1) Real property specified in the request and subject to no tax other than the special benefits tax imposed under this article.
- (2) The past year specified in the request for which assessment is requested under this chapter and all future years until further notice.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-7

Assessment of property; calculation of tax rate

Sec. 7. For each assessment date to which a request filed under section 6 of this chapter applies, the county assessor shall assess the real property specified in the request at an amount that, when multiplied by the tax rate for the district for the taxes due and payable in the year of the assessment date, equals the just and equitable rate to the user as determined by the board as of the most recent December 1 under section 11 of this chapter.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-8

Schedule of just and equitable rates; applicability

Sec. 8. (a) The board shall establish a schedule of just and equitable rates or charges for the use of and the service provided by the works to be paid by a user who:

- (1) owns or occupies real property that is partially or entirely exempt from general taxation and:
 - (A) is connected with and uses the works by or through any part of the sewerage system; or
 - (B) that in any way uses or is served by the works; and

(2) files a request for determination as provided in section 6 of this chapter.

(b) The board may change the schedule periodically.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-9

Hearing to establish or change schedule

Sec. 9. (a) A schedule may be established or changed only after a public hearing at which:

(1) all persons using the works or owning real property served or to be served by the works; and

(2) other interested persons;

have an opportunity to be heard concerning the proposed schedule.

(b) After adoption of a resolution fixing the schedule and before the resolution is put into effect, notice of the hearing shall be given by one (1) publication in a newspaper having general circulation in the district at least ten (10) days before the date fixed in the notice for the hearing. The hearing may be adjourned as needed.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-10

Resolution establishing schedule; changes

Sec. 10. After a hearing held under section 9 of this chapter, the resolution establishing the schedule, either as originally passed or as modified and amended, shall be passed and put into effect. A copy of the schedule must be kept on file in the office of the board and must be open to inspection to all interested parties. A change or readjustment of the schedule may be made at any time in the same manner as the schedule was originally established.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-11

Fixing or changing just and equitable rate

Sec. 11. (a) The board:

(1) shall, before December 2 of the year in which a request is filed, fix the just and equitable rate for each user filing a request under section 6 of this chapter according to the schedule adopted; and

(2) may change the rate prospectively before December 2 of a future year to reflect changes in the user's use of the sewerage system.

(b) The board shall promptly notify:

(1) the county assessor; and

(2) the affected user;

of the rate as originally fixed and as changed periodically.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-12

Basis of rate schedule

Sec. 12. The schedule of rates or charges for the treatment and

disposal of sewage may be fixed and determined by the board on the basis of any of the following:

- (1) A flat charge for each sewer connection.
- (2) The amount of water used on the premises and discharged into the sewerage system.
- (3) The number and size of water outlets on the premises.
- (4) The amount, strength, and character of sewage discharged into the sewers.
- (5) The size of sewer connections.
- (6) Any combination of these factors or other factors.

As added by P.L.1-1995, SEC.26.

IC 14-33-22-13

Fraction of property exempt

Sec. 13. (a) If only a part of:

- (1) a tract or lot of land; or
- (2) a building;

connected to the sewerage system is exempt from general taxation, the rates and charges established under this chapter shall be reduced by a fraction.

(b) The fraction to be used under subsection (a) is established by using:

- (1) the assessed valuation of the part subject to tax as the numerator; and
- (2) the total assessed value as the denominator.

As added by P.L.1-1995, SEC.26.