

## **IC 36-11-9**

### **Chapter 9. Rates and Charges**

#### **IC 36-11-9-1**

##### **Manner of imposition by governing body; approval by county legislative body**

Sec. 1. (a) Except as provided in subsection (b), the governing body may determine and impose rates and charges of the district based on the following:

- (1) A flat charge for each system.
- (2) Variable charges based on the capacity of a system.
- (3) Other factors that the governing body determines are necessary to establish just and equitable rates and charges.

(b) In:

- (1) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
- (2) a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000);

rates and charges may be imposed or changed under this chapter only after approval by the county legislative body.

*As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.  
Amended by P.L.119-2012, SEC.246.*

#### **IC 36-11-9-2**

##### **Billing and collecting rates and charges**

Sec. 2. Unless the governing body finds and directs otherwise, the district is considered to benefit every:

- (1) lot;
- (2) parcel of land; or
- (3) building;

served by a system. The rates or charges shall be billed and collected accordingly.

*As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.*

#### **IC 36-11-9-3**

##### **Amount of rates and charges**

Sec. 3. (a) Just and equitable rates and charges are those that produce sufficient revenue to pay all expenses incidental to the operation of the district.

(b) Rates and charges too low to meet the financial requirements described in subsection (a) are unlawful.

*As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.*

#### **IC 36-11-9-4**

##### **Establishment of rates and charges after public hearing**

Sec. 4. The governing body shall establish the rates and charges after a public hearing at which all:

- (1) the owners of systems; and

(2) others interested;  
have an opportunity to be heard concerning the proposed rates and charges.  
*As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.*

**IC 36-11-9-5**

**Publication of proposed rates and charges; adjournment of hearing**

Sec. 5. After introduction of the ordinance initially fixing rates and charges but before the ordinance is finally adopted, notice of the hearing setting forth the proposed schedule of the rates and charges must be given by publication one (1) time each week for two (2) weeks in a newspaper of general circulation in the county. The last publication must be at least seven (7) days before the date fixed in the notice for the hearing. The hearing may be adjourned as necessary.  
*As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.*

**IC 36-11-9-6**

**Passage of ordinance; schedule of rates and charges available to public**

Sec. 6. (a) The ordinance establishing the initial rates and charges, either as:

- (1) originally introduced; or
- (2) modified and amended;

shall be passed and put into effect after the hearing. However, the governing body must approve any modification or amendment of the rates and charges.

(b) A copy of the schedule of the rates and charges established must be:

- (1) kept on file in the office of the district; and
- (2) open to public inspection.

*As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.*

**IC 36-11-9-7**

**Change in rates and charges**

Sec. 7. A change of the rates and charges may be made in the same manner as the rates and charges were originally established.  
*As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.*