

ORDINANCE NO. 27-2019
AN ORDINANCE ESTABLISHING THE WASTEWATER SERVICE AREA FOR THE
CITY OF VALPARAISO, INDIANA, AND REGULATING THE FURNISHING OF
WASTEWATER SERVICE THEREIN

WHEREAS, the City of Valparaiso, Indiana (“City”), by and through the Valparaiso City Utilities (“VCU”), owns and operates the City’s municipal sewer system; and

WHEREAS, Ind. Code § 36-9-23-2 and Ind. Code § 36-9-23-36 permits a municipal utility to exercise powers granted by Ind. Code § 36-9-23-2 in areas within ten (10) miles outside its corporate boundaries; and

WHEREAS, Ind. Code ch. 8-1.5-6 permits the City to adopt a “regulatory ordinance” which can then be submitted to the Indiana Utility Regulatory Commission (“Commission”) for its review and approval and said regulatory ordinance allows the City to regulate the furnishing of wastewater service in areas within ten (10) miles outside the City’s corporate boundaries; and

WHEREAS, the City wishes to establish a specific wastewater service area in an area that is within ten (10) miles of its corporate 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 COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, that:

Section 1. The City of Valparaiso Wastewater Service Area is hereby defined and established as those areas within the corporate boundaries of the City, as well as certain areas within ten (10) miles outside the City’s boundaries, excluding any area within the authorized service area of another wastewater. A map and description detailing the City of Valparaiso Wastewater Service Area is attached hereto as Exhibit A. The areas included within the City of Valparaiso Wastewater Service Area are highlighted in green (Damon Run CD Service Areas), blue (2017 VCU Master Plan Service Areas), and orange (Other Proposed Service Areas).

Section 2. Upon adoption of this Ordinance and its approval by the Commission, the City (and VCU) shall hold an exclusive license to furnish and regulate wastewater service in the City of Valparaiso Wastewater Service Area, and VCU shall be the exclusive provider of wastewater utility service to the public within the City of Valparaiso Wastewater Service Area.

Section 3. Upon adoption of this Ordinance and its approval by the Commission, no other utilities are permitted to provide wastewater service within the City of Valparaiso Wastewater Service Area. This Ordinance does not: (i) mandate the City or VCU to extend service to areas where technically or financially not feasible; or (ii) prevent the use of onsite disposal systems where the City does not currently have facilities available. Rather, this Ordinance expressly prohibits other

utilities from furnishing wastewater service to customers within the City of Valparaiso Wastewater Service Area.

Section 4. No end service user shall permit a connection to wastewater service within the City of Valparaiso Wastewater Service Area by any other wastewater service provider.

Section 5. 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 6. VCU's existing rules and regulations for wastewater service, as amended from time to time, shall apply to and within the City of Valparaiso Wastewater Service Area.

Section 7. If any one or more of the terms, provisions, or sentences of this Ordinance, or portions of the City of Valparaiso Wastewater Service Area, shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Ordinance.

Section 8. The City hereby authorizes VCU and its Board of Directors 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 9. This Ordinance shall be in full force and effect from and after its adoption, approval by the Mayor, and any required regulatory approval.

Passed and adopted by the Common Council of the City of Valparaiso, Indiana, on this 14th day of October, 2019.

Presiding Officer

Attest:

Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, on the _____ day of _____, 2019, at the hour of _____, ____m.

Clerk-Treasurer

Exhibit A

