

TOWN OF SHIPSHEWANA, INDIANA

ORDINANCE NO. 2025-09-11-B

AN ORDINANCE AMENDING THE USAGE CHARGES RELATED TO CUSTOMER USE OF THE TOWN'S SEWAGE WORKS.

WHEREAS, pursuant to Indiana Code ("IC") 36-5-2-2, the Town Council of the Town of Shipshewana ("Town Council") is the legislative body of Shipshewana, Indiana ("Town");

WHEREAS, pursuant to IC 8-1.5-3-3 and Town Ordinance 2025-01-23-B, as codified in § 52.01 of The Shipshewana Town Code of 1997 ("Town Code"), the Town Council is the board responsible for operating the Town's sewage works, managing the Town's wastewater department;

WHEREAS, pursuant to IC 36-9-23-25(a), the municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works, and provide the dates on which the fees are due;

WHEREAS, pursuant to IC 36-9-23-25(b), "just and equitable fees" are considered to be those fees required to maintain the sewage works in the sound physical and financial condition necessary to render adequate and efficient service in an amount sufficient to: (1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations; (2) provide for any required sinking fund; (3) provide adequate money to be used as working capital; and (4) provide adequate money for improving and replacing the works;

WHEREAS, on April 24, 2025, the Town Council adopted Ordinance 2025-04-24-A, which set usage charges for customer use of the Town sewage works (as stipulated, "usage charges");

WHEREAS, in conformity with prior wastewater rate ordinances and the recommendation of the Town's financial consultant, the usage charges with respect to property located outside the corporate boundaries of the Town continue to remain 15% higher compared to usage charges for property located within the corporate boundaries of the Town;

WHEREAS, on July 10, 2025, pursuant to IC 6-9-27-3, the Town Council adopted Ordinance 2025-07-10-A whereby it increased the Shipshewana Food and Beverage Tax ("Tax") rate;

WHEREAS, given the pledge of the Tax revenues to the wastewater utility, the Town's financial consultant has presented to the Town Council a *Cost of Service Study with Food and Beverage Tax Bonds* dated September 9, 2025 ("Study") which proposes adequate usage charges under the Tax;

WHEREAS, pursuant to IC 6-9-27-9 and the Study, the Town Council has determined that it is fiscally prudent to pledge a portion of the Tax revenues for the financing, construction, operation, and/or maintenance of the Town's wastewater treatment facility and thereby reduce the usage charges;

WHEREAS, pursuant to IC 36-9-23-26(a), this Wastewater Utility Rate Ordinance has been previously introduced; notice of a public hearing has been duly given by publication and by mail: (1) to owners of vacant or unimproved property; and (2) to customers of the sewage works

located outside the Town’s corporate boundaries; and a public hearing was held at which users of the sewage works, owners of property served or to be served by the sewage works, and other interested persons were able to speak concerning the proposed rates and charges; *and*

WHEREAS, a motion to adopt this ordinance has been substantively introduced and seconded by members of the Town Council constituting a legal quorum present at a public meeting, which was duly called in accordance with a notice stating the date, time, place, and purpose of the meeting in accordance with IC 5-14-1.5-5.

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

SECTION I – NAME

The name of this ordinance shall be the “Wastewater Utility Rate Ordinance.”

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – USAGE CHARGES

A new Section 52.41 of Chapter 52 of the Town Code is hereby entitled “Usage Charges” and is enacted to read as follows:

- A. Assessment. Each billing cycle, the utility billing administrator shall assess a usage charge on each wastewater account.
- B. Amount. The amount of the usage charge shall equal the sum of a volume charge *plus* a capital charge in the following amounts:
 - 1. Volume Charge. The volume charge is assessed based on the customer’s water usage for the billing cycle, as measured by the respective water meter, at the following rates:

Volume Charge (per 1,000 gallons)	In-Town Rate	Out-of-Town Rate
	\$15.35	\$17.65

{Continue to next page.}

2. Capital Charge. The capital charge is assessed based on customer class, as follows:

Capital Charge (per billing cycle)							
Meter Size	Meter Equivalency	In-Town Rate			Out-of-Town Rate		
		Residential & Public Authority Customers	Industrial Customers	Commercial Customers	Residential & Public Authority Customers	Industrial Customers	Commercial Customers
Less than 1" Meter	1.00	\$24.50	\$69.34	\$121.03	\$28.17	\$79.74	\$139.18
1" Meter	2.50	\$61.25	\$173.34	\$302.58	\$70.43	\$199.34	\$347.96
1-½" Meter	5.81	\$142.35	\$402.84	\$703.18	\$163.70	\$463.26	\$808.65
2" Meter	10.01	\$245.25	\$694.04	\$1,211.51	\$282.03	\$798.14	\$1,393.23
3" Meter	23.03	\$564.24	\$1,596.79	\$2,787.32	\$648.87	\$1,836.30	\$3,205.41
4" Meter	40.96	\$1,003.52	\$2,839.96	\$4,957.39	\$1,154.04	\$3,265.95	\$5,700.99
6" Meter	92.16	\$2,257.92	\$6,389.91	\$11,154.12	\$2,596.60	\$7,348.39	\$12,827.23
8" Meter	163.84	\$4,014.08	\$11,359.85	\$19,829.56	\$4,616.19	\$13,063.82	\$22,803.99

3. Out-of-Town Premium. In accordance with this section, the usage charge for service to property located outside the corporate boundaries of the Town is 15% higher as compared to comparable property located within the corporate boundaries of the Town.

SECTION IV – REPEAL OF PRIOR LAW

A. Repeal. Ordinance 2025-04-24-A, which was adopted on April 10, 2025, is hereby repealed in its entirety.

B. Continuance.

1. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, the provisions shall not be deemed a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.
2. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

- C. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, provision, code header, or code section.

SECTION V – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of the) Town of Shipshewana (Indiana).”
3. Should a provision of this ordinance require any action to be done which, by law, an agent or deputy may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

- B. Conflicts. No part of this ordinance shall be construed to conflict with any applicable local, state, or federal law, and all reasonable efforts should be made to harmonize the same.

- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

- D. Promulgation. The Clerk-Treasurer is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.

- E. Effective Date. This ordinance shall take effect on October 1, 2025.

{Continue to next page for Adoption section.}

SECTION VI – ADOPTION

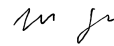
Ayes: 4
Nays: 0
Abstentions: 0

Adopted and ordained this 11th day of September 2025.

**TOWN COUNCIL OF THE TOWN OF
SHIPSHEWANA, INDIANA**




Christine Yoder, President



Nicholas Engle, Vice President

Whitney Rahn, Member



Timothy J. Moon, Member



Lyle Miller, Member

ATTEST:



Tad Hite, Clerk-Treasurer

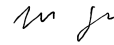
WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall take effect as provided therein.

TOWN COUNCIL OF THE TOWN OF SHIPSHEWANA, INDIANA



Christine Yoder, President



Nicholas Engle, Vice President

Whitney Rahn, Member

Timothy J. Moon, Member



Lyle Miller, Member

ATTEST:



Tad Hite, Clerk-Treasurer

3FI937202