Cumberland Town Council

Ordinance 2019-08

Adopting Connection Policy

Whereas, Section § 00-05-50, of the Town of Cumberland Code of Ordinances provides rules, requirements, and polices of the Town regarding sanitary sewer systems; and

Whereas, the Town Sanitary Sewer Board is responsible for the operation of the sanitary utilities under Indiana law and Town Code; and

Whereas, the Town’s annexation policy recommends that sanitary services be provided only to those customers outside the Town who are contiguous to the town corporate limit; and

Whereas, on May 1, 2019 the Sanitary Sewer Board adopted Resolution 2019-01, finding that requests for connection to the sanitary system by a customer outside the Town corporate limits will be reviewed by the Town Utility Director and a recommendation will be forward to the Sanitary Sewer Board for evaluation and consideration. Resolution 2019-01 is attached as Exhibit A; and

Whereas, Resolution 2019-01 details the criteria the Sanitary Sewer Board will use when evaluating a request for connection to the sanitary system; and

Whereas, after review and consideration of Resolution 2019-01, the Cumberland Town Council finds that it is in the best interest of the Town, and its citizens, to add the Town of Cumberland Code of Ordinance, section §00-05-50-051, to reflect the policy resolved by the Cumberland Sanitary Sewer Board.

Therefore, it is ordained, that the Town of Cumberland Code of Ordinance, section § 00-05-50-051 is hereby added and shall be written as follows:

“§ 00-05-50-051 EXTRATERRITORIAL CONNECTION POLICY.”
“Upon receiving a request for connection to the Cumberland Sanitary System by a customer outside the Town corporate limits, the Utility Director should make a recommendation to the Board regarding the application and that the Board should consider the request and evaluate (1) the benefit of the application to the Utility, (2) the feasibility of the provision of sanitary services to the applicant, including the cost of the provision of services, the surcharges, connections fees and other rates and charges necessary to allow the Utility to recover the cost of the connection, and the technical feasibility of providing the services, (3) the other planned capital projects of the Utility and the effect the connection by the applicant would have on such current or future projects, and (4) any other relevant facts related to the application. All such applications for service by a customer outside the Town corporate limits will be considered on a case-by-case basis.”

It is further ordained that this ordinance shall become effective upon adoption.

It is further ordained that any section of the Town Code which is not specifically amended by this ordinance shall remain in full force and effect.

Ordained this ___ day of June ____________, 2019.
Cumberland Town Council:

Joe Siefker, President

Anna Pea, Vice President

Brian Gritter, Member

Nicole Bell, Member

Aaron Cutshaw, Member

Attest:

Erica Salmon, Clerk-Treasurer
Exhibit A

Town of Cumberland Sanitary Sewer Board

Resolution 2019-1

Adopting Connection Policy

Whereas, the Town of Cumberland Code of Ordinances, § 00-05-50, sets forth various provisions, requirements, and policies of the Town of Cumberland regarding sanitary sewer systems; and

Whereas, the Town of Cumberland Sanitary Sewer Board ("Board") is responsible for the operation of the sanitary utilities under Indiana law and Town Code; and

Whereas, the Town’s annexation policy recommends that sanitary services be provided only to those individuals who are located inside the Town or individuals outside the Town who are both contiguous to the Town corporate limits and who petitions to be annexed into the Town; and

Whereas, the Board finds that upon receiving a request for connection to the Cumberland Sanitary System by a customer outside the Town corporate limits, the Utility Director should make a recommendation to the Board regarding the application and that the Board should considered the request and evaluate (1) the benefit of the application to the Utility, (2) the feasibility of the provision of sanitary services to the applicant, including the cost of the provision of services, the surcharges, connections fees and other rates and charges necessary to allow the Utility to recover the cost of the connection, and the technical feasibility of providing the services, (3) the other planned capital projects of the Utility and the effect the connection by
the applicant would have on such current or future projects, and (4) any other relevant facts related to the application; and

Whereas, the Board further finds that each application for service by a customer outside the Town corporate limits will be considered on a case-by-case basis.

Therefore, it is resolved, that it is the policy of the Board that upon receiving a request for connection to the Cumberland Sanitary System by a customer outside the Town corporate limits, the Utility Director will make a recommendation to the Board regarding the application and that the Board will consider the request and evaluate (1) the benefit of the application to the Utility, (2) the feasibility of the provision of sanitary services to the applicant, including the cost of the provision of services, the surcharges, connections fees and other rates and charges necessary to allow the Utility to recover the cost of the connection, and the technical feasibility of providing the services, (3) the other planned capital projects of the Utility and the effect the connection by the applicant would have on such current or future projects, and (4) any other relevant facts related to the application. All such applications for service by a customer outside the Town corporate limits will be considered on a case-by-case basis.

It is further resolved that the Board requests that the Town Council approve changes to Chapter 50 of the Town Code to reflect this policy.

Resolved this _________ day of ____________________, 2019.

Cumberland Sanitary Sewer Board

______________________________
Joe Siefker, President
Dave Lahey

Bill McLaughlin

Attest:

Secretary