

# TWIN LAKES REGIONAL SEWER DISTRICT

*"Protecting the Environment Today for Tomorrow's Generations"*

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## Policy # 2007-01

### Factors Relating to Exclusions of Property Subject to 300 Foot Rule

This policy has been adopted by the Board of Trustees of the Twin Lakes Regional Sewer District on February 8, 2007, and is hereby incorporated into the District's Standard Operating Procedures. This policy supercedes any prior policy in conflict herewith.

WHEREAS, Ind. Code § 13-26-5-2 provides that a regional sewer district may require owners of property to connect to its sanitary sewer system and discontinue the use of privies, cesspools, septic tanks, and similar structures if there is an available sanitary sewer within 300 feet of the property line;

WHEREAS, the location of improvements on a tract of land whose boundary line is within 300 feet of a sanitary sewer may be so far from the sanitary sewer as to make it impractical or not economically feasible to connect said improvements to the sanitary sewer;

WHEREAS, the size of a particular parcel and the distance between any improvements located thereon and any lake, canal, bay, river, stream, or pond or any drainage ditch flowing into any lake, stream, bay, river, stream, or pond may reduce public health concerns with regard to the treatment and disposal of sewage discharged from said improvements;

WHEREAS, despite the distance of improvements from a sanitary sewer, the lack of economic feasibility for connecting those improvements to the sanitary sewer, and/or the lack of public health concern, a funding source for a sewer project may mandate the inclusion of a property within that sewer project unless the funding source approves its exclusion;

WHEREAS, it is imperative that the Board of Trustees of the Twin Lakes Regional Sewer District consider requests for exclusion of properties from a sewer project on a case-by-case basis due to funding and other considerations;

WHEREAS, the Board of Trustees of Twin Lakes Regional Sewer District wishes to provide property owners with a written policy stating the factors and considerations pertinent to a request that a particular parcel of land be excluded from a sewer project even though the property line of said property is located within 300 feet of an available sanitary sewer; and

TLRSD POLICY # 2007-01

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WHEREAS it is the intention of the Board of Trustees of the Twin Lakes Regional Sewer District that the listing of factors for future guidance to the Board and the general public not be binding on the Board in connection with any particular request for exclusion of a property located within 300 feet of a sanitary sewer.

NOW, THEREFORE, the Board of Trustees of Twin Lakes Regional Sewer District does hereby state and identify the following matters, factors, and considerations which will have a bearing on any request for exclusion of a property from a sewer project despite the existence of a property line within 300 feet of an available sanitary sewer:

1. The existence of all of the following factors may be deemed to weigh in favor of exclusion from a sewer project:

(a) The property is not located within a resort, campground, trailer park, subdivision, or other housing development to be included in a sewer project for connection to the District's lines;

(b) The property consists of three (3) or more acres and contains no more than one (1) dwelling or other sewage producing improvement;

(c) The property does not have lake access to, or frontage on, any lake, canal, bay, river, stream, or pond or any drainage ditch flowing into any lake, canal, bay, river, stream, or pond or contains no sewer producing improvement located within 300 feet of any lake, canal, bay, river, stream, pond or drainage ditch as aforesaid;

(d) Any improvement on the property is served by an existing on-site, private sewage disposal system, such as a septic tank and soil absorption field, which has been tested and certified, at the owner's sole expense, by the local or state board of health as being in good operating condition and in compliance with all existing and applicable codes, rules, and regulations; and,

(e) The location of any improvement on any such property requires the installation of a sanitary sewer service line of a length of 300 feet or more.

2. Exclusion from a project should be denied if the funding source for a project requires that the 300 foot rule be applied as broadly as possible and the funding source refuses to permit the exclusion of a particular property so that the funding of the project will be jeopardized by the exclusion.

3. If an exclusion from a project is granted, that exclusion may be revoked at the discretion of the Board and the property owner may be served a notice to connect in accordance with the District's sewer use ordinance in the event of any of the following:

(a) The Board determines that any information in an application for exclusion was incorrect at the time the application was filed;

(b) The property is subdivided or additional improvements are added to the property after the granting of the exclusion; or

(c) The onsite sewage disposal system fails or cannot be operated in accordance with then existing applicable standards as established by state or federal laws or regulations or the state or local board of health.

4. An application for exclusion of a property should be considered by the Board only if it is received in the District's office, along with the aforementioned certification by the state or local board of health, at least forty-five (45) days prior to the commencement of construction of the project in which the property is designed to be included. The applicant must pay a filing fee of fifty dollar (\$50.00) or such other amount as the Board may from time to time specify at the time the application is filed. The District may inspect any such property for which an application for exclusion is filed upon the permission of the property owner. An application should be summarily denied if a property owner fails to pay the permit fee or refuses to permit an inspection after reasonable notice at a time convenient to the District during the District's normal business hours.

5. Nothing contained in this policy shall be deemed automatically binding on the Board in conjunction with its consideration of any particular application for exclusion, and the Board shall exercise discretion in the consideration of all applications. All applications for exclusion shall be considered on a case-by-case basis by weighing the factors discussed hereinabove as well as any other factors considered relevant by the Board and/or presented by the applicant.

PROPERTY EXCLUSION APPLICATION – CONSTRUCTION PROJECT

I, \_\_\_\_\_ hereby certify that:

1. I am the owner (or one of the owners) of the real estate located at:

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Street Address Monticello, IN 47960  
City, State Zip Code

2. I am informed and believe that the above referenced real estate property is located within the boundaries of a pending sewage collection project of the Twin Lakes Regional Sewer District.

3. On the above-referenced real estate: (CHECK ALL THAT APPLY)

- Is not located within a resort, campground, trailer park, subdivision, or other housing development to be included in a sewer project for connection to the District's collection system;
- Consists of three (3) or more acres;
- Contains no more than one (1) dwelling or other sewage producing improvement;
- Does not have lake access to, or frontage on, any lake, canal, bay, river, stream, or pond or any drainage ditch flowing into any lake, canal, bay, river, stream, or pond or contains no sewage producing improvement located within 300 feet of any lake, canal, bay, river, stream, pond or drainage ditch as aforesaid;
- Any improvement on the property is served by an existing on-site, private sewage disposal system, such as a septic tank and soil absorption field, which has been tested and certified, at the owner's sole expense, by the local or state board of health as being in good operating condition and in compliance with all existing and applicable codes, rules, and regulations; and,
- The location of any improvement on any such property requires the installation of a sanitary sewer service line of a length of 300 feet or more.

4. As a result of the foregoing, I am requesting that the Twin Lakes Regional Sewer District exclude this property from the construction project.

5. I have been informed that if, any exclusion granted pursuant to this application may be revoked at the discretion of the Board and that I, or any successor in title

of the property, may be served a notice to connect in accordance with the District's sewer use ordinance in the event of any of the following:

- The Board determines that any information in this application for exclusion was incorrect at the time the application was filed;
- The property is subdivided or additional improvements are added to the property after the granting of the exclusion; or
- The onsite sewage disposal system fails or cannot be operated in accordance with then existing applicable standards as established by state or federal laws or regulations or the state or local board of health.
- Policy # 2007-01 is amended in such a manner that the granting of this application would be inappropriate under the policy as amended.

6. I consent to a representative of the Twin Lakes Regional Sewer District inspecting the above-referenced real estate to confirm the statements made herein. Such inspection shall be conducted, if at all possible, at a mutually convenient time.

7. This application is made pursuant to Twin Lakes Regional Sewer District's policy # 2007-01. In the event of any conflict between this application and policy # 2007-01 or in the event of any additional requirements contained in said policy, the policy shall control.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone Number

Mailing Address: \_\_\_\_\_