

IC 13-18-15 Chapter 15. Connection to Sewage Service

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IC 13-18-15-1 Order to connect or receive and treat sewage

Sec. 1. If the commissioner finds it is in the interest of the health, safety, convenience, and welfare of the residents of an area, a person may be ordered to connect to or receive and treat sewage from any other person or from an industry, a shopping center, a mobile home community, or a housing development when the service and use will not:

- (1) result in irreparable injury to the receiving equipment; or
- (2) make impossible the provision of the service previously provided to the users of the equipment.

[Pre-1996 Recodification Citation: 13-7-15-1(a) part.]

As added by P.L.1-1996, SEC.8. Amended by P.L.87-2005, SEC.1.

IC 13-18-15-2 Negotiation of terms; remonstrance waivers

Sec. 2. (a) The persons involved shall negotiate the terms for connection and service under this chapter.

(b) If service is ordered under this chapter, a receiver of that service that is located in an unincorporated area may grant a waiver to a municipality providing the service. A waiver under this section:

- (1) must waive the receiver's right of remonstrance against annexation of the areas in which the service is to be provided; and
 - (2) may be one (1) of the terms for connection and service described in subsection (a).
- (c) The waiver, if granted:
- (1) shall be noted on the deed of each property affected and recorded as provided by law; and
 - (2) is considered a covenant running with the land.

(d) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall, within a reasonable time after the recording of a deed to property located within the municipality, provide written notice to the property owner that a waiver of the right of remonstrance exists with respect to the property.

(e) A remonstrance waiver executed before July 1, 2003, is void. This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(f) A remonstrance waiver executed after June 30, 2003, and before July 1, 2019, is subject to the following:

- (1) The waiver is void unless the waiver was recorded:
 - (A) before January 1, 2020; and
 - (B) with the county recorder of the county where the property subject to the waiver is located.
- (2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(g) A remonstrance waiver executed after June 30, 2019, is subject to the following:

- (1) The waiver is void unless the waiver is recorded:
 - (A) not later than thirty (30) business days after the date the waiver was executed;
- and

(B) with the county recorder of the county where the property subject to the waiver is located.

(2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

[Pre-1996 Recodification Citation: 13-7-15-1(a) part.]

As added by P.L.1-1996, SEC.8. Amended by P.L.228-2015, SEC.2; P.L.257-2019, SEC.83.

IC 13-18-15-3 Failure of negotiations; determination and order

Sec. 3. (a) If the negotiations fail:

- (1) any person involved; or
- (2) the department;

may apply to the Indiana utility regulatory commission for a determination of any question upon which an agreement was not reached.

(b) Upon application to the commission, the commission shall, in accordance with the commission's procedures:

- (1) determine:
 - (A) the reasonable and just charges; and
 - (B) the compensation to be made for the connection and service; and
- (2) enter an order designating:
 - (A) each person who shall perform the work of establishing the connection; and
 - (B) the other conditions that are necessary to effect the connection.

[Pre-1996 Recodification Citation: 13-7-15-1(a) part.]

As added by P.L.1-1996, SEC.8.

IC 13-18-15-4 Appeal

Sec. 4. Any person aggrieved by an order under section 3 of this chapter has all rights of appeal as with other orders of the commission.

[Pre-1996 Recodification Citation: 13-7-15-1(a) part.]

As added by P.L.1-1996, SEC.8.

IC 13-18-15-5 Waiver against remonstrance

Sec. 5. A landowner in an unincorporated area who connects to a sewer or water service because a person other than the landowner has polluted or contaminated the area is not required to grant a municipality a waiver against remonstrance if:

- (1) the area in which the service to be provided is annexed; and
- (2) a person other than the landowner or the municipality has paid the cost of extension of or connection to the service.

[Pre-1996 Recodification Citation: 13-7-15-1(b).]

As added by P.L.1-1996, SEC.8. Amended by P.L.124-1996, SEC.8.