

**Example Regional Sewer and Water District Petition for a County-wide District**

*The purpose of these petition examples is to provide assistance to small and medium sized rural communities in the drafting of ordinances for water, wastewater, and other utility services. The use of these petition examples beyond the scope for which they were prepared is not recommended without consulting competent government or outside counsel. Users are cautioned to check for changes in the laws of the State of Indiana before petitioning. Statutory changes may materially affect the ability of needed contents of a petition and ability of an entity to use such a petition.*

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
STATE OF INDIANA**

**IN THE MATTER OF THE )  
PETITION OF NAME COUNTY, IN )  
TO ESTABLISH A REGIONAL WATER )  
SEWER DISTRICT PURSUANT )  
TO IC § 13-26 )**

**BEFORE THE COMMISSIONER  
IDEM, STATE OF INDIANA**

**PETITION TO ESTABLISH REGIONAL WATER AND  
SEWER DISTRICT**

NAME County, Indiana, by its Board of County Commissioners and Council, tenders its Petition to the Commissioner, Indiana Department of Environmental Management (IDEM), pursuant to IC § 13-26, for an order directing that a regional water and sewer district be organized as an independent political entity of the State of Indiana, and as a body corporate and politic. In support of this Petition, petitioner alleges:

1. Proposed Name. The proposed name of the regional sewer district shall be the NAME County Regional Water and Sewer District.
  
2. Designated Representative. The designated representative for the petitioner for additional information and amendments shall be \_\_\_\_\_, member, NAME County

Commissioners, (work: \_\_\_\_\_, home: \_\_\_\_\_ or \_\_\_\_\_, Chairman, NAME County Water and Sewer Review/ Consulting Committee (work: \_\_\_\_\_, home: \_\_\_\_\_).

3. Principal Office. The principal office of the district shall be located at \_\_\_\_\_, in the NAME County Commissioners Office, Indiana, which has a mailing address of \_\_\_\_\_.

4. Approval by the County Commissioners. The petition has been approved by the NAME County Commissioners as required by I.C. 13-26-2-2. (See Exhibit A)

5. Approval by Fiscal Body. The Petition has been approved by the NAME County Council as required by I.C. 13-26-2-2. (See Exhibit B)

6. Territory in District. The territory to be included in the District is all of the unincorporated part of NAME County, Indiana, not presently served by any other entity and is more particularly detailed on the map attached to this Petition as (Exhibit "C") detailing the District's proposed boundaries. The following political subdivisions are in the proposed district or have jurisdiction in the district: NAME County Commissioners, NAME County Council, NAME County Township Trustees, NAME County Township Trustees, NAME Conservation District, NAME (County) School Corporation, NAME (City/ town) Central School Corporation.

7. State Land in District. None. LIST IF THERE ARE ANY.

8. Need. The need for the proposed District has long been recognized by residents and businesses in the area, and by the NAME County Commissioners, the Petitioner herein and the public. The need is generally for the reason that water distribution and sanitary sewage disposal is provided in the area by each homeowner or business through an on-site well, that may be under the influence of ground water contamination and an on-site septic tank, many of which leak, have failed or will fail. All of the homes and other buildings in the unincorporated area of

NAME County are served by METHOD HERE. The absence of public sanitary sewer service has contributed to a public health hazard and environmental contamination in the proposed District, as demonstrated in the letter from the Indiana State Department of Health, NAME County Board of Health and others. (See Exhibit E)

9. Purpose. The purpose to be accomplished by the formation of the District is the provision of safe potable water and the reduction of pollution of the environment by elimination of inadequate septic systems and the construction of a sanitary sewer collection system and appropriate treatment of collected sewage.

10. Establishment. Establishment of the district will be conducive to the public health, safety, convenience and welfare of the residents of the District for the following reasons:

- (A) No sanitary sewer system exists in the proposed District.
- (B) No community potable water systems exist in the District
- (B) Sewage collection, disposal, and treatment in the proposed District is currently being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems that have failed or are failing are contributing to the pollution of the environment in the proposed District and create a hazard to the health, welfare, and safety of the residents of the proposed District. In many instances replacement of the failed or failing septic tanks or other on-site systems is not feasible due to the cost, condition of the soil or parcel size.
- (C) There are no publicly or privately owned potable water systems for production and distribution in the proposed district. There are no publicly or privately owned sewage treatment works in the proposed District for treatment of sanitary sewage, which situation

inhibits the ability of the residents to alleviate environmental and public health concerns created by failed and failing septic systems.

11. Indebtedness. There is no outstanding indebtedness for the purpose proposed in the proposed District. The absence of sanitary sewers and adequate potable water hinders property values and has limited residential growth in the proposed District because the requirements of NAME County and the Indiana State Department of Health, as they apply to potable water systems and septic tanks and other on-site systems, prohibit, in many instances, construction of economically viable residential subdivisions.

**\*\*If in debt, list place in debt to, amount of debt, and plan of how to be paid back (including when and in what amounts)**

12. Board of Trustees. The number, manner of selection and terms of the Board of Trustees of the District is recommended as follows:

(A). The District Board shall be NUMBER Trustees.

(B) The Board shall be composed of NUMBER appointees from the Township Trustees, NUMBER members of the local community appointed by the NAME the governing entity, one member appointed by the NAME governing entity, and one appointed by the executive of the municipality or other entity that the district will contract with, whichever community treats the effluent of the NAME County Regional Sewer District determined by a detailed Preliminary Engineering Study.

The above initial appointments will then be limited in duration as follows:

- Township Trustees Appointee (NAME Twp.) # years each
- NAME County Commissioners' Appointees # years each
- NAME County Council Appointee # years each

- NAME OF TOWN Executive Appointee # years each

Upon the expiration of the above appointments, all appointments by the appointing body shall be for terms of four (4) years.

Upon a vacancy on the Board of Trustees, for any reason, the appointing authority for that Trustee shall appoint a replacement Trustee to complete the term of the Trustee who vacated his office within 45 days of the Notice of Vacancy.

13. Regional Sewer District Review/ Consulting Board. The consulting board shall be a non-voting entity that will provide technical assistance to the regional sewer district board. The consulting board shall consist of the following;

- a. Representative of the NAME County Health Department
- b. Representative of the NAME County Plan Commission
- c. Representative of the NAME County Commissioner's office

13. Plans for Future. The plan for financing the cost of operations of the District until it is in receipt of revenue from its operations or proceeds from the sale of bonds includes all available public funds and private contributions.

14. Estimate of Cost. The preliminary estimates of the cost of accomplishing the purpose of the District, of operating and maintaining the works, the source of funding of such costs and a copy of the preliminary feasibility study recommendation and conclusion are attached hereto in summary form. (See Exhibit F ) Information will be given to the Agency as further studies become available.

15. Filing of Petition. A copy of this Petition has been filed in the office of NAME County Commissioners, NAME County Council, NAME Township Trustee (NAME County), NAME Township Review/ Consulting Board (NAME County), NAME Conservation District, NAME County Health Department, NAME School Corporation, NAME County Public Library, who are executives of the only governmental entities having territory within the proposed district, on the date of filing herein.

**These may be entities like a local airport, fire department, or hospital**

16. This Petition and Exhibits are available for review at the NAME County Public Library, \_\_\_\_\_.

17. WHEREFORE, Petitioners request:

1. That a public hearing be conducted on this Petition by IDEM after the giving of the proper notice thereof;
2. That the relief requested in the Petition be granted by the IDEM Commissioner;
- and
3. That the IDEM Commissioner issue his order creating the NAME County Regional Water and Sewer District.

The above Petition to form a Regional Water and Sewer District in NAME County, Indiana was APPROVED by the NAME COUNTY COUNCIL on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

COUNTY COUNCIL OF NAME COUNTY,  
INDIANA

By: \_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_

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Counsel for Petitioner:

EXAMPLE

**EXHIBIT "A"**

**NAME COUNTY COMMISSIONERS  
RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the NAME County Commissioners and Council have petitioned the Commissioner, Indiana Department of Environmental Management, for an order directing that the NAME County Regional Water and Sewer District be formed:

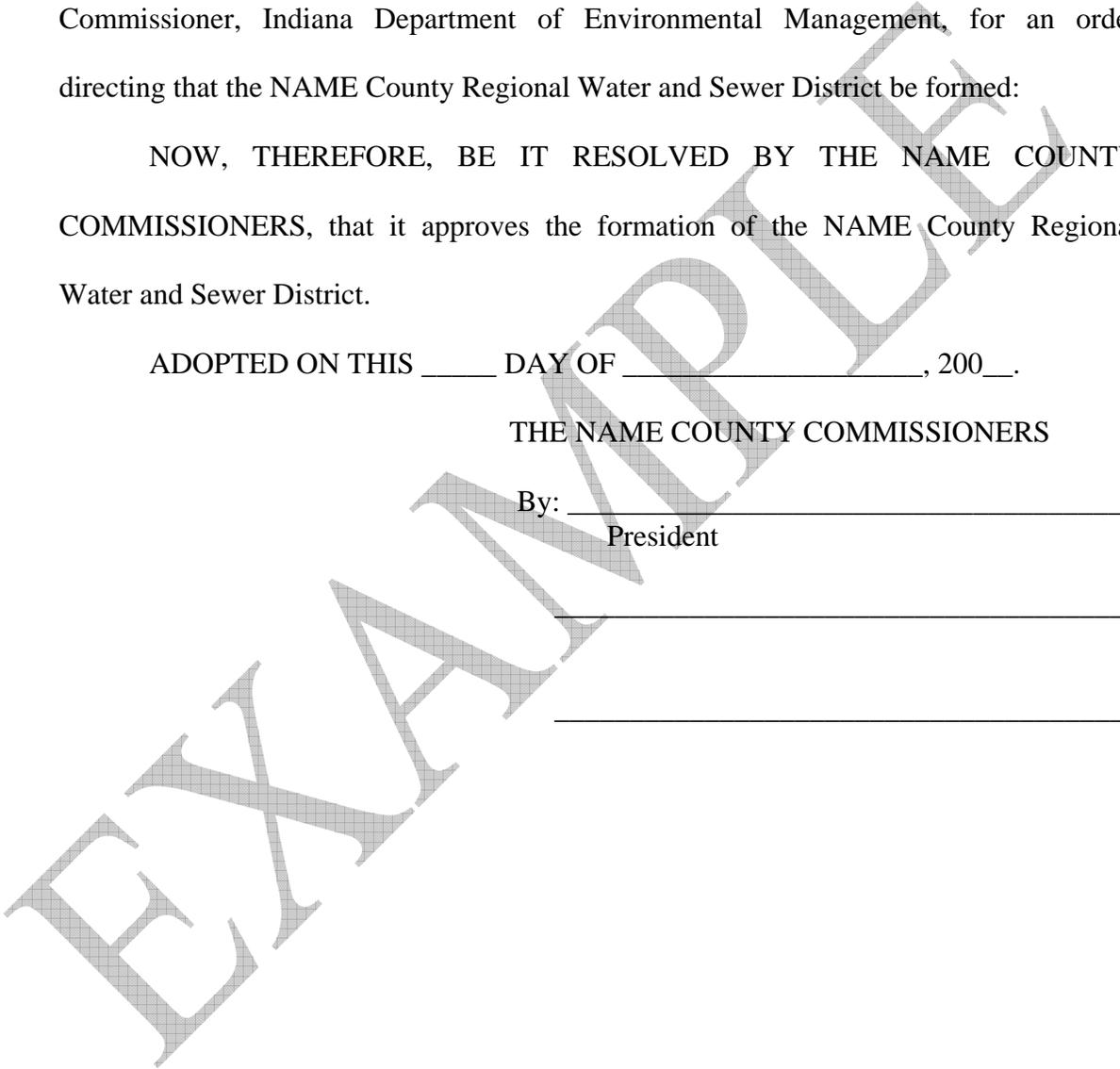
NOW, THEREFORE, BE IT RESOLVED BY THE NAME COUNTY COMMISSIONERS, that it approves the formation of the NAME County Regional Water and Sewer District.

ADOPTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

THE NAME COUNTY COMMISSIONERS

By: \_\_\_\_\_  
President

\_\_\_\_\_  
\_\_\_\_\_



**EXHIBIT "B"**

**NAME COUNTY COUNCIL  
RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the NAME County Commissioners and Council, have petitioned the Commissioner, Indiana Department of Environmental Management, for an order directing that the NAME County Regional Water and Sewer District be formed:

NOW, THEREFORE, BE IT RESOLVED BY THE NAME COUNTY COUNCIL, that it approves the formation of the NAME County Regional Water and Sewer District.

ADOPTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

THE NAME COUNTY COUNCIL

By: \_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT "C"**

Project: NAME County (NAME Water and Sanitary Sewer)  
Parcel: Water and Sewer District Boundaries

See Attached Map by NAME dated \_\_\_\_\_

Prepared for: NAME County Regional Water and Sewer District  
By: \_\_\_\_\_

Date: \_\_\_\_\_

EXAMPLE

**EXHIBIT "D"**

**REGIONAL SEWER AND/OR WATER DISTRICT AFFIDAVIT OF  
GOVERNMENTAL ENTITY NOTIFICATION**

\_\_\_\_\_, being first duly sworn upon oath, deposes and says:

1. I live in NAME County, State of Indiana, and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.
2. I hold the position of Agent and Representative for the NAME County Commissioners (name of the eligible entity petitioning for establishment of district).
3. By virtue of my position with the NAME County Commissioners, I am authorized to make the representation contained in this affidavit on behalf of the petitioning eligible entity.
4. As required by Ind. Code § 13-26-2-1, the petitioning eligible entity will or has filed a copy of its petition with the executive of each governmental entity having territory in the district not later than ten (10) days after filing its petition with the Indiana Department of Environmental Management.

Further Affiant Saith Not.

I affirm under the penalty for perjury that the representations contained in this affidavit are true, to the best of my information and belief.

\_\_\_\_\_ date

\_\_\_\_\_ signature of affiant

\_\_\_\_\_ Printed Name

STATE OF INDIANA     )  
   ) SS:  
 COUNTY OF NAME     )

Before me a notary Public in and for said County and State, personally appeared **NAME**, and being first duly sworn by me upon oath, says that the fact stated in the foregoing statements are true. Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, YEAR

Signature: \_\_\_\_\_

My commission expires: DATE

Printed Name:

Residence of: NAME County

**EXHIBIT “E”**

**LETTERS OF SUPPORT FOR THE FORMATION OF THE REGIONAL  
SEWER DISTRICT**

- a) NAME County Health Department
- b) Indiana State Department of Health
- c) City of NAME
- d) NAME School Corporation
- e) NAME County Board of Commissioners

EXAMPLE

**EXHIBIT "F"**

**PRELIMINARY FEASIBILITY STUDY  
RECOMMENDATION AND CONCLUSION**

EXAMPLE

**Example Regional Sewer or Water District Petition for Regional Area**

*The purpose of these petition examples is to provide assistance to small and medium sized rural communities in the drafting of ordinances for water, wastewater, and other utility services. The use of these petition examples beyond the scope for which they were prepared is not recommended without consulting competent government or outside counsel. Users are cautioned to check for changes in the laws of the State of Indiana before petitioning. Statutory changes may materially affect the ability of needed contents of a petition and ability of an entity to use such a petition.*

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
STATE OF INDIANA**

**IN THE MATTER OF THE )  
PETITION OF COUNTY NAME COUNTY, IN )  
TO ESTABLISH A REGIONAL ) BEFORE THE COMMISSIONER  
SEWER DISTRICT PURSUANT ) IDEM, STATE OF INDIANA  
TO IC § 13-26 )**

**PETITION TO ESTABLISH REGIONAL SEWER DISTRICT**

COUNTY NAME County, Indiana, by its Board of County Commissioners and Council, and tenders its Petition to the Commissioner, Indiana Department of Environmental Management (IDEM), pursuant to IC § 13-26, for an order directing that a regional sewer district be organized as an independent political entity of the State of Indiana, and as a body corporate and politic. In support of this Petition, petitioner alleges:

1. Proposed Name. The proposed name of the regional sewer district shall be the NAME Regional Sewer District.
2. Designated Representative. The designated representative for the petitioner for additional information and amendments shall be \_\_\_\_\_, member, NAME Sewer Review/ Consulting Committee, (work:\_\_\_\_\_, home: \_\_\_\_\_).

3. Principal Office. The principal office of the district shall be located at \_\_\_\_\_, in the unincorporated area of COUNTY NAME County, Indiana, which has a mailing address of \_\_\_\_\_.
4. Approval by the County Commissioners. The petition has been approved by the COUNTY NAME County Commissioners as required by I.C. 13-26-2-2. (See Exhibit A)
5. Approval by Fiscal Body. The Petition has been approved by the COUNTY NAME County Council as required by I.C. 13-26-2-2. (See Exhibit B)
6. Territory in District. The territory to be included in the District is a part of COUNTY NAME County, Indiana, and is more particularly detailed on the map attached to this Petition as Exhibit "D" detailing the District's proposed boundaries. The following political subdivisions are in the proposed district or have jurisdiction in the district: COUNTY NAME County Commissioners, COUNTY NAME County Council, COUNTY NAME Conservation District.
7. State Land in District. LIST HERE
8. Need. The need for the proposed District has long been recognized by residents and businesses in the area, by the COUNTY NAME County Commissioners, the Petitioner herein and the public generally for the reason that sanitary sewage disposal is provided in the area by each homeowner or business through an on-site septic tank, many of which leak, have failed or will fail. All of the homes and other buildings in NAME are served by METHOD. The absence of public sanitary sewer service has contributed to a public health hazard and

environmental contamination in the proposed District, as demonstrated in the letter from the Indiana State Department of Health, COUNTY NAME County Board of Health and others. (See Exhibit F)

9. Purpose. The purpose to be accomplished by the formation of the District is the reduction of pollution of the environment by elimination of inadequate septic systems and the construction of a sanitary sewer collection system and appropriate treatment of collected sewage.

10. Establishment. Establishment of the district will be conducive to the public health, safety, convenience and welfare of the residents of the District for the following reasons:

(A) No sanitary sewer system exists in the proposed District.

(B) Sewage collection, disposal and treatment in the proposed District is currently being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems that have failed or are failing are contributing to the pollution of the environment in the proposed District and create a hazard to the health, welfare, and safety of the residents of the proposed District. In many instances replacement of the failed or failing septic tanks or other on-site systems is not feasible due to the cost, condition of the soil or parcel size.

(C) There are no publicly or privately owned treatment works in the proposed District for treatment of sanitary sewage, which situation inhibits the ability of the residents to alleviate environmental and public health concerns created by failed and failing septic systems.

11. Indebtedness. There is no outstanding indebtedness for the purpose proposed in the proposed District. The absence of sanitary sewers hinders property values and

has limited residential growth in the proposed District because the requirements of COUNTY NAME County Health Department and the Indiana State Department of Health, as they apply to septic tanks and other on-site systems, prohibit, in many instances, construction of economically viable residential subdivisions.

**\*\*If in debt, list place in debt to, amount of debt, and plan of how to be paid back (including when and in what amounts)**

12. Board of Trustees. The number, manner of selection and terms of the Board of Trustees of the District is recommended as follows:

(A). The District Board shall be NUMBER of trustees.

(B) The Board shall be composed of an Appointee of the \_\_\_\_\_ Township Trustee and Township Board (COUNTY NAME County), two members of the local community appointed by the COUNTY NAME ELIGIBLE LEGAL ENTITY (county), one member appointed by the COUNTY NAME ELIGIBLE LEGAL ENTITY (county), and one appointed by the Town Council of NAME that the district will contract with, or whichever community treats the effluent of the NAME Regional Sewer District determined by a detailed Preliminary Engineering Study.

The above initial appointments will then be limited in duration as follows:

- \_\_\_\_\_ Township Appointee (COUNTY NAME Co.) # year each
- COUNTY NAME County Commissioners' Appointees # years each
- COUNTY NAME County Council Appointee # years each
- Treatment Provider Appointee # years each

Upon the expiration of the above appointments, all appointments by the appointing body shall be for terms of four (4) years.

Upon a vacancy on the Board of Trustees, for any reason, the appointing authority for that Trustee shall appoint a replacement Trustee to complete the term of the Trustee who vacated his office within 30 days of the Notice of Vacancy.

13. Plans for Future. The plan for financing the cost of operations of the District until it is in receipt of revenue from its operations or proceeds from the sale of bonds includes all available public funds and private contributions.
14. Estimate of Cost. The preliminary estimates of the cost of accomplishing the purpose of the District, of operating and maintaining the works, the source of funding of such costs and a copy of the preliminary feasibility study recommendation and conclusion are attached hereto in summary form. (See Exhibit E) Information will be given to the Agency as further studies become available.
15. Filing of Petition. A copy of this Petition has been filed in the office of the COUNTY NAME County Commissioners, COUNTY NAME County Council, \_\_\_\_\_ Township Trustee (COUNTY NAME County), \_\_\_\_\_ Township Review/ Consulting Board (COUNTY NAME County), COUNTY NAME Conservation District, COUNTY NAME County Health Department, who are executives of the only governmental entities having territory within the proposed district, on the date of filing herein.

**These may be entities like a local airport, fire department, or hospital.**

16. This Petition and Exhibits are available for review at the COUNTY NAME County Public Library, \_\_\_\_\_.

17. WHEREFORE, Petitioners request:

1. That a public hearing be conducted on this Petition by IDEM after the giving of the proper notice thereof;
4. That the relief requested in the Petition be granted by the IDEM Commissioner; and
5. That the IDEM Commissioner issue his order creating the NAME Regional Sewer District.

The above Petition to form a Regional Sewer District in \_\_\_\_\_ Township, COUNTY NAME County, Indiana was APPROVED by the COUNTY NAME COUNTY COUNCIL on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

COUNTY COUNCIL OF COUNTY NAME  
COUNTY, INDIANA

By: \_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Counsel for Petitioner:

EXAMPLE

**EXHIBIT "A"**

**COUNTY NAME COUNTY COMMISSIONERS  
RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the COUNTY NAME County Commissioners and Council have petitioned the Commissioner, Indiana Department of Environmental Management, for an order directing that the NAME Regional Sewer District be formed:

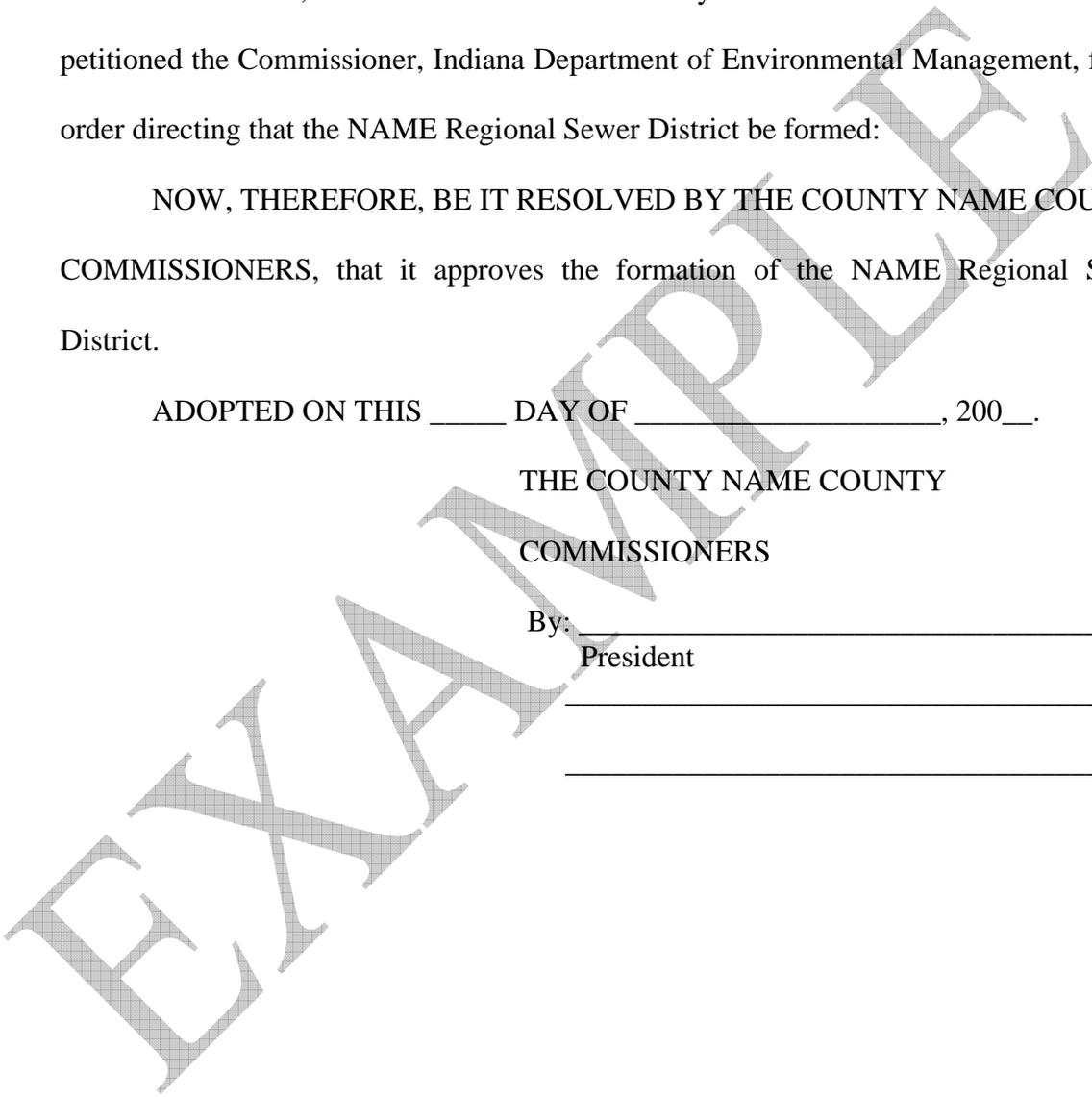
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY NAME COUNTY COMMISSIONERS, that it approves the formation of the NAME Regional Sewer District.

ADOPTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

THE COUNTY NAME COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
President

\_\_\_\_\_  
\_\_\_\_\_



**EXHIBIT "B"**

Project: NAME Regional Sanitary Sewer  
Parcel: Sewer District Limits

See Attached Map by \_\_\_\_\_ dated \_\_\_\_\_

Prepared for: NAME Regional Sewer District

By: \_\_\_\_\_

Date: \_\_\_\_\_

EXAMPLE

**EXHIBIT "C"**

**REGIONAL SEWER AND/OR WATER DISTRICT AFFIDAVIT OF  
GOVERNMENTAL ENTITY NOTIFICATION**

\_\_\_\_\_, being first duly sworn upon oath, deposes and says:

1. I live in COUNTY NAME County, State of Indiana, and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.
2. I hold the position of Agent and Representative for the COUNTY NAME County Commissioners (name of the eligible entity petitioning for establishment of district).
3. By virtue of my position with the COUNTY NAME County Commissioners, I am authorized to make the representation contained in this affidavit on behalf of the petitioning eligible entity.
4. As required by Ind.Code § 13-26-2-1, the petitioning eligible entity will or has filed a copy of its petition with the executive of each governmental entity having territory in the district not later than ten (10) days after filing its petition with the Indiana Department of Environmental Management.

Further Affiant Saith Not.

I affirm under the penalty for perjury that the representations contained in this affidavit are true, to the best of my information and belief.

\_\_\_\_\_  
date

\_\_\_\_\_  
Signature of affiant

\_\_\_\_\_  
Printed Name

STATE OF INDIANA     )  
  ) SS:  
COUNTY OF NAME     )

Before me a notary Public in and for said County and State, personally appeared **NAME**, and being first duly sworn by me upon oath, says that the fact stated in the foregoing statements are true. Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Signature: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Printed Name:

Residence of: COUNTY NAME County

**EXHIBIT “D”**

**LETTERS OF SUPPORT FOR THE FORMATION OF THE REGIONAL  
SEWER DISTRICT**

- a) COUNTY NAME County Health Department
- b) Indiana State Department of Health
- c) COUNTY NAME County Board of Commissioners

EXAMPLE

**EXHIBIT "E"**

**PRELIMINARY FEASIBILITY STUDY  
RECOMMENDATION AND CONCLUSION**

EXAMPLE