

ORDINANCE NO.

ORDINANCE AMENDING TITLE V, CHAPTERS 52 AND 53

WHEREAS, the Town Council of the Town of McCordsville, Indiana, has heretofore passed Ordinance No. 040913A as amended by Ordinance No. 081313A regarding the Stormwater Utility User Fee Structure; and

WHEREAS, upon recommendations of staff, the Town Council of the Town of McCordsville, Indiana, believes that certain amendments are required to said ordinances in order to align them with current utility practices; and

WHEREAS, the Town Council of the Town of McCordsville, Indiana, believes that said amendments are in the best interest of the citizens of McCordsville, Indiana, and the efficient operation of the Stormwater Utility.

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana, as follows:

SECTION I

Title V, Chapter 52, § 52.02(B)(1)(b) shall be amended by striking therefrom the following: “billed and paid in semiannual installments in the amount of \$45,”.

SECTION II

Title V, Chapter 52, § 52.02(B)(1)(c) shall be amended by striking therefrom the following: “billed and paid in semiannual installments of \$45,”.

SECTION III

Title V, Chapter 52, § 52.02(B)(1)(d) shall be amended by striking therefrom the following: “billed semiannually in the sum of \$45.”

SECTION IV

Title V, Chapter 52, § 52.02(B)(1)(e) shall be amended by striking therefrom “or \$45 billed semiannually if not”.

SECTION V

Title V, Chapter 52, § 52.03(F) shall be amended by deleting “The form with payment must be received in the Utility Office at least one day prior to the closing date in the case of a

purchase or occupancy in the case of a rental. If the form with payment is not received one day prior to closing or occupancy, no credit will be given and the fee shall be included on the first bill.” and replaced with “The fee shall be billed on the first bill.”

SECTION VI

Title V, Chapter 52, § 52.03(A) shall be deleted in its entirety and in lieu thereof shall be inserted the following:

“(A) Bills or statements for the Stormwater Utility user fee shall be rendered monthly, in accordance with the regular Town Sewer Utility billing cycle for all property subject to this fee. Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth for the Sewer Utility. Any unpaid Stormwater Utility user fees shall constitute a lien on such property and shall be on a parity with the lien of state, county, and municipal taxes. Such lien, when delinquent for more than 30 days, may be foreclosed by the town in the manner provided by the laws of the state of Indiana for the foreclosure of mortgages on real property.”

SECTION VII

Title V, Chapter 52, § 52.03(B) shall be amended by the addition of (1) as follows:

(1) The Stormwater Utility user fee shall be prepared and billed monthly. For users that do not occupy a location served by the Stormwater Utility on the first day of the month, or the last day of the month, their charges shall be prorated on a per diem rate calculated on the basis of thirty (30) days per month times the monthly rate and charge for users of the same type and category multiplied by the number of days in the month the user occupies the premises.

SECTION VIII

Title V, Chapter 53, § 53.16 shall be amended as follows:

(C) For users that do not occupy a location served by the Sewer Utility on the first day of the month, or the last day of the month, their charges shall be prorated on a per diem rate calculated on the basis of thirty (30) days per month times the monthly rate and charge for users of the same type and category multiplied by the number of days in the month the user occupies the premises.

SECTION IX

This Ordinance shall be in full force and effect from and after its passage and due publication.

SECTION X

Introduced and filed on the ____ day of _____, 2019. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this ____ day of _____, 2019 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Thomas R. Strayer

Thomas R. Strayer

Larry J. Longman

Larry J. Longman

Bryan T. Burney

Bryan T. Burney

Branden D. Williams

Branden D. Williams

Barry A. Wood

Barry A. Wood

ATTEST:

Catherine C. Gardner
Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.