

ORDINANCE NO. 051022B

ORDINANCE AMENDING ORDINANCE NO. 090908A

WHEREAS, the Town Council of the Town of McCordsville, Indiana, (“Council”) has heretofore adopted Ordinance No. 090908A, an ordinance codifying previous sewer rate ordinances and amendments thereto; and

WHEREAS, the Council amended Ordinance No. 090908A on March 12, 2013 with Ordinance No. 031213B to revise sewer connection charges; and

WHEREAS, the Council has now been advised by the Town Engineer that, for purposes of clarity and simplification, it is in the best interest of the Town of McCordsville, Indiana (“Town”) to eliminate the current sewer fee schedule for the various drainage basins, adopt standardized fees, and rename the fees collected at the time of platting and at the time of permitting to be known as the “Utility Access Fee;” and

WHEREAS, the Utility Access Fee will be collected by the Town in two installments: (1) at the time of signing of a recorded plat or detailed unit development plan approval and (2) at the time a sewer connection permit is issued by the Town; and

WHEREAS, the Utility Access Fee is calculated to include the Town’s costs for plant expansions, extensions, repairs and replacements of existing and future sewer lines; and

WHEREAS, the Council has been advised by the Town Engineer that there is a need to increase the Utility Access Fee to reflect the current costs the Town is experiencing for providing improvements and availability to the sewer system; and

WHEREAS, should a person engaging in a development project who applies for a sewer permit be requested by the Town to install infrastructure improvements that are greater than needed for said person’s project, the Town will use money from the Utility Access Fee collected by the Town to reimburse said person; and

WHEREAS, the Council shares the opinion of the Town Engineer that the renaming and simplifying of the fees is appropriate as well as an increase in fees is necessary in order to provide for the Town’s utility.

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

SECTION I

Section 9(a) shall be deleted in its entirety and in lieu thereof shall be inserted the following:

- (a) No connection to any municipally-owned trunk sanitary sewer shall be allowed until a permit is obtained and payment in the form of the Utility Access Fee has been made into the town Sewer Improvement and Betterment Fund pursuant to this subchapter, and/or an executed sewer service agreement.

SECTION II

Section 9 (c), (c)(1) and (c)(2) shall be deleted in their entirety and in lieu thereof shall be inserted the following:

- (c) Payment for utility availability, connection costs and all other costs set forth in this subchapter, and any ordinance amendatory or supplemental thereto, which costs are calculated to determine the Utility Access Fee, shall be made at the time and manner as follows unless a sewer service agreement requires a different fee amount, payment schedule, or deposit to a different fund.
- (c)(1) The Utility Access Fee shall be collected in two installments.
 - (i) At the time of signing of a recorded plat or detailed unit development plan approval, the first installment of the Utility Access Fee in the amount of One Thousand Four Hundred Dollars (\$1,400) per equivalent dwelling unit, shall be collected by the Town.
 - (ii) At the time of issuance of the sewer connection permit, the person or entity purchasing said permit shall pay the second installment of the Utility Access Fee in the amount of Three Thousand One Hundred Dollars (\$3,100).
- (c)(2) The Utility Access Fee set forth above shall be deposited into the Sewer Improvement and Betterment Fund and unless there exists an executed sewer service agreement between the town and any particular developer directing otherwise, in which case the executed sewer service agreement shall control, said funds shall be disbursed as follows:
 - (i) Utility Access Fees in the Sewer Improvement and Betterment Fund shall be utilized as allocated and budgeted.
 - (ii) When applicable, a portion of the Utility Access Fees collected in the Sewer Improvement and Betterment Fund shall be disbursed as reimbursement to the particular developer that incurred costs for oversizing certain wastewater infrastructure at the request of the town, said sums to be paid until the developer has been fully reimbursed for approved oversizing costs pursuant to an executed sewer service agreement between the town and the particular developer for a period not to exceed 15 years.

SECTION III

Subsection 9, (j)(iv) shall be deleted in its entirety and in lieu thereof shall be inserted the following:

- (j)

- (iv) The repayment, if any, will be made under the provisions of this subchapter and will be repaid only from funds deposited in the Sewer Improvement and Betterment Fund.

SECTION IV

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

SECTION V

Introduced and filed on the 10th day of May, 2022.

Duly ordained and passed this ____ day of _____, 2022 by the Town Council of the Tow of McCordsville, Hancock County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

TOWN OF MCCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

AYE:

NAY:

Greg Brewer

Greg Brewer

Chad Gooding

Chad Gooding

Larry Longman

Larry Longman

Tom Strayer

Tom Strayer

Branden Williams

Branden Williams

ATTEST:

Staci Starcher, 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.