

**ORDINANCE NO - \_\_\_\_\_**

**ORDINANCE TO ESTABLISH THE VERNON TOWNSHIP FIRE PROTECTION  
TERRITORY, TO ADOPT THE VERNON TOWNSHIP FIRE PROTECTION  
TERRITORY INTERLOCAL AGREEMENT AND TO ESTABLISH AN EQUIPMENT  
REPLACEMENT FUND**

WHEREAS, IC 36-8-19 permits two (2) or more participating units of local government to establish a fire protection territory to provide fire protection services to those participating units; and,

WHEREAS, the Town of McCordsville ("McCordsville"), the Town of Fortville ("Fortville") and Vernon Township ("Vernon"), currently contract with each other for Vernon to provide fire protection and emergency medical services within Vernon Township, including Fortville and McCordsville (except for that portion served by Buck Creek Township); and,

WHEREAS, Fortville, McCordsville and Vernon are contiguous to one another; and,

WHEREAS, in the formation of a Territory, the participants are permitted to establish an Equipment Replacement Fund pursuant to IC 36-8-19-8.5; and,

WHEREAS, the Trustee and Township Board of Vernon; the Town Council of McCordsville and the Town Counsel of Fortville have determined that it will be in the best interests of the citizens of those units of government to enter into an agreement to form a fire protection territory; and,

**NOW THEREFORE, IT IS HEREBY ORDAINED THAT:**

1. The Town Council of McCordsville, hereby joins together with the Trustee and Township Board of Vernon Township, and Town Council of Fortville, all of Hancock County, Indiana, under the provisions of IC 36-8-19 to establish a fire protection territory.

2. The fire protection territory shall include the entire area of Vernon Township, including all of Fortville and all McCordsville, excluding that portion of McCordsville that lies within Buck Creek Township, Hancock County.

3. The provider unit shall be Vernon Township, Hancock County.

4. The participating units shall be Vernon Township Hancock County, the Town of McCordsville, Hancock County and Town of Fortville, Hancock County.

5. Upon the adoption of this Ordinance by McCordsville; the corresponding Ordinance by Fortville and the corresponding Resolution by Vernon, the participating units agree that the property tax rates imposed on all taxable property in Vernon Township, Hancock County, including the towns of Fortville and McCordsville, except that portion in Buck Creek Township, for the services provided by the fire protection territory shall be the same.

6. The agreement to establish the fire protection territory shall include the creation of a Fire Protection Territory Fund by Vernon, from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents supplies, contingencies, and other expenses lawfully incurred within the territory shall be paid. The funds and money in the fund may not be used for any other expense or purpose, including the payment of debt service or lease rentals on obligations issued or entered into to finance buildings or equipment. The money in the fund may be used to repay any advances made by Vernon Township to the fund, if any, or to transfers to the Equipment Replacement Fund.

7. The budget for the Fire Protection Fund shall be approved by the Vernon Township Board, subject to the procedure detailed in the Interlocal Agreement titled "Vernon Township Fire Protection Territory Agreement." ("Interlocal Agreement") The budget shall be set in an amount sufficient to meet the expenses of operation and maintenance of fire protection services within the territory and to maintain an appropriate operating reserve. After adoption of the fire protection budget, the participating units shall establish the tax levy required to fund the budget, as estimated by the provider unit, subject only to any applicable property tax levy controls.

8. The agreement shall include the establishment of an Equipment Replacement Fund, to be used to purchase fire protection equipment, including housing. There shall be a separate levy, on all taxable property. The property tax rate for the Equipment Replacement Fund levy may not exceed three and thirty-three hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed value.

9. The agreement provides for the establishment of a Territory Executive Board ("Executive Board") which shall perform certain administrative, planning, and operating business of the Territory with the involvement of all the Participating Units subject to the terms of the Interlocal Agreement.

10. The Participating Units designate and establish the Provider Unit through its Fire Department the enforcing authority for any uniform fire and building codes of the County or State, any ordinances or resolutions of the participating units, ambulance fee schedule, fireworks or amusement permitting and inspection procedures to be enforced throughout the Territory, including but not limited to Ind. Code 36-8-17-7 and collect any fines or penalties payable to the Territory for violations of any such laws or ordinances, all in compliance with relevant resolutions providing for same adopted by the Provider Unit or identical ordinances and resolutions adopted by each Participating Unit as recommend by the Executive Board, as defined herein, each of which shall be enacted and enforced uniformly throughout the Territory by the Provider Unit and the Department on the same terms and with the same powers and authority as provided to the Territory and Department by the Participating Units.

11. The agreement shall also authorize the participating units to do all other acts provided under the provisions of IC 36-8-19 not otherwise agreed upon or limited by the Interlocal Agreement.

12. All prior Ordinance or parts thereof that are inconsistent with any provisions of this Ordinance are hereby repealed.

13. A copy of the Interlocal Agreement is attached hereto and included as part of and incorporated by reference into this Ordinance and enforceable as an Ordinance of the Town and pursuant to the Laws of the State of Indiana.

14. This Ordinance is hereby adopted at the duly noticed meeting of the McCordsville Town Council held this 17th day of June, 2020.

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