

ORDINANCE NO. 2013- 02
OF THE TOWN OF ZIONSVILLE, INDIANA

**AN ORDINANCE AMENDING THE
MUNICIPAL SEWAGE WORKS FEES OF
THE TOWN OF ZIONSVILLE, INDIANA
PURSUANT TO INDIANA CODE §36-9-23-25**

WHEREAS, Indiana Code §36-9-23-25 confers upon the Town Council of the Town of Zionsville, Indiana ("Town Council") the power to amend the rates and fees charged by the Town of Zionsville Municipal Sewage Works ("Municipal Sewage Works"); and

WHEREAS, the Town Council has studied the operating revenues and expenses of the Municipal Sewage Works and held a public hearing on FEBRUARY 4, 2013 on the rates and fees of the Municipal Sewage Works; and

WHEREAS, the Town Council has found that the current availability fees charged by the Municipal Sewage Works for hooking into the Municipal Sewage Works' wastewater collection and treatment system require adjustment to foster economic development and more closely align with comparable municipalities to Zionsville ("Town"); and

WHEREAS, the Municipal Sewage Works has analyzed this proposed amendment to the Availability Fees and has determined and advised the Town Council that this proposed amendment would not adversely impact the revenues of the Municipal Sewage Works for purposes of its bond financing obligations; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Indiana, that:

1. Ordinance Amendment. The provisions of Chapter 5, Article II, Section 5-30(d) of the Zionsville Code of Ordinances regarding the amount of the Town's Availability Fee required for hooking on to the Town sewer system is hereby amended by deleting the first sentence of Section 5-30(d) and replacing it in its entirety with the following:

(d) **Availability Fee.** The Town of Zionsville shall assess an Availability Fee of:

Single Family Dwelling Unit - Four Thousand Dollars (\$4,000.00) per EDU for each single connection to the Zionsville Sewer System.

All other uses (multi-family, commercial, industrial or public/semi-public) - Four Thousand Dollars (\$4,000.00) for the first EDU and Two Thousand (\$2,000.00) for each additional EDU, as determined pursuant to Sec. 5-30 (a)(4) hereof.

(additions to the previous Code provisions are underlined and deletions are struck through)

The remaining provisions of Section 5-30(d) is not amended hereby and remains in effect as currently codified.

2. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

3. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.


4. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

5. Duration and Effective Date. The provisions of this Ordinance shall become and remain in full force and effect and until its repeal by ordinance, and the charges herein shall become effective immediately upon the due publication of this Ordinance as required under Indiana law.

Introduced on the 4th day of February, 2013.

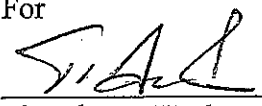
DULY PASSED AND ADOPTED this 4th day of MARCH, 2013, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 6 in favor and 0 opposed.

TOWN OF ZIONSVILLE, INDIANA
BY ITS TOWN COUNCIL



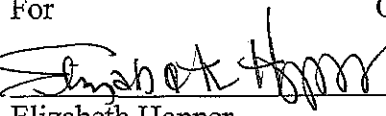
Jeff Papa, President

For _____ Opposed _____



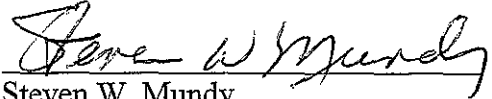
Timothy R. Haak

For _____ Opposed _____



Elizabeth Hopper

For _____ Opposed _____


Steven W. Mundy

For

Opposed


Thomas A. Schuler

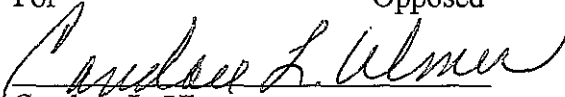
For

Opposed

Susana Suarez

For

Opposed


Candace L. Ulmer

For

Opposed

ATTEST:



John J. Yeo
Zionsville Clerk/Treasurer

IM-4816229-1