

**ORDINANCE 2024-43**

**AN ORDINANCE AMENDING TITLE V, CHAPTER 52, SECTION 52.067 OF THE  
ZIONSVILLE TOWN CODE**

**WHEREAS**, pursuant to Indiana Code § 36-9-23-1 *et seq.*, the Town of Zionsville, Indiana (the “Town”) owns, operates, manages and controls sewage works; and

**WHEREAS**, Title V, Chapter 52, Section 52.067 Zionsville Town Code establishes a schedule of user fees for sewer service, and

**WHEREAS**, pursuant to Indiana Code § 36-9-23-26, the Town Council of the Town of Zionsville, Indiana (the “Town Council”) may change or adjust its existing schedule of fees by ordinance after notice and public hearing; and

**WHEREAS**, Indiana Code § 36-9-23-25, authorizes the Town Council to adopt by ordinance a just and equitable schedule of fees for sewer services rendered by the Town’s sewage works; and

**WHEREAS**, Indiana Code § 36-9-23-25 further authorizes the Town Council to exercise reasonable discretion in adopting different schedules of fees, or making classifications in schedules of fees based upon variations in the costs, including capital expenditures of furnishing services to various classes of users or to various locations, or the number of users in various locations; and

**WHEREAS**, based upon the financial analysis conducted by Crowe Horwath LLP, and recommended by the Town of Zionsville Municipal Sewage Works, the Town Council has determined that the schedule of fees for sewer service should be increased for certain classifications of users; and

**WHEREAS**, the schedules of fees adopted herein are just and equitable, and

**WHEREAS**, it is necessary to amend Zionsville Town Code § 52.067 in order to establish a new schedule of fees for sewer services provided by the Town.

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

Section 1. The foregoing recitals are fully incorporated herein by this reference.

Section 2. The Town Council after notice, investigation, public hearing and consideration, has determined that it is necessary to amend Title V, Chapter 52, § 52.067 of the Zionsville Town Code to read as follows:

**“§ 52.067 COLLECTION OF CHARGES AND RATES**

(A) For the use of and the services rendered by the municipal sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the

municipal sewage works or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the municipal sewage works.

(B) Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(1) Non-residential sewage rates and charges:

(a) Treatment charge:

1. All non-residential users (per 1,000 gallons): \$6.90; and
2. Plus (per 100 cubic feet): \$5.22

(b) All non-residential users base rate as follows:

| <i>Meter Size</i>      | <i>Monthly Base Rate User Charge</i> |
|------------------------|--------------------------------------|
| 5/8-inch water meter   | \$18.14                              |
| 3/4-inch water meter   | \$23.19                              |
| 1-inch water meter     | \$36.86                              |
| 1-1/4-inch water meter | \$55.44                              |
| 1-1/2-inch water meter | \$77.80                              |
| 2-inch water meter     | \$129.86                             |
| 3-inch water meter     | \$290.95                             |
| 4-inch water meter     | \$501.93                             |
| 6-inch water meter     | \$1134.04                            |
| 8-inch water meter     | \$2015.64                            |

(2) Residential users (one dwelling unit): flat sewage rate: \$56.85.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges as hereinabove provided for a non-residential user, or to charges and rates established in harmony therewith.

(4) In the event a user discharges sanitary sewage, industrial wastes, water or other liquids into the municipal sewage works, either directly or indirectly, is not a user of water supplied by the water utility serving the Town, or is a user of water both supplied by the water utility serving the Town and a different water utility not serving the Town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this subchapter, the Town may require a user, at its expense, to install and maintain meters, wires, volumetric measuring devices or an adequate and approved method of measurement acceptable to the Town for determining sewage discharge.

(C) The user fees provided for herein are based upon costs which, in large part, are subject to inflation and other economic and market forces over which the Town has no control. As such, the adequacy of the Town's sewage user fees shall be studied and re-evaluated by Town staff or consultants at least once every four (4) years."

Section 3. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 4. Should any provision or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected so long as they can, without the invalid provision, be given the effect intended by the Town Council in adopting this Ordinance. To this end, the provisions of this Ordinance are severable.

Section 5. This Ordinance shall be in full force and effect January 1, 2025, upon its passage and action by the Town Council and the Mayor in the manner prescribed by Reorganization section ZR2A18 and shall remain in full force and effect until amended or repealed by ordinance of the Town Council.

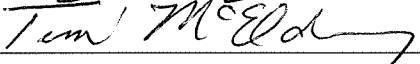
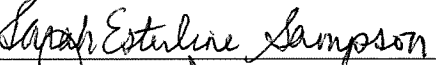
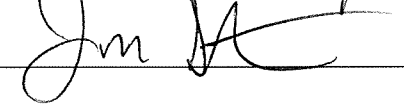
Introduced and filed on the 2nd day of December, 2024. A motion to consider on First Reading was sustained by a vote of 6 in favor and 0 opposed, pursuant to Ind. Code § 36-5-2-9.8.

[signature page follows]

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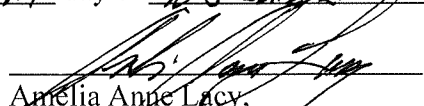
**SO ORDAINED**, this 16<sup>th</sup> day of December, 2024, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

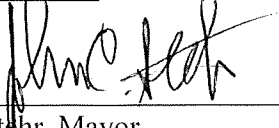
|                                    | YEA<br>Signature                                                                    | NAY<br>Signature |
|------------------------------------|-------------------------------------------------------------------------------------|------------------|
| Jason Plunkett,<br>President       |    |                  |
| Brad Burk,<br>Vice-President       |    |                  |
| Tim McElderry,<br>Member           |    |                  |
| Craig Melton,<br>Member            |    |                  |
| Evan Norris,<br>Member             |    |                  |
| Sarah Esterline<br>Sampson, Member |   |                  |
| Joseph Stein,<br>Member            |  |                  |

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor John Stehr on the 16<sup>th</sup> day of December, 2024, at 11<sup>00</sup> A.m.

ATTEST:

  
Amelia Anne Lacy,  
Municipal Relations Coordinator

**MAYOR'S APPROVAL**

  
\_\_\_\_\_  
John Stehr, Mayor

12-16-2024  
\_\_\_\_\_  
Date

This Ordinance was prepared by Jon Oberlander, Chief Legal Counsel, on 11/19/24 at 2:46 p.m. This Ordinance was further revised by Heather D. Harris, Legal Counsel to the Town Council of the Town on December 5, 2024. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander or Ms. Harris for legal sufficiency or otherwise.