

AMENDED ORDINANCE # 05-6-2

COPY

An Ordinance Amending Ordinance #05-6-2, Fixing the Schedule of Rates and Charges to be Collected by the Town of Ossian, Indiana, from the Owners of Property Served by the Stormwater Utility of Said Town.

WHEREAS, the Town of Ossian, Indiana ("Town") owns and operates a stormwater system; and

WHEREAS, the Town Council has established a Stormwater Utility in accordance with the provisions of IC 8-1.5-5-1 et. seq., ("Act"); and

WHEREAS, the Board has found that in order to properly manage the Stormwater Utility provision must be made to study, design, and implement a system for the safe and efficient disposition of stormwater, and that funds by made available for such purpose; and

WHEREAS, the Town Council has found, based upon the advice of its counsel, that the provisions of the Act apply to the collection, disposal, and drainage of storm and surface water, that the Town may finance its Stormwater Utility pursuant to the Act; that the Town may supervise and control said Stormwater Utility pursuant to the Act; and that the provisions of the Act will enable the Town to finance and, through the Board, operate and control its Stormwater Utility; and

WHEREAS, consequent to the above findings, initial rates and charges were established by Ordinance #05-6-2, adopted August 8, 2005, for the purposes of financing, operating and controlling such Stormwater Utility; and

WHEREAS, the Town Council has found that the revenues from such stormwater rates and charges are insufficient to enable the Town to properly operate its Stormwater Utility and make payment of and provision for the expenses of said Stormwater Utility, and the Town Council now finds that the rates and charges established by said Ordinance should be increased;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Ossian, Indiana:

Section 1. That Section of Ordinance #05-6-2, adopted on August 5, 2005, be amended to read as follows: Section 1. For the use of the services rendered by the stormwater utility, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that discharges stormwater, either directly or indirectly, into the stormwater system of the Town, which rates

and charges are payable as hereinafter provided and shall be in an amount determinable as follows:

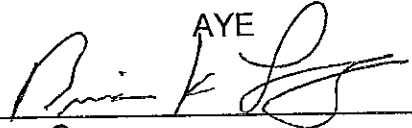
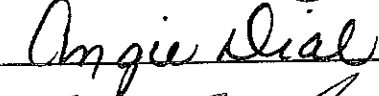
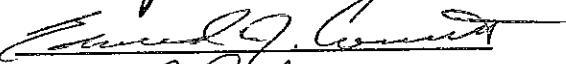


<u>Classification</u>	<u>Monthly Charge</u>
Residential	\$ 8.00
Non-Residential	
Less than 6,000 square feet	8.00
6,001 – 10,000 square feet	12.00
10,001 – 15,000 square feet	20.00
15,001 – 25,000 square feet	30.00
25,001 – 35,000 square feet	50.00
35,001 – 50,000 square feet	74.00
50,001 – 65,000 square feet	100.00
65,001 – 75,000 square feet	134.00
75,001 – 100,000 square feet	150.00
Over 100,000 square feet	224.00.

Section 2. Rates and charges incurred under this ordinance shall be prepared and collected by the Town in accordance with those provisions regulating the preparation and issuance of bills for sewer service generally. The monies collected under this ordinance shall be deposited in the Stormwater Revenue Fund.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Section 4. The rates and charges shall be prepared and billed by the Town monthly, as the Town may deem appropriate and as determined by the bylaws and regulations for the Town as hereinafter provided by law and ordinance. This charge shall be paid, in arrears, by the 20th of the month following the service. Current charges unpaid by the 20th of the billing month will be assessed a penalty of ten percent (10%). Said rates and charges will be billed to the owner of duplex or multi-unit properties. Said rates and charges will be billed to the tenant or tenants occupying the property served in single family units unless otherwise requested in writing by the owners, but such billing shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served which are occupied by tenants shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business. If such charges are not paid within thirty (30) days after due, the amount of the charge, together with the penalty of ten percent (10%), any necessary attorney fees, and/or any necessary collection fees, may be recovered by the Town.

PASSED and ADOPTED by the Town Council of the Town of Ossian,
Indiana, this day of 11 Sept., 2006, by the following vote:

AYE	NAY
<u></u>	_____
<u></u>	_____
<u></u>	_____
<u></u>	_____
<u></u>	_____

ATTEST


Mary K. Shafer, Clerk Treasurer