

TOWN OF WOLCOTT, WHITE COUNTY, INDIANA

ORDINANCE NO. 2015-02

**ORDINANCE ESTABLISHING SUPPLEMENTAL SEWER FEES AND
INSPECTION & COMPLIANCE PROGRAM**

WHEREAS, municipalities of Indiana are authorized to adopt Ordinances for the purpose of protecting the health, safety and welfare of its residents, business and real property owners, and to preserve the peace, order and safety of the Town, including the installation, maintenance and operation of storm water collection and disposal; and

WHEREAS, the Town of Wolcott, per Indiana Code Section 8-1.5-5 *et seq.*, established a Special Taxing District for the purposes of funding said storm water management; and

WHEREAS, the Town Council of the Town of Wolcott, White County, Indiana, has determined that it is in the best interests of the Town of Wolcott and its residents, business owners and property owners to install, maintain and operate the collection of storm water and disposal thereof, in order to protect and preserve the health, safety and welfare of residents, businesses owners/operators and other property owners of the Town of Wolcott; and

WHEREAS, the Town of Wolcott is required by law to cover all expenses related to operation of town facilities which includes the town sewer facilities and equipment; and

WHEREAS, that as a result of a high volume of water entering the sewer system during times of moderate to heavy rain, the town sewer system is facing additional and previously unanticipated expenses for maintenance or replacement of town sewer equipment which the present sewer fee program does not address; and

WHEREAS, the Town of Wolcott must take all necessary steps to comply with Article 8.5, 170 IAC, rule 8.5-1-2, which states that it is unlawful to discharge water from sump pumps, foot drains, or rain water into sanitary lines (House/Business/Property Laterals); and

WHEREAS, the Town of Wolcott, to be in compliance with same, establishes a program to encourage residents, businesses (owners/operators/managers) and other property owners to allow inspection of their properties and, or to establish additional funding to cover expenses related to additional maintenance or replacement of sewer equipment associated with the large volume of water which the town sewer system is presently having to manage.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF WOLCOTT, WHITE COUNTY, INDIANA**

**ORDINANCE ESTABLISHING SUPPLEMENTAL SEWER FEES AND
INSPECTION PROGRAM**

(A) The Town of Wolcott, to operate in compliance with Article 8.5, 170 IAC, rule 8.5-1-2 establishes a Supplemental Sewer Fee and Inspection Program for all residents, businesses, other real properties and owners of real property (or their agents) served by or are customers of Town of Wolcott sewer services;

(B) That the Town of Wolcott establishes a supplemental fee in the form of a surcharge of \$50.00 per month to cover the additional expenses of maintenance and equipment replacement heretofore unaccounted for, yet required to manage the high volume of water which presently comes through the sewer system, especially during times of moderate to heavy rains;

(C) That the above stated surcharge will be waived for all residents and businesses (owners/operators/managers) and other property owners that allow a town employee to inspect their property related to the down spouts, sump pumps, footing drains, and yard cleanouts to confirm compliance with State Law (Article 8.5, 170 IA, Rule 8.5-1-2);

(D) That the above stated surcharge of Fifty Dollars (\$50.00) per month shall be added to the present sewer fees or charges issued to each resident, business,

business owner/operation/manager or real property owner or agent served by or are customers of Town of Wolcott sewer services;

(E) That the above stated waivers must be renewed on a semi-annual basis (every six (6) months);

(F) That inspections shall be scheduled and occur during normal business hours in accordance with the schedule of Town employees, contractors or agents of the Town of Wolcott;

(G) That failure to cooperate with scheduling or inspection of the residence, business or any real property shall completely nullify any previously stated waiver of surcharge during that six (6) month time period as if the waiver was not granted during said six (6) month time period; hence, the supplemental sewer fee shall be due for all six (6) months of that time period without regard to whether a waiver was initially granted or not;

(H) That if, after the real estate is inspected, it is determined to not be in compliance with State Law (as stated above) then said non-compliance shall nullify any previously stated waiver of the supplemental sewer fee during that six (6) month time period as if the waiver was not granted during said six (6) month period; hence, the supplemental sewer fee shall be due for all six (6) months of that time period without regard to whether a waiver was initially granted or not;

(J) That it is the sole obligation of the residents and businesses (owners/operators/managers) and other property owners to make all necessary arrangements for the above stated inspections; that the Town of Wolcott has no obligation to contact or otherwise further inform or remind of the waiver option;

(K) That billing of the above stated supplemental sewer fee shall be sent to all residents and businesses (owners/operators/managers) and other property owners by means of the water/sewer bills, or by any other means the Town determines will notify the property owners/managers that said supplemental sewer fee are due and owing;

(L) That all revenue collected under this ordinance shall be deposited in the Wastewater Depreciation/Capital Improvement Fund;

(M) That this Ordinance shall take effect and billing shall begin on the 1st day of **May, 2015**; and,

(N) That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

DULY ORDAINED and ADOPTED this 17th day of March, 2015, by the Town Council of the Town of Wolcott, County of White, Indiana, having been passed by a vote of four in favor and none opposed.

**TOWN COUNCIL
of the
TOWN of WOLCOTT, INDIANA**

YEA

NAY

/s/ Marsha L. Mackey, President

/s/ Jon H. Evans, Vice President

/s/ Richard A. Lynn, Council Member

/s/ Fred A. Young, Council Member

/s/ Michael A. Yelton, Council Member

So Witnessed and attested to this 17th day of March, 2015:

/s/ Linda S. Bajzatt, IAMC, CMC
Clerk-Treasurer