

**TOWN OF WOLCOTT, WHITE COUNTY, INDIANA
ORDINANCE NO. 2010-01**

**ORDINANCE TO ESTABLISH THE TOWN OF WOLCOTT AS A SPECIAL TAXING
DISTRICT FOR STORMWATER MANAGEMENT AND ESTABLISH A
STORMWATER FUND**

WHEREAS, municipalities of Indiana are authorized to adopt Ordinances for the purpose of protecting the health, safety and welfare of its residents, 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, Indiana Code Section 8-1.5-5 *et seq.*, authorizes the Town of Wolcott, to establish 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 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 citizens of the Town of Wolcott; and

WHEREAS, Indiana Code Section 8-1.5-5, *et seq.*, allows municipalities to establish funding thereto, and that the Town of Wolcott has not previously established funding for storm water management, and to establish a means of providing revenue to said fund;

WHEREAS, it is prudent of the Town of Wolcott to establish a fund regarding same to effectively resolve storm water collection and disposal and to update techniques and equipment as needed; including but not limited to, repair and replace storm and drainage tiles and pursue other endeavors related the elimination of storm water from streets and properties;

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

**ORDINANCE ESTABLISHING THE TOWN OF WOLCOTT AS A SPECIAL
TAXING DISTRICT FOR STORMWATER MANAGEMENT AND ESTABLISH
A STORMWATER FUND**

(A) Definitions.

Section ___-01. Definitions – “Special Taxing District”

For purposes of this Chapter, shall mean all properties located within corporate boundary of the Town of Wolcott, State of Indiana as defined by Indiana Code Section 8-1.5-5 -5, to be utilized for funding Storm Water Management for said municipality.

Section ___-02. Definition.- “Storm Water Management” for purposes of this

Chapter, as defined by Indiana Code Section 8-1.5-5 *et seq.*, shall mean the installation, maintenance and operation of storm water collection and disposal; which includes, but is

not limited to, the repair and replacement storm and drainage tiles and pursue other endeavors related the elimination of storm water from streets and properties.

Section ___-03. Definition.- “Storm Water Management Board” for purposes of this Chapter, as defined by Indiana Code Section 8-1.5-5 *et seq.*, shall mean a board established by the Town Council of Wolcott to be responsible for Storm Water Management.

Section ___-04. Definition.- “Storm Water Fund” for purposes of this Chapter, as defined by Indiana Code Section 8-1.5-5 *et seq.*, shall mean an account established for the Storm Water Management, and said fund to be directed by the Storm Water Management Board.

(B) Establishment of a Special Taxing District for purposes of Storm Water Management. The Town Council of Wolcott establishes a Special Taxing District in accordance with I.C. Section 8-1.5-5-5 for purposes of establishing and creating revenue for a Storm Water Fund. In accordance with said Statute, the Special Taxing District is the corporate limits of the Town of Wolcott, State of Indiana.

(C) Establishment of Storm Water Management Board. The Town Council of Wolcott establishes a Storm Water Management Board, in accordance with I.C. Section 8-1.5-5-4 *et seq.* Said Board shall initially consist of members of the Town Council of Wolcott and said members shall be in accordance with said statute. The powers of said board shall be in accordance with I.C. Section 8-1.5-5-6.

(D) Establishment of a Storm Water Fund. The Town Council of Wolcott establishes a Storm Water Fund, in accordance with I.C. Section 8-1.5-5-7, 8-1.5-5-8, 8-1.5-5-9, 8-1.5-5-10 and 8-1.5-5-11. Said funds shall be established and maintained in accordance with I.C. Section 8-1.5-5 *et seq.*

(E) Establishment of a Fee to Provide Revenue for Storm Water Fund. The Town Council of Town of Wolcott establishes a fee, in accordance with I.C. Section 8-1.5-5-7. The Town Council shall establish a flat fee per parcel of property within the Special Taxing District to provide revenue for the Storm Water Fund. The Town Council shall establish said fee annually, or as often as is necessary and prudent for the creation of said fund and operation therewith.

(F) 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 16th day of February, 2010, by the Town Council of the Town of Wolcott, County of White, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL
of the TOWN of WOLCOTT, INDIANA

Yea

Nay

/s/ Marsha L. Mackey
Marsha L. Mackey, President

Marsha L. Mackey, President

/s/ Jon H. Evans
Jon H. Evans, Vice President

Jon H. Evans, Vice President

/s/ Richard A. Lynn
Richard A. Lynn, Member

Richard A. Lynn, Member

/s/ Jerry Pinkerton
Jerry Pinkerton, Member

Jerry Pinkerton, Member

/s/ Fred A. Young
Fred A. Young, Member

Fred A. Young, Member

Attest:

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