

ORDINANCE NO. 856

AN ORDINANCE CREATING A DEPARTMENT OF STORM WATER MANAGEMENT FOR THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AND ADOPTING IN ENTIRETY THE PROVISIONS OF I.C. 8-1.5-5-1 ET SEQ.

WHEREAS, the Town Council, Town of St. John, Lake County, Indiana, has experienced problems and difficulties with regard to the management of the storm sewers and the control of storm water within the Town limits in the Town of St. John, Lake County, Indiana; and

WHEREAS, I.C. 8-1.5-5-1 et seq. provides, among other things, for the creation of a Department of Storm Water Management for the purposes of installing, maintaining, and/or operating a storm water collection and disposal system; and

WHEREAS, the Town Council, Town of St. John, Lake County, Indiana, due to the foregoing, finds it necessary and desirable to adopt the provisions of I.C. 8-1.5-5-1 et seq. and to create a Department of Storm Water Management for the Town of St. John, Lake County, Indiana.

NOW, THEREFORE, BE IT ORDAINED that the Town Council, Town of St. John, hereby adopts the provisions of I.C. 8-1.5-5-1 et seq. in entirety, and thereby creates a Department of Storm Water Management for the Town of St. John, Lake County, Indiana; and

BE IT FURTHER ORDAINED that the Department of Storm Water Management shall be controlled by a Board of Directors consisting of three (3); that the Town Council President shall appoint the said Board of Directors, not more than two (2) of whom may be of the same political party; and that the terms of the Directors shall be for four (4) years; that notwithstanding the foregoing, the initial terms of the Directors shall be two (2) years, three (3) years, and four (4) years, respectively; and the Town Council President may remove a Director at any time when, in the judgment of the said Town Council President, is for the best interest of the Department; and

BE IT FURTHER ORDAINED that a Special Taxing District shall hereby be created and shall be under the control of the Department of Storm Water Management, and which shall include all the territory within the corporate boundaries of the Town of St. John, Lake County, Indiana; that said Special Taxing District shall be for the purpose of providing for the collection and disposal of storm water of the District in a manner that protects the public health and welfare and for the purpose of levying special benefit taxes for purposes of storm water collection and disposal; and

BE IT FURTHER ORDAINED that the Board of Directors of the Department shall have all powers and duties prescribed by I.C.

8-1.5-3-4 (a) and I.C. 8-1.5-5-6; and

BE IT FURTHER ORDAINED that the acquisition, construction, installation, operation, and maintenance of facilities and land for storm water systems may be financed through:

1. Proceeds of Special Taxing District bonds of the Storm Water District;
2. The assumption of liability incurred to construct the storm water system being acquired;
3. Service Rates;
4. Revenue Bonds;
5. Any other available funds.

The Board of Directors, after approval by the Town Council, may assess and collect user fees from all of the property of the Storm Water District for the operation and maintenance of the storm water system; and

BE IT FURTHER ORDAINED that the Board of Directors may fix and set aside revenues of the Department necessary for reasonable and proper operation and maintenance, revenues for a proper and adequate depreciation account, and revenues to be applied to the payment of the principal and interest of the authorized bonds; and

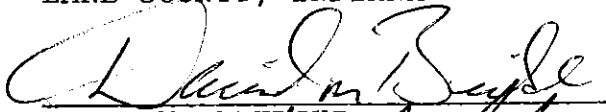
BE IT FURTHER ORDAINED that the Board of Directors of the Department of Storm Water Management may not issue any bonds authorized by the Indiana Code until it has secured the approval

for the issuance of the bonds from the Town Council of the Town of St. John, Lake County, Indiana.


BE IT FURTHER ORDAINED that an emergency exists for the immediate taking effect of this ordinance; that there being unanimous consent of the members of the Town council present; and that a 2/3rds vote is required for the passage of ordinances on the same day as introduced, this ordinance shall take effect upon its passage and adoption by the Town Council, and the affixing of their signatures thereto.

Passed by the Town Council of the Town of St. John, Lake County, Indiana, this 14th day of January, 1991.

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA



DAVID M. BIELECKI



KENNETH GEMBALA



DOUGLAS PATTERSON

ATTEST:



JUDITH L. COMPANIK
Clerk-Treasurer

ORDINANCES #856, #915 AND #1004

REPEALED BY ORDINANCE #1215

8/23/01