

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

**ORDINANCE NO. 1421**

**AN ORDINANCE ESTABLISHING FINES AND PENALTIES FOR ILLEGAL CONNECTION TO AND/OR TAMPERING WITH THE TOWN OF ST. JOHN WATERWORKS SYSTEM, REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PORTIONS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED HERETO.**

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, has been informed and advised by its Public Works Department Personnel that circumstances have occurred, and are occurring, within the Town whereby certain individuals and entities, including real estate subdivision developers, contractors, as well as their agents, employees and representatives, have, without permission, permit or authorization, improperly and illegally connected to and/or tampered with the Town's Waterworks System without proper legal notice or authorization; and

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the duly adopted Resolution No. WD 06-06-19 of the Board of Waterworks of the Town of St. John, Lake County, Indiana, recommending the adoption of an Ordinance establishing fines and penalties regarding the improper, unauthorized and illegal actions described hereinabove; and

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed the information and advisement of the Public Works Department personnel, advisory recommendation by Resolution of the Board of Waterworks of the Town, and its own investigation, and particularly that fines and penalties be established for such illegal and improper connections to and/or tampering with the Town Waterworks system, now concurs that is advisable, necessary, and in the best interests of the residents and water utility customers of the Town that fines and penalties be established for illegal connection to and/or tampering with the Town of St. John Waterworks System.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That the only connections that may be made to the Town Waterworks System are those that are specifically authorized and approved, by valid permit, after compliance with applicable procedures and requirements of the Town. All other connections are deemed to be illegal, improper, unauthorized, and violative of the right to access and/or use of water or a water supply from the Town Waterworks System.

**SECTION TWO:** That any person or entity who improperly, illegally, or without duly approved, processed and issued permit authority connects to and/or tampers with the Town's Waterworks System, without legal and proper notice or approval, shall, upon such finding, be punished by a fine of not less than Five Hundred and 00/100 Dollars (\$500.00), plus Court Costs, if any, for a first violation of this Ordinance, nor more than Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00), for a second or subsequent violation hereof. Each such violation shall constitute a separate offense. Any and all fines issued and paid pursuant to the provisions of this Ordinance, as amended

from time to time, shall be payable directly to the Clerk-Treasurer of the Town of St John for deposit into the Waterworks District General Fund. Notices of violation of this Ordinance for illegal, improper and/or unauthorized connection and/or tampering with the Town of St. John Waterworks System may be issued by the Town Code Enforcement Officer, Department of Public Works Personnel, or any Town Law Enforcement Officers.

**SECTION THREE:** That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION FOUR:** 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.

**SECTION FIVE:** That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law.

**ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 22<sup>nd</sup> DAY OF JUNE, 2006.**

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

/s/ Michael S. Fryzel, President  
/s/ Jerri A. Teibel, Vice-President  
/s/ Charles Pearson, Member  
Mark Barenie, Absent Member  
/s/ Gregory J. Volk, Member

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer