

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1441

AN ORDINANCE AMENDING TOWN CODE SECTION 4-28, AND REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been informed by the Indiana State Board of Accounts that Town Code Section 4-28 does not clearly define the purpose and procedures regarding building escrow fees; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the audit comments of the Indiana State Board of Accounts pertaining to the building escrow fees, and concurs with the audit comments; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that the primary purpose of the residential and commercial escrow fee is to ensure compliance with the approved engineering and grading plans at the time the Certificate of Occupancy is requested and approved; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that it is in the best interests of the residents of the Town to establish a time limit for retention of such escrow fees and establish guidelines for disposition of such fees in an effort to reduce the cost of accounting and administration expenses; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed the audit comments of the Indiana State Board of Accounts and Town Code Section 4-28, now concurs that it is advisable, necessary, and in the best interests of the residents of the Town of St. John that a procedure and process be established for building escrow fees.

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

SECTION ONE: That Subsection (b), entitled Escrow., of Section 28, entitled Fees, of Title 4, entitled Building and Building Regulations, be, and the same is hereby replaced to read and provide as follows:

Sec. 4-28. Fees.

“(b) Escrow:

Residential.....	\$1,000
Commercial/Industrial.....	\$2,000

Prior to building permit issuance, the residential and commercial escrow fee shall be deposited with the Town to ensure compliance with the engineering and grading plans previously approved

by the Town of St. John. Upon request for a Certificate of Occupancy to be issued, the permittee shall submit an "as-built survey" of the property to the Building and Planning Department. The Public Improvement Inspector shall conduct the appropriate review and determine building elevation and final grade compliance with the "as-built survey". In the event that the building elevations and final grades comply with the "as-built survey", then the release of the escrow funds will be placed on the next claim docket of the Town Council for approval and payment to the depositor of the escrow fee. In the event that the escrow fees have not been released to the depositor within one hundred eighty (180) days of a Certificate of Occupancy being issued, then the escrow fees shall be forfeited and transferred to the Town General Fund. The transfers to the Town General Fund shall occur on a monthly basis."

SECTION TWO: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed and declared to be null, void, and of no legal effect.

SECTION THREE: 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.

SECTION FOUR: 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, pursuant to applicable law.

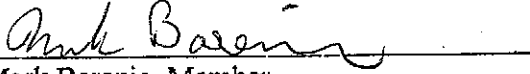
ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF ST. JOHN, INDIANA, LAKE COUNTY, INDIANA, THIS 15th DAY OF March, 2007.


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


Michael S. Fryzel, President


Jerri A. Teibel, Vice-President


Charles Pearson, Member


Mark Barenie, Member


Gregory J. Volk, Member

ATTEST:


Sherry P. Sury, Clerk-Treasurer