

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1485

AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1381, BEING: "AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1350, BEING: 'AN AMENDED ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA CONCERNING CHARGES FOR SEWERAGE SERVICES.', AND ALL MATTERS RELATED THERETO.", AND ALL MATTERS HEREWITH.

WHEREAS, the Town of St. John, Lake County, Indiana (the "Town"), pursuant to Indiana Code Section §36-9-23-1, et seq., (the "Act") owns, operates, manages and controls a sewage works collection system (the "Sewage Works System"); and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, previously adopted its Ordinance No. 1381 establishing a schedule of rates and charges for sewer service, including the Sewage Works System Development Charge, as more particularly described in prior Ordinances of the Town; that the Sewage Works System Development Charge is a one-time fee paid by new customers of the Sewage Works System for the purpose of those new customers paying a proportionate share of the cost to the Town of purchasing capacity from the Schererville, Indiana Wastewater Treatment Plant (WWTP) for such new customers; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is aware that existing customers and rate payers of the Town Sewage Works System have, through rates and charges, paid for the capital costs of the Sewage Works System; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has adopted its Ordinance No. 1381 pertaining to charges for sewage services to customers of the Town Sewage Works System, which included a Sewer System Development Charge to apply to new customers of the Sewage Works System, charged only to new customers of the Sewage Works System, based upon historical costs incurred to establish the Sewage Works System; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is aware, and has been advised that the Board of Sewer Works of the Town of St. John, Lake County, Indiana, did, on the 18th day of February, 2008, recommend amendment to the Sewer System Development Charge Rate established in Town Ordinance No. 1381, based upon recommendation by the then-retained Town Financial Advisors, H.J. Umbaugh & Associates; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is aware, and has been advised that the Town Financial Advisors prepared a capacity ratio analysis based upon the American Waterworks Association M1 Manual, and pursuant to analysis under said methodology, recommended that the Sewer System Development Charge rate component established in Town Ordinance No. 1381 be revised and amended; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the advisory recommendation of the Board of Sewer Works of the Town set forth in Resolution No. SD No. 0802-18, with the recommended revised schedule of charges for the Sewer System Development Charge Rate to be collected from new customers of the Sewage Works System, as well as the report recommendation of the then-Town Financial Advisors, H.J. Umbaugh & Associates, as presented; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has caused to be published a Notice of Public Hearing, in conformance with applicable law, giving notice to present and future customers of the Sewage Works System of the Town, of a Public Hearing to be held regarding the proposed schedule of rates and charges pertaining to the Sewer System Development Charge; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that the Act authorizes the Town Council to adopt, by Ordinance, a just and equitable schedule of rates and charges for sewer service in the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has held a Public Hearing on the 22nd day of January, 2009, as noticed and advertised, regarding the schedule of rates and charges proposed for amendment, namely, the Sewer System Development Charge, and whereby present and future customers of the Sewage Works System were provided an opportunity to be heard concerning the proposed amended schedule of rates and charges in the amendatory Sewer Rate Ordinance; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, at the conclusion of the advertised and noticed Public Hearing, and after being duly advised, now concurs that a proposed amended schedule of sewage works rates and charges pertaining to Sewer System Development Charges set forth hereinafter, and adopted herein, is non-discriminatory, reasonable, just, and equitable, and should be adopted.

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

SECTION ONE: That **SECTION ONE** of Town Ordinance No. 1381, duly adopted by the Town Council of the Town of St. John on April 28, 2005, be, and the same is hereby amended to read and provide as follows, namely:

SECTION ONE: That effective February 1, 2009, a one-time charge known as a Sewer System Development Charge will be collected from new customers of the Sewage Works System in accordance with the following amended schedule:

<u>Line Size at Point of Connection, After Connection, or Water Meter Size, Whichever Is Greater</u>	<u>Capacity Ratio</u>	<u>Total Charge</u>
5/8", 3/4", 1"	1.0	\$1,500
1-1/2"	5.0	\$7,500
2"	8.0	\$12,000
3"	15.0	\$22,500
4"	25.0	\$37,500
6"	50.0	\$75,000
8"	80.0	\$120,000
10"	115.0	\$172,500
12"	215.0	\$322,500"

SECTION TWO: That the aforementioned Sewer System Development Charge Rates shall be collected by the Town as set forth in the Town Sewage Rate Ordinance not amended hereby, and currently in effect.

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 be effective from and after its passage and adoption 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 THIS 22nd DAY OF January, 2009,
BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

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

Mark Barenie
Mark Barenie, President

Michael S. Forbes
Michael Forbes, Vice-President

Michael S. Fryzel
Michael S. Fryzel, Member

Jerry A. Teibel
Jerry A. Teibel, Member

Gregory J. Volk
Gregory J. Volk, Member

ATTEST
Sherry P. Sun
Sherry P. Sun, Clerk-Treasurer