

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1509

AN ORDINANCE ESTABLISHING INCREASED WATER SERVICE TEMPORARY SHUT-OFF AND TURN-ON (DISCONNECTION/RE-CONNECTION) FEES FOR THE TOWN OF ST. JOHN MUNICIPAL WATER UTILITY UNDER THE TOWN WATERWORKS DISTRICT, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana (hereafter "Town Council"), has been informed and advised that the Board of Directors of the Town Department of Waterworks, jurisdictional authority appointed to oversee the Town Waterworks District, has reviewed the non-recurring costs incurred by the Town Waterworks District to perform temporary shut-off of water service lines to properties of water utility customers for a variety of reasons; and

WHEREAS, the Town Council has been further informed and advised that the Board of Directors of the Town Department of Waterworks with authority over the Town Waterworks District (hereafter "Town Waterworks District"), has undertaken an analysis of costs incurred by the Town Waterworks District for the performance of temporary water service shut-off and turn-on (disconnection/re-connection) as part of its continuing due diligence in the conduct and operation of the business of the Town Waterworks District; and

WHEREAS, the Town Council has been further informed and advised that the current rate charged for temporary shut-off and turn-on (disconnection/re-connection) temporary water service is the amount of Five and 00/100 Dollars (\$5.00); further the Town Council has been additionally informed and advised that this temporary shut-off and turn-on (disconnection/re-connection) fee for water service of the Town Waterworks District to properties of customers of the Town Water Utility is the rate and fee charged for decades, at the least, without increase through that entire time to the present; and

WHEREAS, the Town Council has been informed and advised by the Board of Directors of the Town Department of Waterworks as authority for the operation of the Town Waterworks District that the current rates charged for temporary shut-off and turn-on (disconnection/re-connection) are a de minimis charge, which does not come close to covering and recovering the cost of such services to the properties of water utility customers in the Town by services rendered from the Town Waterworks District; and

WHEREAS, the Town Council has been further informed and advised by the Board of Directors of the Town Department of Waterworks, authority conducting the business of the Town Waterworks District, that study and review of actual costs, including administrative costs, labor, equipment, and the like, has been made, as evidenced and set forth in the letter report of Water Utility Attorney Randy H. Wyllie dated March 4, 2010, with attachments, attached hereto and incorporated herein, and that as a consequence of said study, justification for recommendation of the Board of Waterworks of the Town Waterworks District to the Town

Council to increase the water service temporary shut-off and turn-on (disconnection/re-connection) fees for the Town Waterworks District has been made by Resolution No. 10-01-18A previously passed and approved January 18, 2010, by said Board of the St. John Waterworks District; and

WHEREAS, the Town Council, having reviewed the cost justification study report of the Town Waterworks District and its Board Attorney, as well as reviewing the recommendations by Resolution from said Board, and being duly informed and advised, now concurs and agrees that it is appropriate, advisable, and in the best interests of the residents of the Town, ratepayers of the Town Waterworks District served by said Utility, and in conformance with best management practices for the conduct of the business of the Town Waterworks District, that the temporary water service shut-off and turn-on (disconnection/re-connection) fees for the Town Municipal Water Utility under the Town Waterworks District be increased in as recommended.

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

SECTION ONE: That the fee to be charged by the Town of St. John Waterworks District for temporary shut-off and turn-on (disconnection/re-connection) water service shall be as follows for each such event and activity, namely:

1. The amount of Seventy-Five and 00/100 Dollars (\$75.00) for each temporary water service shut-off to a property served by the Town Waterworks District;
2. The amount of Seventy-Five and 00/100 Dollars (\$75.00) for each temporary water service turn-on to a property served by the Town Waterworks District; and
3. The amount charged for each temporary shut-off or turn-on (disconnection/re-connection) service event shall be One Hundred and 00/100 Dollars (\$100.00) for each non-business hours/overtime charged service event.

SECTION TWO: That the fees increased herein for temporary water service to a property served by the Town Waterworks District, whether it is for temporary shut-off or temporary turn-on (disconnection/re-connection) service, shall be charged separately for each event with billing to be made consistent with the current and applicable Water Rate Fee Ordinance setting forth the rates and charges to the owners of property served by the St. John Waterworks District, with these service charges deemed non-recurring or not a regular monthly charge due to the nature of said charge being made on a cost-justified special service basis.

SECTION THREE: That the Town Clerk-Treasurer is hereby directed to publish Notice of Adoption of the within Water Service Fee Amendatory Ordinance upon passage and adoption by the Town Council with report to be made to both the Town Waterworks District Board as well as the Town Council of said publication of Notice of Adoption.

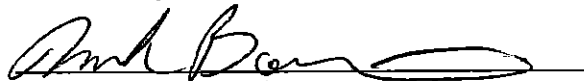
SECTION FOUR: That all Town Code Sections and Ordinances, as amended, or parts thereof, in conflict with the provisions and regulations of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FIVE: 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 SIX: That this Ordinance shall take effect, and be in full force and effect, 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.

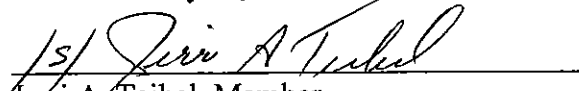
ALL OF WHICH IS PASSED AND ADOPTED THIS 22nd DAY OF April, 2010, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

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


Mark Barenie, President



Michael S. Forbes, Vice-President


Michael S. Fryzel, Member


Jerri A. Teibel, Member


Gregory J. Volk, Member

ATTEST:


Sherry P. Sury, IAMC, CMC,
Clerk-Treasurer