

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1568

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, ADOPTING THE PROVISIONS AND TERMS OF ORDINANCE NO. WD-27 OF THE BOARD OF WATERWORKS OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, PASSED AND ORDAINED BY SAID BODY THE 16TH DAY OF JULY, 1998, AND ALL AMENDMENTS THERETO; ESTABLISHING AND RATIFYING THE TERMS AND PROVISIONS THEREIN; AMENDING PROVISIONS RELATED TO DISCONNECTION OF WATER SERVICE PROCEDURES THEREIN; AND ALL MATTERS RELATED HERETO.

WHEREAS, the Town of St. John, Lake County, Indiana, is a Municipal Corporation, and unit of local government in the State of Indiana; further, that the Town of St. John, Lake County, Indiana, is governed, pursuant to applicable law, by a duly elected legislative body, the Town Council (hereinafter the "Town Council"); and

WHEREAS, the Town Council, has, by lawful enabling Ordinance, established a Department of Waterworks for the Town of St. John, with a duly appointed Board of Directors appointed to oversee the activities and responsibilities of said Department pursuant to applicable law; and

WHEREAS, the Town Council has been informed and advised that the duly appointed Board of Directors of the Town Department of Waterworks did, on the 16th day of July, 1998, approve and adopt Ordinance No. WD-27, to provide an alternative remedy or disconnection of water service to those customers of the St. John Waterworks System who are delinquent, as well as to provide for a procedure of disconnection and penalty therefore; and

WHEREAS, the Town Council has been informed and advised by its Town Manager of this Ordinance adoption action in the context of a review of procedures required for disconnection of water service for delinquent customers of the Town Waterworks System; and

WHEREAS, the Town Council has been further informed and advised that no Ordinance, or law, has been duly adopted by the Town Council related to procedures and requirements for disconnection of water service to customers of the St. John Waterworks System who are delinquent or to provide a system of disconnection and penalty therefore, and that the only such procedures are established by the aforementioned Ordinance of the St. John Board of Directors of the Department of Waterworks in 1998; and

WHEREAS, the Town Council has been further informed and advised by its Town Administrative Staff that amendment is recommended to the procedures established by the aforementioned Ordinance No. WD-27 of the Board of Directors of the Town Department of Waterworks, and a consequence, further recommendation is made that the Town Council adopt said terms and provisions of Ordinance No. WD-27 of the Board of Directors of the Town Department of Waterworks, and all amendments thereto, by adopting same, ratifying the terms and provisions, and acting to amend such terms and provisions therein as are further recommended; and

WHEREAS, the Town Council, being duly advised, now concurs and agrees that it is appropriate and advisable to adopt its Ordinance herein adopting the provisions and terms of Ordinance NO. WD-27 of the Board of Waterworks of the Town of St. John, Lake County, Indiana, passed the 16th day of July,

1998, and all amendments thereto, and to further establish and ratify the terms and provisions therein; further, the Town Council concurs and agrees that amendment in certain of the terms and provisions related to disconnection of water service procedures is appropriate and advisable, and that said identified terms and provisions should be so amended.

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

SECTION ONE: That the provisions and terms of Ordinance No. WD-27 of the Board of Waterworks of the Town of St. John, Lake County, Indiana, passed and ordained by said body the 16th day of July, 1998, and all amendments thereto, are hereby approved and adopted as set forth for the Town of St. John, Lake County, Indiana. Further, all of said provisions and terms are ratified and reaffirmed hereby.

SECTION TWO: That **SECTION 2.** of Board of Waterworks Ordinance No. WD-27, be,, and the same is hereby amended to read and provide hereafter as follows, namely:

"SECTION 2. The Clerk-Treasurer shall notify

a. The Public Works Director, or his designee; and

b. The user when an account is not paid within sixty (60) days from the date any portion of the outstanding balance was first due to be paid but is not then paid. The Notice to the user is to be given by First Class Mail with sufficient postage attached, at the address given by the user to the Clerk-Treasurer as the address at which bills are to be delivered. The Public Works Director shall, upon receipt of the Notice, have delivered a copy of the Notice to the property to any individual, eighteen (18) years or older, found thereon, and failing to find such an individual, shall affix the Notice to what appears to be the primary entrance to the primary building on the premises and immediately thereafter shall certify to the Clerk-Treasurer of the delivery. In the event that the Public Works Director finds the premises vacated, he shall so certify to the Clerk-Treasurer and the Clerk-Treasurer shall publish Notice on one (1) occasion in a newspaper of general circulation in Lake County. The Notice shall contain:

- (A) The name and address of the user;
- (B) A statement of the length of the delinquency and the amount of the delinquency;
- (C) That is the arrearage is not paid in full within twenty-on (21) days of the Notice's mailing or publication, that the Town of St. John will disconnect the water service, and thereafter, so notify the Lake County Department of Public Health;
- (D) That the user may ask the Board of Waterworks to reconsider termination of service, but such request must be by Certified Mail, addressed to the Board of Water Works, c/o Town Hall, St. John, Indiana 46373, received no later than the fourteenth (14th) day after Notice is mailed, or, if published, date of publication, and include payment of all sums the Board of Waterworks claims in due."

SECTION THREE: That all remaining terms and provisions of Ordinance WD-27, as adopted herein, are hereby adopted, and ratified or reaffirmed, as the case may be, for the Town of St. John.

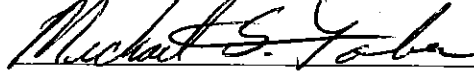
SECTION FOUR: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed and declared to be null, void, and of no legal effect.

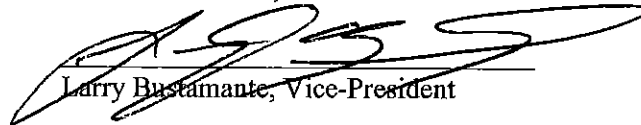
SECTION FIVE: That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

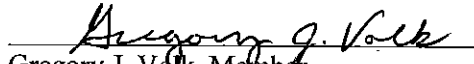
SECTION SIX: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of St. John, Lake County, Indiana, in conformance with applicable law.

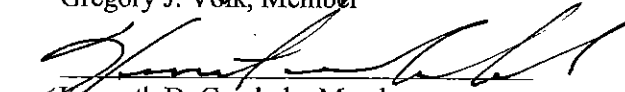
ALL OF WHICH IS PASSED AND ADOPTED THIS 28th DAY OF February 2013, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

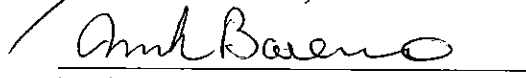
TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL


Michael S. Forbes, President

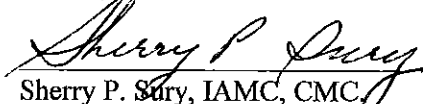

Larry Bustamante, Vice-President


Gregory J. Volk, Member


Kenneth D. Gembala, Member


Mark Barenie, Member

ATTEST:


Sherry P. Sury, IAMC, CMC
Clerk-Treasurer