

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1643

AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1441, BEING: "AN ORDINANCE AMENDING TOWN CODE SECTION 4-28, AND REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH.", REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana (hereinafter, the "Town Council"), is aware of the establishment of regulations in its Town Code for Building Regulations, including provisions for fees and escrow of same; and

WHEREAS, the Town Council has been informed and advised that due to comments and reports of the Indiana State Board of Accounts in its then-current review period in March, 2007, that amendment was appropriate to the Town Code for such Building Escrow Fee Accounts, refund procedures, and the like; and

WHEREAS, the Town Council has reviewed the provisions of its Amendatory Ordinance No. 1441, adopted by the then-Town Council March 15, 2007, in conformance with applicable law, to establish regulations for the establishment of building escrow fee procedures, purpose of same, guidelines for disposition, and the like, for mutual benefit; and

WHEREAS, the Town Council, being duly advised, has reviewed the report recommendations of its Administrative Staff concerning same, and has been informed and advised that building escrow fees have been collected, but remain in escrow without disposition or distribution as contemplated by the provisions of Town Ordinance No. 1441; and

WHEREAS, the Town Council, having reviewed the provisions of Town Ordinance No. 1441, amending Town Code Section 4-28, pertaining to building escrow fee regulations, being duly advised of all circumstances by the Town Administrative Staff, and having considered same, now concurs that it is advisable, and necessary, and in the best interests of the residents of the Town of St. John that procedures be amended related to building escrow fee matters and disposition.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN 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, as amended by the provisions of Town Ordinance No. 1441, be, and the same is hereby replaced to provide hereafter as follows:

Sec.4.28. Fees.

“(b) Escrow:

Residential.....\$1,000.00
Commercial/Industrial.....\$2,000.00

Prior to building permit issuance, the aforesaid Building Escrow Fee shall be deposited with the Town to ensure compliance with the engineering and grading plans, as well as permit issuance conditions,

if any, previously approved by the Town of St. John. Upon request for a Certificate of Occupancy to be issued, the Depositor of the Building Escrow Fee to the Town, or Permittee on the Building Permit Application if Depositor and Permittee are the same individual or entity, shall submit an "as-built survey" of the subject parcel of the Building Permit to the Town Building and Planning Department. The designated Town Inspector shall conduct and complete appropriate review of said documentation and inspect the subject parcel, as appropriate, to verify that building elevation and final grade comply with the filed "as built survey". In the event that the building elevations and final grades comply with the "as-built survey", then the release of the Building Escrow fee being held will be processed by Building and Planning Department placement on the next succeeding Town Council Public Meeting Claim Docket for approval and payment to the Depositor of the Building Escrow Fee. From and after the adoption date of this Amendatory Ordinance, in the event that deposited Building Escrow Fees remain held by the Town due to any Depositor not requesting or receiving said processed and Town Council approved Building Escrow Fee, and no release or receipt occurs within one hundred eighty (180) days of said Town Council approval action, the Building Escrow Fees shall be forfeited and transferred to the Town General Fund. Such transfers to the Town General Fund shall occur and be made on a monthly basis upon report on same to the Town Council and Town Clerk-Treasurer by the Town Building and Planning Department.

For all Building Escrow Fees held for the purpose of Town requirements and Building Regulations specified this Amendatory Ordinance and applicable Town Building Code provisions, the Town Building and Planning Department shall provide notice to each Depositor of such Building Escrow Fee of said funds being held and right to request Town Council Public Meeting Claim processing and approval of payment of said Building Escrow Funds to such Depositor. In the event that deposited Building Escrow Fees remain held by the Town due to any Depositor not requesting or receiving said processed and Town Council approved Building Escrow Fee, and no release or receipt occurs within one hundred eighty (180) days of said Town Council approval action, the Building Escrow Fees shall be forfeited and transferred to the Town General Fund. Such transfers to the Town General Fund shall occur and be made on a monthly basis upon report on same to the Town Council and Town Clerk-Treasurer by the Town Building and Planning Department."

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

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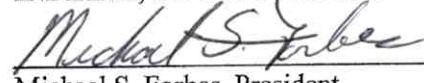
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SECTION THREE: That if any section, clause, provision or portion of this Amendatory Ordinance and Town Code Sections amended hereby shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance or Town Code Section.

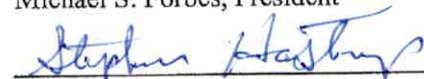
SECTION FOUR: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of St. John, Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 27 DAY OF April, 2017.

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

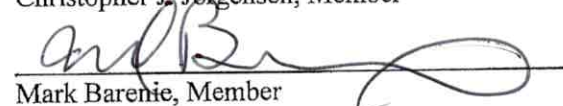


Michael S. Forbes, President

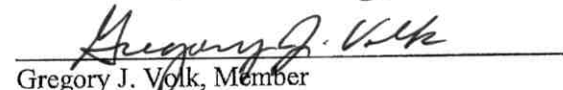


Steven Hastings, Vice-President

Christopher J. Jorgensen, Member



Mark Barenie, Member



Gregory J. Volk, Member



Beth R. Hernandez, Clerk-Treasurer