

## ORDINANCE NO. 05-14-2007B

An ordinance establishing a sewer surcharge to pay for the cost of the local sewers in the Deerfield neighborhood in Hamilton County, Indiana; provisions for deferral of payment and other matters connected therewith.

WHEREAS, the Board of Trustees of the Clay Township Regional Waste District heretofore approved plans, specifications and estimates and determined to construct, equip, own, operate and maintain sewage works within an area commonly known as the Deerfield neighborhood as shown on the attached drawing, and

WHEREAS, the Board of Trustees of Clay Township Regional Waste District has determined that a financial hardship could be created with respect to certain residents of the Deerfield neighborhood if the District collected all fees and charges otherwise due on account of the connection of said property into the sewage system of the District on a lump sum basis, and

WHEREAS, in an effort to eliminate the above-referenced financial hardship, the District wishes to provide for the deferral of certain charges herein, and

***NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CLAY TOWNSHIP REGIONAL WASTE DISTRICT, Indiana, that:***

**Section 1. Election to Defer Connection Charges, Application Fee and Local Sewer Charges.** Every person whose premises in Deerfield neighborhood is to be served by the sewage works of the District shall be charged for the services provided, including a monthly user charge in the amounts and in the manner provided for by the District. In addition, every person whose premises in Deerfield neighborhood is to be served by the sewage works of the District shall pay a "Connection Charge" of One Thousand Six Hundred Fifty Dollars (\$1,650.00) per EDU, an Application fee of One Hundred Dollars (\$100.00) (unless connection is deferred under Section 2) and Local Sewer Charges of Seventeen Thousand One Hundred Seventy-five Dollars and Eighteen Cents (\$17,175.81) less the District's contribution of One Thousand Seven Hundred Seventeen Dollars and Fifty-Eight Cents (\$1,717.58), per equivalent residential unit at such time that said premises is connected to the sewage system of the District.

Notwithstanding the payments required to be made herein, each person whose premises in Deerfield neighborhood extension are to be served by the sewage works of the District may elect to defer the Connection Charge, Application Fee and Local Sewer Charge referenced herein by agreeing to pay for such charges through the use of a surcharge as established in Section 3 of this Ordinance. The election to defer such fees and charges shall be deemed made by the user if such user has not paid the fees and charges in full at the time of connection into the sewage system of the District.

**Section 2. Election to Defer Connection.** Every person whose premises in Deerfield neighborhood is to be served by the sewage works for the District may defer connection to the system for a period not to exceed five (5) years from the District's issuance of a ninety (90) day Notice To Connect in accordance with the District's deferral policy. However, deferral of connection will not defer payment of the local construction costs which shall be due ninety (90) days following the issuance of the District's Notice to Connect. Said local construction share may be paid in full or under the deferral provisions of Section 3 below. All persons electing to defer connection under this Section shall pay the applicable District fees and charges for application and connection at prevailing rates in effect at the time of issuance of the permit for connection.

**Section 3. Base Surcharge for Deferral of Connection Charge, Application Fee and Local Sewer Charges or Local Sewer Charge Alone.** For every person electing to defer payment of his or her Connection Charge, Application Fee and Local Sewer Charge or Local Sewer Charge Only in accordance herewith, there shall be imposed a monthly surcharge as set forth below which is the "Base Surcharge" as determined for each single family dwelling unit in the Deerfield neighborhood. The "Base Surcharge" for each person electing to defer the "Connection Charge" "Application Fee" and "Local Sewer Charge" or the "Local Sewer Charge" alone shall be at the amounts set forth below and depending upon the deferral period selected continue for a period of one of the following:

**Deferral of Connection, Application and Local Sewer Charge**

- a. Three Hundred Forty Dollars and Seventy Four Cents (\$340.74) for Sixty Months (60 months);
- b. One Hundred Ninety Nine Dollars and Eighty Cents (\$199.80) for One Hundred twenty (120) months: or
- c. One Hundred Thirty Three Dollars and Forty Two Cents (\$133.42) for Two Hundred Forty Months (240 months).

**Deferral of Local Sewer Charges Only (When Connection is Deferred):**

- a. Three Hundred Six Dollars and Nine Cents (\$306.09) for Sixty Months (60 months);
- b. One Hundred Seventy Nine Dollars and Forty-Eight Cents (\$179.48) for One Hundred twenty (120) months: or
- c. One Hundred Nineteen Dollars and Ninety-Five Cents (\$119.95) for Two Hundred Forty Months (240 months).

Or until such time as the user has paid to the District all fees and charges imposed respecting the costs deferred.

**Section 4. Calculation of Base Surcharge.** The base surcharge for each deferral period has been computed on the basis of Sixty (60), One Hundred Twenty (120) and/or

Two Hundred Forty (240) months respectively, the total deferred charges and amortized at seven percent (7%) interest.

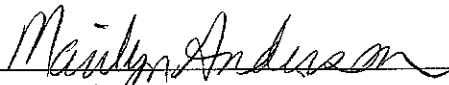
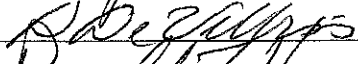
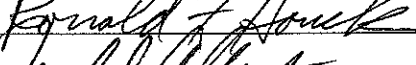
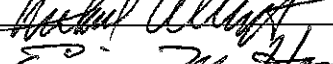
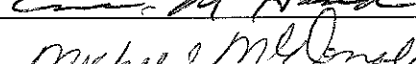
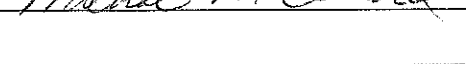
**Section 5. Deferred Charges Constitute a Lien.** All Connection, Application, and Local Sewer or Local Sewer charges alone deferred under Section 3 above, shall constitute a lien against the real estate pursuant to I.C. 13-26-12-1 et seq. The charges are due and payable as set forth in Section 3, or when the owner refinances or sells the real estate, whichever occurs first. In addition, in the event of delinquency, the entire balance plus penalties may be declared due in full and the lien foreclosed pursuant to I.C. 13-26-14-1 et seq.

**Section 6. Severability.** The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part or parts.

**Section 7. Effective Date.** This Ordinance shall be in full force and effect from and after its passage.

**PASSED AND ADOPTED** by the Board of Trustees of the Clay Township Regional Waste District on the 10 day of September, 2007.

BOARD OF TRUSTEES:

  
  
  
  
  
  
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ATTEST:

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