

ORDINANCE NO. 10-08-2012A Jessup Boulevard Extension

An ordinance establishing a sewer surcharge to pay for the cost of the local sewers in the Homeplace Subdivision serving parcels; 17-13-12-01-02-020.000- Lot 88, 17-13-12-01-02-019.000- Lot 87, and 17-13-12-01-02-005.000- Lot 89 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 Homeplace Subdivision parcels; 17-13-12-01-02-020.000- Lot 88, 17-13-12-01-02-019.000- Lot 87, and 17-13-12-01-02-005.000- Lot 89 in Hamilton County, Indiana, 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 Homeplace Subdivision 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. Applicable Fees and Charges.

Every person whose premises in Homeplace Subdivision parcels; 17-13-12-01-02-020.000- Lot 88, 17-13-12-01-02-019.000- Lot 87, and 17-13-12-01-02-005.000- Lot 89 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.

The cost associated with sewer lateral installation and final connection shall be the responsibility of the property owner. These fees shall not be part of any financing agreement and are not otherwise included in or covered by this Ordinance.

In addition, every person whose premises in Homeplace Subdivision parcels; 17-13-12-01-02-020.000- Lot 88, 17-13-12-01-02-019.000- Lot 87, and 17-13-12-01-02-005.000- Lot 89 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 4) and Local Sewer Charges of Three Thousand Four Hundred Seventy Two Dollars and Eighty-Four Cents (\$3,472.84), per equivalent residential unit at such time that said premises is connected to the sewage system of the District:

Connection Charge/EDU	\$ 1,650.00 *
Application Fee	\$ 100.00 *
Local Sewer Charge	<u>\$ 3,472.84</u>
Total Due	\$ 5,222.84

*See Section 4 Connection to Sanitary Sewer

Section 2. Election to Finance Connection Charges, Application Fee and Local Sewer Charges.

In any event, local sewer charges are due within ninety (90) days from receipt of the Notice to Connect.

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Notwithstanding the payments required to be made herein, each person whose premises in Homeplace Subdivision parcels; 17-13-12-01-02-020.000- Lot 88, 17-13-12-01-02-019.000- Lot 87, and 17-13-12-01-02-005.000- Lot 89 are to be served by the sewage works of the District may elect to finance payment of 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. An election to finance such connection, application and/or local sewer fees and charges may be made by the user agreeing to the terms of the financing set forth below and executing a Consent to Lien provided by the District and agreeing to make payment via auto debit.

Section 3. Base Surcharge for Financing of Connection Charge, Application Fee and Local Sewer Charges or Local Sewer Charge Alone.

For every person electing to finance 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 Homeplace Subdivision parcels; 17-13-12-01-02-020.000- Lot 88, 17-13-12-01-02-019.000- Lot 87, and 17-13-12-01-02-005.000- Lot 89. The "Base Surcharge" for each person electing to finance 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 financing period selected continue for a period of one of the following:

Financing of Connection, Application and Local Sewer Charge

- a. One Hundred Three Dollars and Forty-Two Cents (\$103.42) for Sixty Months (60 months @ 7% int.); or
- b. Sixty Dollars and Sixty-Four Cents (60.64) for One Hundred Twenty Months (120 months @ 7% int.)

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

- a. Sixty Eight Dollars and Seventy-seven Cents (\$68.77) for Sixty Months (60 months @ 7% int.); or
- b. Forty Dollars and Thirty-Two Cents (\$40.32) for One Hundred Twenty Months (120 months @ 7% int.)

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

Section 4. Connection to Sanitary Sewer.

Every person whose premises in Homeplace Subdivision parcels; 17-13-12-01-02-020.000- Lot 88, 17-13-12-01-02-019.000- Lot 87, and 17-13-12-01-02-005.000- Lot 89 who is to be served by the sewage works for the District will be allowed to defer connection as established through CTRWD's latest connection policy and in accordance with the District's sanitary sewer connection policy. However, the property owner must pay the local sewer charges which shall be due ninety (90) days following the issuance of the District's Notice to Connect. Said local sewer charges may be paid in full or under the financing provisions of Section 3 above. 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.

The base surcharge for each financing period has been computed on the basis of Sixty (60) and One Hundred Twenty (120) months respectively. The total finance charges will be amortized at seven percent (7%) interest.

Section 5. Financed Charges Constitute a Lien.

All Connection, Application, and Local Sewer or Local Sewer charges alone financed under Sections 2 and 3 above shall constitute a lien against the real estate pursuant to I.C. 13-26-11 *et seq.* The financed fees and 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.*

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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 12 day of Nov, 2012.

BOARD OF TRUSTEES:	Approve	Oppose	Abstain
<u>Marilyn Anderson</u> <i>Marilyn Anderson</i> Board of Trustees President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Ron Hagan</u> ABSENT Board of Trustees Vice President	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Michael McDonald</u> <i>Michael McDonald</i> Board of Trustees Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Jane Merrill</u> <i>Jane Merrill</i> Board of Trustees Treasurer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eric Hand</u> <i>Eric Hand</i> Board of Trustees Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Ron Houck</u> <i>Ronald F Houck</i> Board of Trustees Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Barb Lamb</u> <i>Barbara A Lamb</i> Board of Trustees Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Carl Mills</u> ABSENT Board of Trustees Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Sam Mishelow</u> <i>Sam Mishelow</i> Board of Trustees Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: _____