

STATE OF INDIANA)
TOWN OF DALEVILLE)SS:
COUNTY OF DELAWARE)

**ORDINANCE APPROVING RATES AND CHARGES FOR
THE DALEVILLE MUNICIPAL SERVICES
DEPARTMENT MANAGEMENT OF STORM AND
SURFACE WATER AND STORM WATER RUN-OFF**

ORDINANCE NO. 05-04

An Ordinance funding the Daleville, Indiana, Municipal Services Department to comply with the Indiana dictates of Rule 13, Storm Water Run-Off Associated with Municipal Separate Storm Sewer System Conveyances.

- Whereas, The Town Council has, pursuant to Ordinance No. 03-01, created the Daleville Municipal Services Department; and
- Whereas, Pursuant to 327 IAC 15-13-1 et seq. (Rule 13), the State of Indiana has delegated enforcement to the Town of Daleville, Indiana; and
- Whereas, All the territory within the corporate limits of Daleville, Indiana, is included in and constitutes the special taxing district known as the Daleville Storm Water District, ("District"); and
- Whereas, IC 8-1.5-5-7 provides that the Daleville Town Council may assess and collect user fees from all the property of the District; and
- Whereas, The Town of Daleville has determined to enact a user fee pursuant to IC 36-9-23; and
- Whereas, The Town Council has determined that the initial rates and charges (the "Storm Water Utility Fee") should be established at this time; and
- Whereas, The Town Council finds it is necessary for the protection of public health and welfare of the inhabitants of the Storm Water

District and the safeguarding of property within the District to adopt this Ordinance and to declare that it is of public utility and benefit.

NOW, THEREFORE, BE IT ORDAINED by the Daleville Town Council, Daleville, Indiana, as follows:

- (1) That the adoption of this Ordinance is necessary for the protection of the public health and welfare of the inhabitants of the District and the safeguarding of the property within the District and the passage of this Ordinance is of public utility and benefit.
- (2) The monthly storm water utility and user fee will be One Dollar (\$1.50) and Fifty Cents per month for each Daleville residential and business water user.
- (3) The monthly storm water user fee will be charged to all residential, non-residential and combined residential / business water users as same fairly represents all property within the Town Limits of Daleville, Indiana.
- (4) If the monthly storm water utility fee is not paid by the due date on the bill, a late charge of ten (10%) percent, together with costs of collection, if any, including attorney's fees.
- (5) The Daleville Clerk / Treasurer is hereby empowered to collect the storm water utility fees, segregate the money so collected into a separate and segregated account, and to use said monies so collected to fund the State mandated compliance with Rule 13 costs to the Town of Daleville.
- (6) The sections, paragraphs, sentences, causes, phrases and words of this Ordinance are separate and severable, and if any word, phrase, clause, sentence, paragraph of section of this resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionally, invalidity, or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this resolution.
- (7) The rates and charges approved in this resolution are effective upon passage of this Ordinance by the Town Council and the rates and charges authorized herein in accordance with IC 36-9-23-1 et seq. The rates and charges shall be billed on the first billing cycle of the Town's water and sewage utilities after approval of such ordinance by the Town Council of the Town of Daleville, Indiana.

PASSED AND ADOPTED this 11 day of July, 2005, by the following vote:

TOWN COUNCIL:

Yea Nay Abs Steve Overmyer
Steve Overmyer, President

Yea Nay Abs Jeffery Shore
Jeffery Shore, Vice-President

Yea Nay Abs Mike Murphy
Mike Murphy, Member

Yea Nay Abs Joe Scott
Joe Scott, Member

Yea Nay Abs Jay Shellabarger
Jay Shellabarger, Member

Attest:

COMES NOW Kay Gipson, Clerk-Treasurer, Town Of Daleville, Indiana, who, pursuant to her office as Clerk-Treasurer, certifies that the foregoing ordinance was duly passed the _____ day of _____, 2005, with same thereupon spread of record in the Public Records of Daleville, Indiana.

Kay Gipson
Kay Gipson, Clerk-Treasurer

Attest:

COMES NOW Kay Gipson, Clerk-Treasurer, Town of Daleville, Indiana, who, pursuant to her office as Clerk-Treasurer, certifies that a copy of the foregoing Ordinance was duly published in the Muncie Star-Press as required by law the 11 day of July, 2005.

Kay Gipson
Kay Gipson, Clerk-Treasurer

FIRST READING: 6-6-'05
SECOND READING: 6-6-'05
THIRD READING: 7-11-'05