

ORDINANCE NO. 2022- 22

**AN ORDINANCE AMENDING THE WATER CAPACITY FEES
OF THE WHITESTOWN MUNICIPAL UTILITIES**

WHEREAS, the Town of Whitestown, Indiana (the “Town”) has established, acquired, and financed its waterworks pursuant to Indiana Code § 8-1.5 et. seq., as amended, and other applicable provisions of Indiana law (collectively, the “Act”), for the purpose of providing for the furnishing of potable water and related services; and

WHEREAS, the connection of additional or expansion of existing properties connected to the waterworks requires the Town to allocate capacity in its system in order to provide safe and efficient water service; and

WHEREAS, the Town periodically changes and readjusts its fees in order to produce sufficient revenue to pay all the expenses incident to the operation and maintenance of the Town’s waterworks facilities, including, but not limited to, setting aside sufficient capacity for its new or expanded customers; and

WHEREAS, the Town has the authority to change and readjust its capacity fees for this purpose; and

WHEREAS, the Town has previously adopted capacity fees for the waterworks, with the amount of the fee most recently updated in Ordinance Nos. 2017-06, and as otherwise may have been amended from time to time (the “Prior Ordinances”); and

WHEREAS, the Town engaged O.W. Krohn & Associates, Certified Public Accountants and financial advisors to the Town, to review the Town’s existing water capacity fees and determine just and equitable capacity charges for new or expanding connections to the Town’s waterworks system; and

WHEREAS, the Town desires to continue to plan and prepare for new development in or anticipated to be in the Town; and

WHEREAS, the Town desires to lessen the burden on existing customers of paying for infrastructure that is needed to make water service available for new or expanded development; and

WHEREAS, the Town desires to update its water capacity fees consistent with the Krohn review; and

WHEREAS, the Town has caused notice of a public hearing on the charges set forth herein to be duly advertised, posted and mailed, and has held a public hearing thereon, all pursuant to the Act; and

WHEREAS, any existing rates and charges as set forth in the Prior Ordinances will remain in full force and effect unless otherwise superseded by the charges set forth herein.

NOW THEREFORE, be it ordained by the Town Council of the Town of Whitestown, Indiana that:

Section 1. The water capacity fee set forth in Ordinance No. 2017-06, Exhibit A, Section 4, Part B, is amended and restated as follows:

2. The capacity fee for each equivalent dwelling unit (“EDU”) or single residential unit requiring service from the System shall be \$2,100. Such fee shall apply to each new customer connecting to the Town’s water system or to an existing customer that is expanding its current use.

Section 2. Aside from the water capacity fee amount that is amended herein, all other provisions of the Prior Ordinances shall remain in full force and effect.

Section 3. Any portion of other ordinances in conflict with a provision in this ordinance is hereby superseded to the extent inconsistent herewith.

Section 4. The provisions, rates, and charges of this Ordinance are severable. In the event any one or more of the provisions contained in this Ordinance should be invalid or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein, and/or the prior ordinances of the Town, shall not in any way be affected or impaired and shall remain in full force and effect. Furthermore, to the extent a rate or charge in this Ordinance is declared invalid, the higher of a valid charge or the original charge or fee previously established by the Town shall be effective and/or retroactive as though unaltered herein.

Section 5. This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Whitestown, Indiana on this _____ day of _____, 2022, by a vote of ____ in favor and ____ against..

TOWN OF WHITESTOWN, INDIANA
TOWN COUNCIL

Clinton Bohm, President

ATTEST:

Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana