

ORDINANCE NO. 2013-2

**AN ORDINANCE AMENDING CHAPTER 50
OF THE TOWN OF EDINBURGH'S CODE
REGARDING MUNICIPAL SEWAGE WORKS**

WHEREAS, Indiana Code 36-9-23, gives the legislative body of the Town of Edinburgh ("Town") the power to charge for municipal sewage works within the Town;

WHEREAS, § 50 of the Edinburgh Town Code ("Code") provides for certain sanitary sewage treatment plant charges for the Town and other matters relating to said treatment;

WHEREAS, the Edinburgh Town Council ("Council") desires to modify the Code to provide more flexibility on how the Town can impose the sanitary sewage treatment plant charges and outline the responsibilities for the construction, maintenance, and repair of sewer lines;

NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:

I. SECTION 1. AMENDMENTS TO CODE

a. That the Council hereby amends Chapter 50.60; of the ("Code"), to provide the following:

i. The following language shall be added as subsection (B):

1. *"The Town's Utility Manager shall have the discretion to waive the Connection Charge described in subsection (A) upon the receipt of an application made in writing by the owner of any lot, parcel of real estate, or building connecting to the sewage works, made to the Town Utility Manager within 90 days prior to the commencement of the construction of the sewage works. The written application submitted by the owner must describe the subject property, the scope of the construction of the sewage works, and the reasons for requesting the Connection Charge."*

b. That the Council hereby adds a new section titled "§ 50.65 Responsibilities Related to Sewer Taps" to the Code and shall state as follows:

i. *"(A) The Town of Edinburgh Waste Water Utility Department will be responsible for the installation, maintenance and repairs of all sewer*

mains and the installation of the taps into the sewer main which includes locating and opening the sewer main, supply of materials required to create the tap and installation of the same."

- ii. *"(B) The property owner will be responsible for the installation of all sewer laterals including excavation and materials. The property owner will be responsible for all costs related to installation, maintenance and repairs to sewer laterals."*

II. SECTION 2. PUBLIC BENEFIT

- a. That the Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

III. SECTION 3. REPEALER

- a. All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

IV. SECTION 4. SEVERABILITY

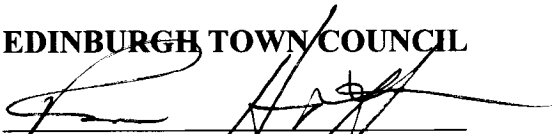
- a. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.


V. SECTION 5. EFFECTIVE DATE

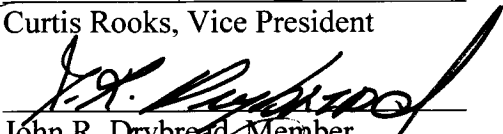
- a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

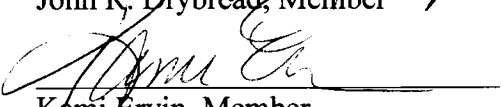
ADOPTED this 25th day of February, 2013.

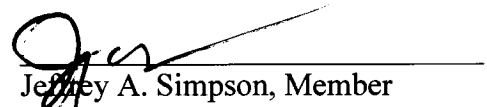
EDINBURGH TOWN COUNCIL


Ron Hoffman, Council President


Curtis Rooks, Vice President


John R. Drybread, Member


Kami Ervin, Member


Jeffrey A. Simpson, Member

ATTEST:


Scott Finley, Clerk-Treasurer