

ORDINANCE NO. 2021- 01

AN ORDINANCE CONCERNING SEWER FEES AND AMENDING A PORTION OF CHAPTER 50 OF THE TOWN OF MONROVIA CODE OF ORDINANCES

WHEREAS, the Town of Monrovia (hereinafter “Town”) is an incorporated town as defined by I.C. § 36-1-2-21; the Town Council of the Town of Monrovia (hereinafter “Council”) serves as its legislative body in accordance with I.C. § 36-5-2-2; and the President of the Town Council (hereinafter “President”) serves as its executive in accordance with I.C. § 36-5-2-7; all of which authority is derived from I.C. § 36-1 et seq. and I.C. § 36-5 et seq.; and,

WHEREAS, among the authority granted to the Council is the ability to enact ordinances and resolutions for the performance of Town functions; and,

WHEREAS, one of the Town’s functions is the administration of Treatment works and wastewater services, which has been determined and declared to be necessary and conducive to the protection of public health, safety, welfare, and convenience, all in accordance with I.C. § 36-9-23 and Chapter 50 of the Town of Monrovia Code of Ordinances; and,

WHEREAS, the Town relies on collecting fees from users of the Treatment works and wastewater services in order to pay for the same; and,

WHEREAS, the Council believes a streamlined process to attempt to collect fees due for these services from outstanding and delinquent accounts is a prudent measure in order to more efficiently collect the same, which are needed in order for the Town to administer and maintain this service; and,

WHEREAS, the Council believes there are also specific situations in which a property is not utilizing these services that an abatement of some kind may be considered.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of

Monrovia as follows:

1. § 50.44 and § 50.46 of the Town of Monrovia Code of Ordinances are modified by removal of the current language therein and insertion of the language attached hereto.
2. This Ordinance becomes effective upon signature of the President and shall be recorded in the Office of the Recorder of Morgan County, Indiana within a reasonable time period thereafter.
3. This Ordinance shall remain in effect until such time as the Town Council adopts an Ordinance to amend or repeal the same.

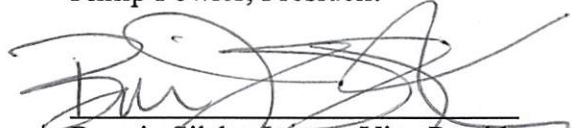
ALL OF WHICH IS ADOPTED AND ORDAINED, this 24th day of

May, 2021.

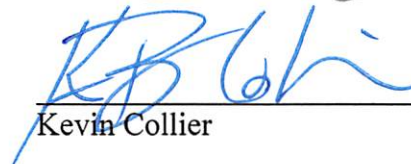
**TOWN COUNCIL
TOWN OF MONROVIA**



Philip Fowler, President



Bonnie Silsby-Inman, Vice President



Kevin Collier

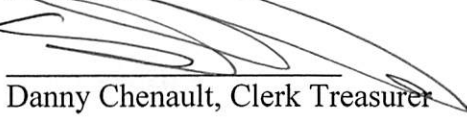


Carol Youngblood



Loren Moore

ATTEST:



Danny Chenault, Clerk Treasurer

§ 50.44 BILLING PROCEDURES; COLLECTION.

(A) All users shall be billed monthly. Billings for any particular month shall be made no later than fifteen (15) days after the end of that month; any payment for prior billings not received by that time shall result in the associated account being considered delinquent.

(B) Within a reasonable time after a determination that an account is delinquent, a Billing Statement shall be sent notifying the user that their account is past due.

(C) If an account remains unpaid after thirty (30) days have passed from the end of the month for which the charges were incurred, additional action will be taken as follows:

1. A late payment fee of Ten Percent (10%) will be imposed for each such delinquent payment.

(D) If an account remains unpaid after sixty (60) days have passed from the end of the month for which the charges were incurred, additional action will be taken as follows:

1. A late payment fee of Ten Percent (10%) will be imposed for each such delinquent payment.
2. Notice shall be sent to the obligated party regarding the outstanding payment as well as the penalty described above, and that additional action may be taken to collect the amount owed, including that a lien may be recorded; that legal action may be filed against them to foreclose such lien or prosecute any other available manner to collect the amount owed; that all such actions would include a request for costs, including reasonable attorney fees.
3. The obligated party may contact the Town Utility Office to establish a payment plan that, if approved, will eliminate the delinquent amount while including monthly billings occurring during the period of the payment plan. The payment plan will be documented in the Town sewer utility computer program. If the payment plan requirements are not met, the actions in (E) below will be followed.

(E) If an account remains unpaid after ninety (90) days have passed from the end of the month for which the charges were incurred, additional action will be taken as follows:

1. A late payment fee of Ten Percent (10%) will be imposed for each such delinquent payment.
2. A lien will be recorded in the Office of the Recorder of Morgan County, Indiana, on the real property associated with the delinquent account, in accordance with I.C. § 36-9-23 and this Ordinance, for the full amount in fees and penalties owed at that time, along with any cost incurred in preparing and recording the lien.

(F) A lien may be released by full payment or by a negotiated payment as authorized by the Council.

(G) If a lien has been recorded and amount remains due and owing, the Council may instruct its attorney to proceed with foreclosure on the lien, in their discretion and in accordance with statute.

§ 50.46 WRITTEN REQUEST.

(A) Any user who feels his or her user charge is unjust and inequitable, may make written application to the Council requesting a review of his or her user charge. The written request shall, where necessary, show the actual or estimated average flow and/or strength of his or her wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

(B) Review of the request shall be made by the Council and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. 11-1999, passed 9-27-1999)

(C) The Council has discretion under this Section to grant an abatement of the further incurrence of fees under this Chapter if:

1. The property is not using the Treatment Works and wastewater services; and
2. Will not be using the Treatment Works and wastewater services for a period of at least six (6) months.

(D) Any abatement granted in accordance with Section (C) above shall expire and fees be reinstated upon:

1. The transfer of the real property to another owner;
2. The use of the Treatment Works and wastewater services; or
3. The expiration of the abatement granted by the Council.

(E) Any abatement granted under this Section shall be considered on an individual basis. Subsection (C) and Subsection (D) above shall not be construed to conflict with I.C. § 36-9-23 eq. seq. Monrovia Code of Ordinances Chapter 50.