

ORDINANCE NO. 2021- 08

**AN ORDINANCE TO REQUIRE PROPERTY OWNERS TO CONNECT TO THE TOWN SEWER SYSTEM AT THE EXPENSE OF THE PROPERTY OWNER**

**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,

**WHEREAS**, the Council has had an unofficial policy for many years that for any property that required a Grinder Pump in order to connect to the Town sewer system, the Town has been responsible for the cost of the same, and has also been responsible for maintenance and replacement, and they are replaced approximately every four (4) to eight (8) years and cost in excess of One Thousand Five Hundred Dollars (\$1500.00) each; and,

**WHEREAS**, when fully contemplating the frequency of replacement and the associated cost, it is a significant and ongoing expense to the Town and such funds are desperately needed for other services; and,

**WHEREAS**, no Ordinance, Resolution, nor contract or agreement has been located that might provide guidance on how this came to pass as well as what obligations, if any, the Town may have accepted, or any other thing related to this arrangement, but nothing has been found, and it is a reasonably held belief that no such record or document exists; and,

**WHEREAS**, I.C. § 36-9-23-30 permits the Town to require a property owner be responsible for connection to the sewer system so long as a property is within three hundred feet (300’) of a connection point and provides a property owner ninety (90) days’ notice by certified mail before fines may be imposed for failure to connect to the sewer system; and,

**WHEREAS**, the Council does not relish passing on this expense to property owners, given the increasing expense, but that it is more equitable as a use per property than the Town paying an exorbitant amount for all of the Grinder Pumps; and,

**WHEREAS**, the Town can still assist property owners with the up-front cost and with performing the work, but the cost of the same will be added to the property owner's billing statement from the Town sewer system; and,

**WHEREAS**, the Council believes that due to the foregoing reasons, it is prudent that the expense of a Grinder Pump is the responsibility of property owners.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF MONROVIA, INDIANA AS FOLLOWS:**

1.) Section 50.21 of the Town Code for the Town of Monrovia shall be amended to add the following language:

(K) All properties where there is an available sanitary sewer within three hundred (300) feet of the property line shall connect to the aforementioned sanitary sewer system.

(1) The cost of any Grinder Pump or other associated equipment required to make such connection shall be the exclusive responsibility of the individual property owner.

(2) Failure to comply with this requirement after the required ninety (90) day notice will result in a fine of \$100.00 per day.

(3) Property owners may request to have the Town pay the initial cost associated with the installation, replacement, or repair of a Grinder Pump used or required for this purpose.

a) If the Town pays these expenses at the time of service, the property owner shall be required to repay the entire cost of the equipment and labor required to install the Grinder pump, payable on payment plan, as an addition to their regular monthly sewer bill.

(4) The Town shall adopt a policy regarding the imposition of fees in this Section 50.21(K) that includes: (1) for those properties that currently have Grinder pumps, the provisions of this Section 50.21(K) shall be enforced upon transfer of title to the real property at any time after adoption of this Section; (2) any further direction necessitated by Section 50.21 K(3)(a) above; or (3) any other matter authorized by Chapter 50 that is necessary or prudent in collection of fees and costs related thereto.

2.) All provisions of Chapter 50 of the Town of Monrovia Code of Ordinances shall remain in full force and effect.

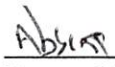
3.) This Ordinance shall become effective upon its passage.

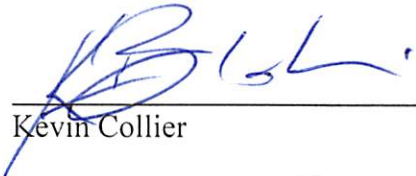
**IN WITNESS WHEREOF, ALL OF WHICH IS AGREED, ADOPTED, and**

**SO ORDAINED**, this 28<sup>th</sup> day of September, 2021.

**MONROVIA TOWN COUNCIL**

  
Phillip ~~Phillip~~ Fowler, President


  
Bonne Silsby-Inman, Vice President

  
Kevin Collier

  
Carol Youngblood

  
Loren Moore

ATTEST:

  
Danny Chenault, Clerk-Treasurer