

ORDINANCE NO. 2017-03

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
BOONE COUNTY, INDIANA CONCERNING WAIVER OF TAPPING FEES FOR
MULTI-FAMILY AND SINGLE-FAMILY HOUSING DEVELOPMENTS**

WHEREAS, the City of Lebanon (the “City”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Mayor and Common Council (the “Council”);

WHEREAS, the City owns, operates, and maintains a municipal water and sewer utility (the “Utility”);

WHEREAS, the Council adopted Ordinance 80-12 and Ordinance 05-09, establishing rates and charges for the use and services of the Utility;

WHEREAS, it is the duty and the responsibility of the Council to maintain the fiscal integrity of the finances of the City by maintaining appropriate fees for services performed by the City and to foster economic activity and growth by creating incentives;

WHEREAS, the ability to waive certain fees is a means to foster economic activity and growth, and help reduce future development obstacles;

WHEREAS, pursuant to Indiana Code § 36-1-3, the Common Council, may enact ordinances for effective governance of the City; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Boone County, Indiana, meeting in regular session, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Notwithstanding the provisions of any other ordinance, the Common Council may wholly or partially abate or waive the assessment and collection of the following fees, applicable to new multi-family developments with a minimum estimated construction value of Three Million Dollars (\$3,000,000) and/or new single-family housing developments with a minimum of fifty (50) single-family dwellings with a minimum estimated value of Two Hundred Thousand Dollars (\$200,000):

A. Tapping Fees to the City’s sewage works system; and

B. Tapping Fees to the City's water works system.

Section 3. For purposes of this ordinance, Tapping Fees shall include Connection Fees and Availability Fees.

Section 4. Approval of any waiver of Tapping Fees shall be presented to the Common Council in the form of a waiver agreement and adopted by resolution.

Section 5. Prior to the Common Council's consideration of fee waiver, the following must occur:

A. A nonrefundable filing fee of Five Hundred Dollars (\$500) shall be remitted to the City and any applicable applications shall be completed; and

B. A utility impact study may be required at the discretion of the City Engineer. The study shall evaluate the present and future fiscal impact, capacity impact, and infrastructure impact as a result of a Tapping Fee waiver. The cost of the utility impact study shall be paid by the developer in advance of any consideration for waiver.

Section 6. The City of Lebanon, Indiana Code of Ordinances shall be amended and supplemented with the provisions of this ordinance under § 31.09 Fee Waiver.

Section 7. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

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PASSED AND ADOPTED THIS _____ day of _____, 2017.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz

Corey Kutz

Corey Kutz

Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

Dick Robertson

Dick Robertson

Dick Robertson

I hereby certify that ORDINANCE 2017-03 was delivered to the Mayor of Lebanon on the _____ day of _____, 2017, at _____ m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2017-03
this ___ day of _____, 2017

I hereby VETO ORDINANCE 2017-03
this ___ day of _____, 2017

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

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