

Ordinance No. 2012-OR- 12

**AN ORDINANCE ESTABLISHING PENALTIES AND REMEDIES FOR FAILURE TO CONNECT TO
AN AVAILABLE MUNICIPAL SEWAGE COLLECTION SYSTEM IN THE HIGHVIEW AND LAKEVIEW
SUBDIVISIONS IN THE CITY OF CHARLESTOWN**

WHEREAS, the City of Charlestown, Indiana is a third class city organized under the law of the State of Indiana, and operates its own sanitary sewer collection and treatment system; and

WHEREAS, IC § 36-9-23-30 grants municipal entities, such as the City of Charlestown, Indiana, the power to require connections to sewers and discontinuance of the use of privies, cesspools, septic tanks and similar structures; and

WHEREAS, IC § 36-9-23-30 permits municipalities to establish, enforce and collect reasonable penalties for failure of landowners to make connections to available municipal sewer systems, when there is an available sanitary sewer within three hundred (300) feet of the property line of the affected property. Now, therefore,

BE IT ORDAINED by the common council of the City of Charlestown, Indiana that, pursuant to IC § 36-9-23-30, all parcels of property located within the Highview Subdivision (Sections I & II) and Lakeview Subdivision (Sections I, II, III, and IV) in the City of Charlestown, Indiana (as recorded in the office of the Recorder of Clark County, Indiana), where sewage or similar waste is produced and which are located within three hundred (300) feet of an available municipal sanitary sewer collection line shall be required to discontinue the use of privies, cesspools, septic tanks and similar structures and shall be required to make a connection to an available municipal sanitary sewer collection line.

BE IT FURTHER ORDAINED that should a property owner fail to comply with the requirements of this ordinance, the City of Charlestown may seek and obtain an order from the Clark Circuit Court requiring the discontinuance of use of all privies, cesspools, septic tanks and similar structures and requiring the compliance with this ordinance. In addition, if such an *Order* is granted requiring the discontinuance of the use of all privies, cesspools, septic tanks and similar structures, the City of Charlestown may also request that the *Order* require that the potable water supplied to the property by the City of Charlestown Water Department be shut off, until the requirements of this ordinance are complied with.

BE IT FURTHER ORDAINED that any person, firm, business, or entity violating any provision of this ordinance shall be fined not less than fifty dollars (\$50.00) or more than fifteen hundred dollars (\$1,500.00) for each violation or offense. Each day a violation occurs is considered to be a separate offense.

BE IT FURTHER ORDAINED that in addition to any other penalties that can be imposed, any person that is found to have violated this ordinance shall be required to reimburse the City of Charlestown for all reasonable costs incurred in enforcing this ordinance, including but not limited to attorney's fees incurred by the City of Charlestown in the enforcement of this ordinance.

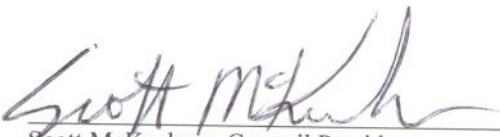
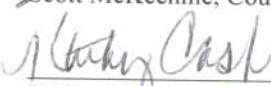
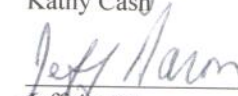
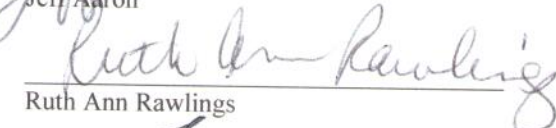
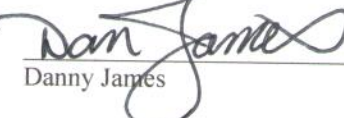
BE IT FURTHER ORDAINED that this ordinance repeals and supersedes all previously enacted Ordinances relating to the subject herein that contradicts the provisions of this ordinance.

The sections paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or

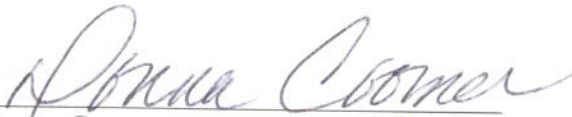
unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

This ordinance shall become effective thirty (30) days after its passage and any publication required by law.

ALL OF WHICH IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN ON THIS 1ST DAY OF OCTOBER 2012.

	Voted In Favor	Voted Against	Abstained
 Scott McKechnie, Council President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Kathy Cash	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jeff Aaron	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ruth Ann Rawlings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Danny James	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Presented to Mayor G. Robert Hall on the 1st day of October, 2012

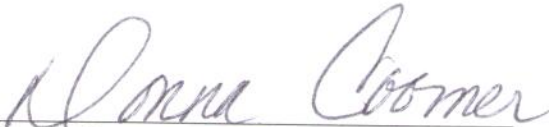

Donna Coomer
City Clerk/Treasurer

SEEN AND APPROVED BY ME THIS 1st DAY OF OCTOBER 2012, BY:


G. Robert Hall, Mayor

ATTEST:

Date 11-5-12


Donna Coomer
City Clerk/Treasurer