

**AN ORDINANCE ESTABLISHING A
POLICY FOR THE COLLECTION AND
RESPONSIBILITY OF SERVICE FEES FROM
PROPERTY OWNERS**

Ordinance No. 1 of 2019

WHEREAS, the Town Council of the Town of Francesville, Indiana (the “**Town Council**”), is responsible for the performance of various functions for the Town of Francesville, Indiana (the “**Town**”), which includes providing water, sewer/wastewater, and other municipal services to Town residents (collectively, the “**Services**”); and

WHEREAS, the Town is also responsible for the collection of certain fees associated with providing Services to Town residents; and

WHEREAS, the occasion may arise where the tenant of real property being provided Services by the Town becomes delinquent or otherwise refuses to pay fees for the delivery of Services to the property which has become delinquent; and

WHEREAS, in order to ensure the financial stability of the Town and its utilities, and to provide for the health, safety, and welfare of the Town’s residents, the Town is further desirous of requiring property owners to place the Services in the property owner’s name(s), and to satisfy any delinquency existing on any account where a tenant is currently occupying the real property, owned by the property owner.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Francesville, Indiana, that this Ordinance Establishing a Policy for the Collection and Responsibility of Service Fees from Property Owners, is hereby adopted as follows:

SECTION I.

1. For purposes of this Ordinance, an account is deemed “delinquent” if the account holder has not made payment for any and all Services billed, as of the Thirteenth (5th) of each month, as all payments for Services rendered are due on the Twelfth (4th) of each and every month.

2. **Property Owners.** From and after the Effective Date of the passage of this Ordinance, all owners of real property shall cause the Services to be placed in the property owner’s name(s), and shall be responsible for the payments of Services provided to the benefited parcel(s).

(a) Any account, which is not currently in the property owner’s name(s), as of March 1, 2019, shall be placed in the property owner’s name(s) by September 30, 2019, but the property owner(s) shall still be subject to Section 3, herein, from the Effective Date of this Ordinance.

3. **Satisfaction of Debt.** Before the Services are reconnected or turned on as to any property that is delinquent, payment must be made by property owner(s) of the property benefitted by the Services. Should the property owner of any property that is delinquent not satisfy any

delinquency on the property in question, within thirty (30) days of the property becoming delinquent, the Town may turn off all Services to any other property that the property owner owns, which is also receiving Services by the Town, until any and all such delinquencies are satisfied.

4. **Right of Appeal to Town Council.** Should any account holder and/or property owner wish to appeal the decision of the Town Clerk-Treasurer to disconnect Services as to any applicable piece of property affected, by virtue of this Ordinance, that account holder and/or property owner may appear before the Town Council, at the Town Council's next regularly scheduled meeting, for further presentation or determination.

SECTION II.

Effective Date

This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code § 5-3-1-4.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FRANCESVILLE INDIANA, THIS 18th DAY OF FEBRUARY, 2019.

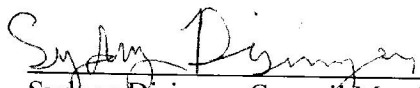
THE FRANCESVILLE, INDIANA, TOWN COUNCIL

APPROVED:

OPPOSED:


Lynn Johns, President

Lynn Johns, President


Sydney Disinger, Council Member

Sydney Disinger, Council Member


Pamela Antrim, Council Member

Pamela Antrim, Council Member

ATTEST:


Cathy Elston, Clerk-Treasurer