

ORDINANCE 2014-03

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA

AN ORDINANCE ASSERTING THE LEBANON UTILITY SERVICE BOARD'S EXCLUSIVE RIGHT TO PROVIDE SEWER SERVICES TO CUSTOMERS WITHIN FOUR MILES OF THE CORPORATE BOUNDARIES OF THE CITY OF LEBANON PURSUANT TO INDIANA CODE § 36-9-2-18

WHEREAS, The City of Lebanon, Boone County, Indiana ("City"), may, pursuant to Indiana law [I.C. 36-1-3 (Home Rule)], enact ordinances for effective governance; and

WHEREAS, Indiana Code § 36-9-2-18 provides that the City of Lebanon has a right to serve customers with sewer services within four-miles of its corporate borders (see Exhibit "A" annexed hereto delineating the current corporate boundaries for the City of Lebanon); and

WHEREAS, the Common Council for City of Lebanon created the Lebanon Utility Service Board to facilitate provision of utility services in the City, including sewer services; and

WHEREAS, in the case of Town of Newburgh v. Town of Chandler, 999 N.E.2d 1015 (Ind. Ct. App. 2013) the Court of Appeals for the State of Indiana determined that a city may assert an exclusive right to provide sewer services to customers in the area set-forth by Indiana Code § 36-9-2-18 through passage of an ordinance; and

WHEREAS, no other entity with the authority to assert an exclusive license to provide sewer services to customers in the four-mile area outside the City of Lebanon's boundaries has passed an ordinance claiming such right.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon that the Lebanon Utility Service Board has the exclusive right to provide sewer services to customers within a four-mile area outside the boundaries of the City of Lebanon, as may be amended from time to time. .

All of which is CONSIDERED, APPROVED AND ADOPTED by the Common Council
of the City of Lebanon, Indiana this 27th day of FEBRUARY, 2014

COMMON COUNCIL OF THE CITY
OF LEBANON, INDIANA

Keith Campbell
Keith Campbell

John D. Copeland
John Copeland

Lana Kruse
Lana Kruse

ABSENT
Mike Kincaid

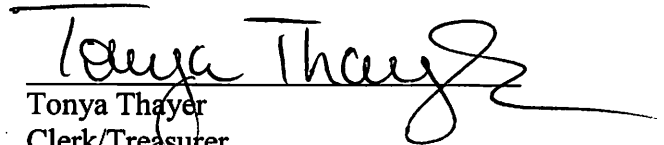
Jeremy Lamar
Jeremy Lamar

ABSENT
Steve Large


Preston Myers
Preston Myers

Attest: Tonya Thayer
Tonya Thayer
Clerk/Treasurer

Presented by me to the Mayor of the City of Lebanon, Indiana, on the 27th day of
FEBRUARY, 2014


Tonya Thayer
Clerk/Treasurer

EXAMINED, APPROVED AND SIGNED by me on this ___ day of _____,
2014.


Harold "Huck" Lewis, Mayor

ORDINANCE 2014-09

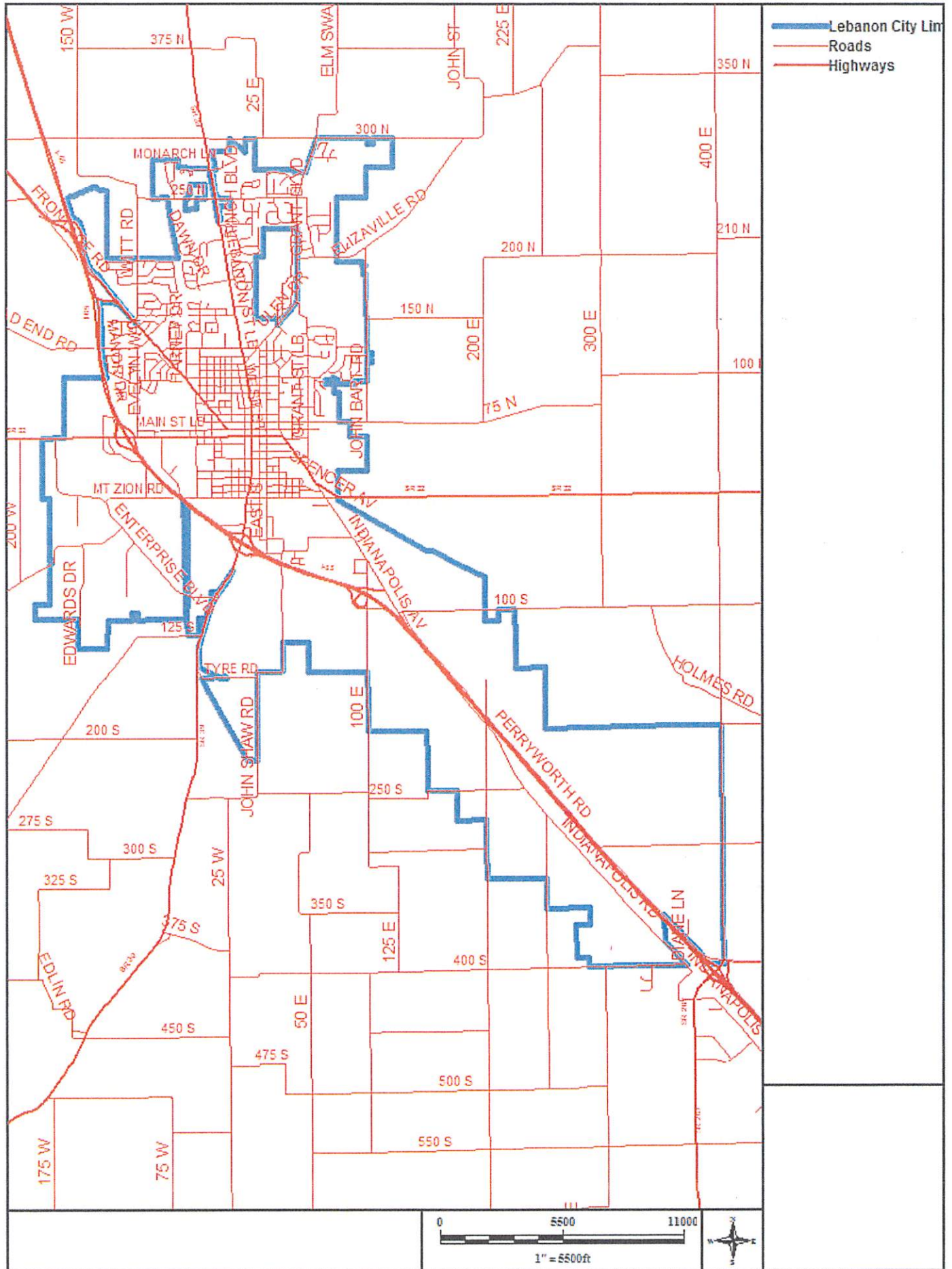


EXHIBIT "A"