

**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;

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

**WHEREAS**, the Common 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 Common 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. Applicability of Ordinance.**

- 1.1 The foregoing Recitals are incorporated herein by this reference.
- 1.2 The City of Lebanon, Indiana Code of Ordinances shall be amended and supplemented with the provisions of this ordinance under § 54.07 (Tapping Fees - Water Works) and § 55.072 (Tapping Fee - Sewage Works), respectively.
- 1.3 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.

**Section 2.** **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in Title V (Public Works) or Title XV (Unified Development Ordinance) of the City's Code of Ordinances.

- 2.1 **Multi-Family Development:** A Development including Building(s) designed to accommodate three (3) or more Dwelling Units or part of a mixed-use building with each Dwelling Unit living independently of another. Multi-Family Developments include but are not limited to Apartments, Condominiums, and Townhouses.
- 2.2 **Single-Family Housing Development:** A Development including detached, Single-Family Dwellings designed for and occupied by one family or other single unit of housekeeping.
- 2.3 **Tapping Fee:** An Availability Fee and/or Connection Fee to the City's water works system and/or sewage works system.

**Section 3.** **General Regulations.** The general regulations of this Ordinance shall be as set forth below.

- 3.1 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 and a minimum estimated value of Two Hundred Thousand Dollars (\$200,000) per Single-Family Dwelling:
  - A. Tapping Fees to the City's sewage works system; and
  - B. Tapping Fees to the City's water works system.
- 3.2 Prior to the Common Council's consideration of Tapping Fee waiver, the following must occur:
  - A. A nonrefundable, nontransferable filing fee of Five Hundred Dollars (\$500) shall be remitted to the City and placed in the General Fund and any applicable applications shall be completed; and

- B. A utility impact study shall be required unless waived by the Common Council of the City. 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.
- 3.3 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.
- 3.4 Following approval of a waiver agreement of Tapping Fees, if a Development under the provisions of this Ordinance fails to comply with the agreed upon terms, the developer shall be subject to any reimbursement requirements (the "Reimbursement Requirements") set forth in such waiver agreement. Reimbursement Requirements may include, but not be limited to, the City's ability to recover all or a portion of the total abated or waived Tapping Fees. Any Reimbursement Requirements will be identified and agreed upon by all applicable parties under a waiver agreement, as stated in Section 3.3 of this Ordinance.

*[REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]*

PASSED AND ADOPTED THIS 27 day of March, 2017.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

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Keith Campbell

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Keith Campbell

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Keith Campbell

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John Copeland

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Dan Fleming

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Dick Robertson

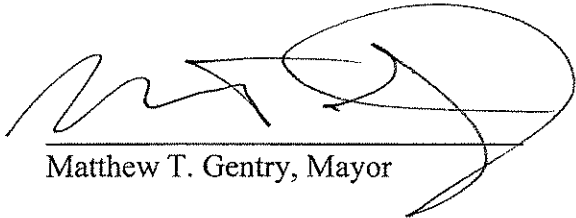
\_\_\_\_\_  
Dick Robertson

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Dick Robertson

I hereby certify that ORDINANCE 2017-03 was delivered to the Mayor of Lebanon on the 27  
day of March, 2017, at 8:15 p.m.

  
\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2017-03  
this 28 day of March, 2017

  
\_\_\_\_\_  
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2017-03  
this \_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Matthew T. Gentry, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

This document prepared by:  
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