

**ORDINANCE NO. 2022-15**

**ORDINANCE OF THE CITY OF LEBANON, INDIANA  
REPEALING ORDINANCE 2017-03**

**WHEREAS**, the City of Lebanon is governed by its duly elected Mayor and City Council (“Council”); and,

**WHEREAS**, the Council has the authority to enact, amend and repeal ordinances they have duly adopted by the Council; and,

**WHEREAS**, the Council had previously adopted Ordinance 2017-03 concerning waiver of tapping fees for multi-family and single-family areas in the City of Lebanon, Indiana; and,

**WHEREAS**, at times it becomes necessary and prudent to repeal ordinances that have been duly and properly enacted for the benefit of the citizens of the City of Lebanon.

**NOW, THEREFORE BE IT ORDAINED** by the Council, meeting in regular session, as follow:

**Section 1.** The foregoing recitals are incorporated herein by reference.

**Section 2.** The Lebanon City Ordinance 2017-03 is hereby repealed and of no effect.

**Section 3.** Any and all actions taken in the adoption of Ordinance 2022-~~15~~ and its repeal are hereby ratified.

**Section 4.** This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the City Council, in accordance with law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinance or parts thereof in conflict herewith are hereby repealed.

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ALL OF WHICH IS ORDAINED THIS 23 DAY OF May 2022.

LEBANON CITY COUNCIL

Voting For

Keith Campbell  
Keith Campbell

John Copeland  
John Copeland

Sierra Messenger  
Sierra Messenger

Mike Kincaid  
Mike Kincaid

Morris Jones  
Morris Jones

ABSENT  
Brent Wheat

Dick Robertson  
Dick Robertson

Voting Against

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Brent Wheat

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

Abstain

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Brent Wheat

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

ATTEST:

Tonya Thayer, Clerk Treasurer

Tonya Thayer

I hereby certify that ORDINANCE 2022-15 was delivered to the Mayor of Lebanon, Indiana on the 23 day of , 2022, at 7:27pm.

Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

may

I hereby APPROVE ORDINANCE 2022-15

I hereby VETO ORDINANCE 2022-15

this \_\_\_\_\_ day of May , 2022.

this 23 day of May, 2022.

[Signature]  
Matthew T. Gentry, Mayor

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

ATTEST:  
Tonya Thayer

Tonya Thayer, Clerk Treasurer

**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

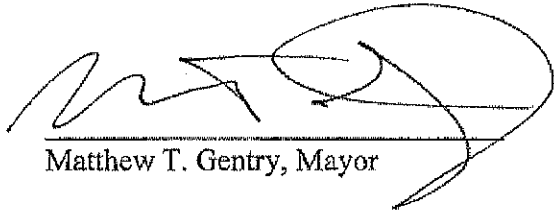
- B. A utility impact study shall be required unless waived by the Common Council of the City. The study shall evaluate the present and future fiscal impact, capacity impact, and infrastructure impact as a result of a Tapping Fee waiver. The cost of the utility impact study shall be paid by the developer 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]*

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:  
Robert S. Schein, Esq.  
KRIEG DEVAULT, LLP  
(317) 238-6276

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