

**PROPOSED ORDINANCE NO. 2019-05**

**ORDINANCE NO. 5649**

**AN ORDINANCE AMENDING PART I, CHAPTER 62, OF  
THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA,  
AS FROM TIME TO TIME AMENDED.**

**WHEREAS**, the City of Mishawaka, Indiana, (“City”) has heretofore established a Sewer Insurance Program (“Program”) to help control the cost of repairing and replacing sewer connections for Sewage Works Single Family Residential Customers; and

**WHEREAS**, the City of Mishawaka believes it is in the best interests of the Sewage Works Customers that the Program continue; and

**WHEREAS**, the Mishawaka Board of Public Works has determined that for the Program to continue an increase in Insurance Premiums must be implemented, and asks the Common Council to take the steps necessary to increase the a Sewer Insurance Premium to \$2.20; and

**WHEREAS**, Indiana Code 36-9-23-1 et seq., requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by Ordinance, finally adopted after due notice and public hearing; and

**WHEREAS**, the Common Council held a public hearing after due notice at which users of the sewage works, owners of property served or to be served by the works, and other interested persons were heard concerning the proposed fee set forth below;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:**

**Section 1.** Section 62-243, SEWER INNSURANCE FUND AND CHARGES – PURPOSE, ASSESSMENT, UTILIZATION shall be amended as follow:

Sec. 62-243. – PURPOSE, ASSESSMENT, UTILIZATION.

- (a) The sum of \$2.20 per month shall be added as sewer insurance charges for all single-family residential use sewer customers within the corporate city limits of the city. (This program does not include commercial, industrial, or bulk water customers.) All of the sums of money so collected shall be deposited in a separate fund of the city’s wastewater utility, entitled “Sewer Insurance Fund”.
- (b) All funds collected under section 62-246 shall also be deposited into this fund.
- (c) All of the sums of money so collected shall be used solely to repair or replace failing private sewer connections, and for administrative and inspection costs associated with the program, including material, labor and equipment for sewer lateral repairs or inspection.

**Section 2.** This ordinance shall be in full force and effect from and after its passage, signing by the Mayor, and legal publication as provided by law.

PASSED and adopted by the Common Council of the City of Mishawaka on the 4th day of March, 2019, at 7:09 o'clock p.m.

Ronald S. Banicki /s/  
Presiding Officer

ATTEST:

Deborah S. Block /s/  
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka on the 4th day of March, 2019, at 7:24 o'clock p.m.

Deborah S. Block /s/  
Deborah S. Block, City Clerk

APPROVED by me this 7th day of March, 2019, at 2:33 o'clock p.m.

David A. Wood /s/  
David A. Wood, Mayor