

TOWN OF GEORGETOWN, INDIANA

ORDINANCE G-14-01

AN ORDINANCE ESTABLISHING EXCLUSIVE JURISDICTION TO PROVIDE SEWER SERVICE WITHIN REGULATED TERRITORY FOR THE TOWN OF GEORGETOWN, INDIANA

WHEREAS, The Town of Georgetown, Indiana, owns, operates and maintains sewer lines, lift stations and a sewer treatment plant to provide services to the citizens of Georgetown, Indiana and various customers outside of the Town of Georgetown's corporate boundaries; and

WHEREAS, based upon a recent Indiana Court of Appeals ruling, namely The Town of Newburgh, Indian v. Town of Chandler, Indiana, Case No, 87A01-1305-ct-203, it is proper for a municipality to establish exclusive jurisdiction to service the area and boundary within four (4) miles outside of the corporate boundaries ("regulated territory"), as permitted by State Code, that is not being serviced by a Certificate of Territorial of Authority ("CTA") from the State of Indiana, and specifically recognizing the territories agreed upon in the "Georgetown-New Albany Agreed Sewer Regulatory Boundary Map" with the City of New Albany (attached hereto); and

WHEREAS, Indiana Code 36-9-2-18 specifically grants a municipality the power to exercise such rights in the regulated territory upon establishing and passage of an ordinance to that effect; and

WHEREAS, the Town of Georgetown, Indiana Sewer Utility is servicing such individuals and businesses within the newly proposed regulated territory; and

WHEREAS, passage of this Ordinance will give clear guidance and boundaries for customers and providers of sewer services in the regulated territory without the need for future litigation, will limit the unrestrained ability of other entities and/or utilities to build sewer plants and provide sewer services in the regulated territory.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF GEORGETOWN, INDIANA AS FOLLOWS:

That the Town of Georgetown, Indiana, under the authority of I.C. 36-9-2 et. seq. (and as may be amended) and further under I.C. 36-9-2-16, 17 and 18 (and as may be amended), establishes a regulated territory for exclusive sewer service and jurisdiction over the area four (4) miles outside of the corporate boundaries, except

as outlined in the “Georgetown-New Albany Agreed Sewer Regulatory Boundary Map” with the City of New Albany (attached hereto and incorporated by reference herein), moreover exempting those other facilities that have a Certificate of Territorial Authority (“CTA”) which have been duly authorized by the State of Indiana and its agencies. When development occurs within the Town of Georgetown’s area of the “Georgetown-New Albany Agreed Sewer Regulatory Boundary Map” and the developer or potential customer provides financial documentation, which compares the cost of connecting to the City of New Albany and to the Town of Georgetown, the Town of Georgetown may release and permit the connection to the New Albany when it is more economically feasible to do so.

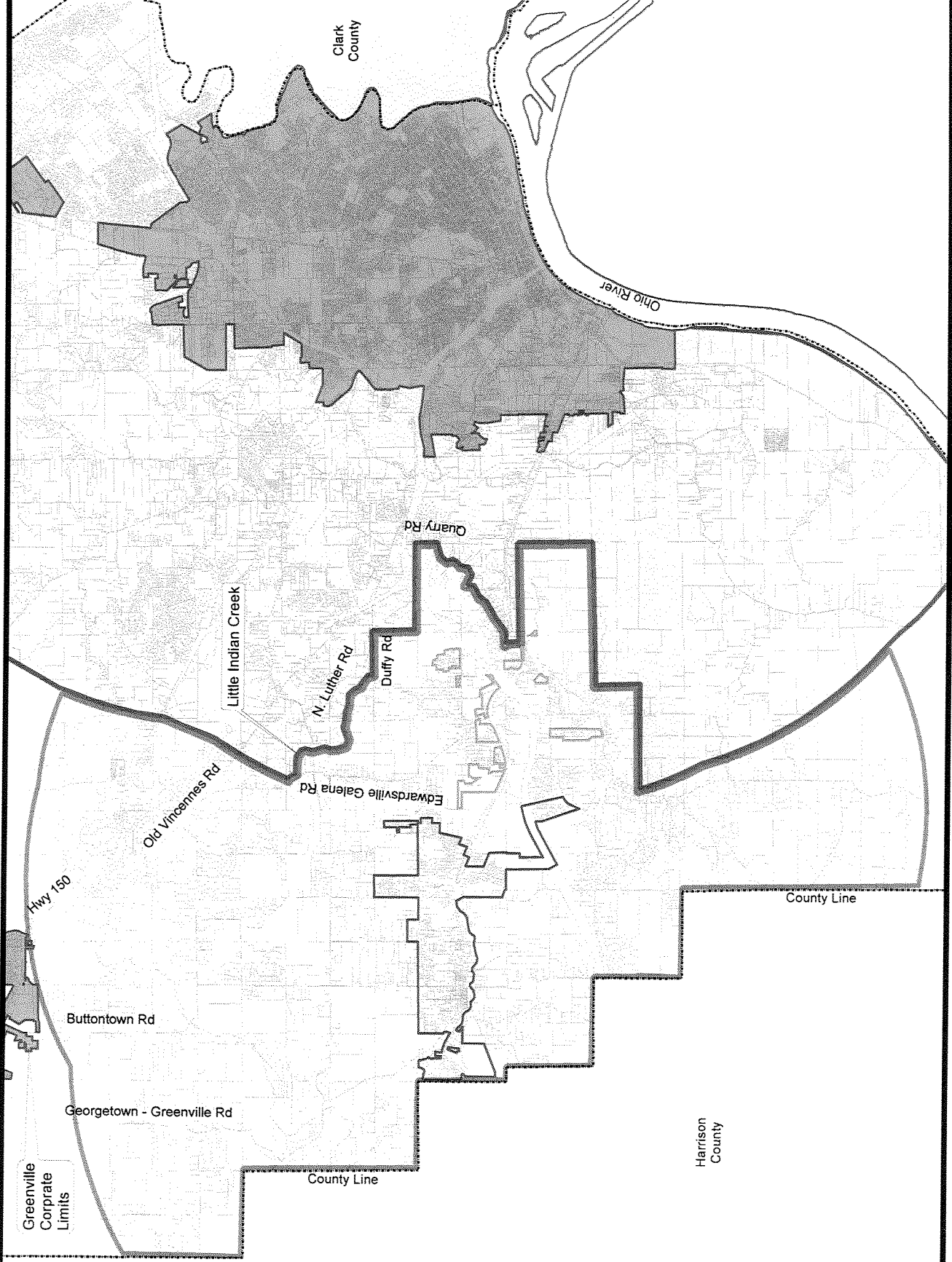
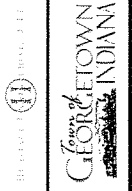
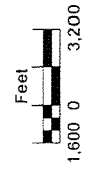
Exhibit “A”

“Georgetown-New Albany Agreed Sewer Regulatory Boundary Map”

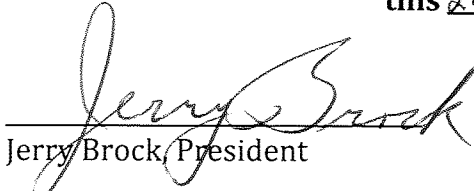


GEORGETOWN-NEW ALBANY AGREED SEWER REGULATORY BOUNDARY MAP

- Legend**
- Clark County Corporate Limits Boundary
 - Georgetown Corporate Boundary
 - Harrison County Parcel Line
 - Harrison County Sewerage
 - Georgetown Sewer Regulatory Boundary
 - Georgetown Sewer Regulatory Boundary



Adopted by the Town Council of Georgetown, Indiana
this 21st day of April, 2014.




Jerry Brock, President

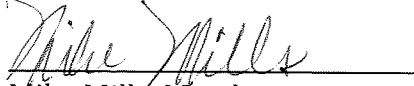


Jim Tripure, Member

Kathy Haller, Member




Patti Denison, Member



Mike Mills, Member

ATTEST:



Douglas Cook, Clerk/Treasurer