

**AN ORDINANCE AMENDING
MUNICIPAL CODE TITLE V, CHAPTER 50.09,
METER DEPOSITS FOR ELECTRIC AND WATER UTILITIES**

Ordinance No. 10 of 2019

WHEREAS, the Town Council of the Town of Winamac, Indiana (the “**Town Council**”), is responsible for the performance of various functions for the Town of Winamac (the “**Town**”); and

WHEREAS, the Town owns and operates an Electric Department and Water Department; and

WHEREAS, as part of the operation of an Electric Department and Water Department, the Town is responsible for the collection of certain fees from users, for providing utility services to Town residents from these two (2) departments; and

WHEREAS, HEA 1347 expressly provides that a municipality may ensure the creditworthiness of any individual(s) or entity occupying real property, which is being supplied services by the municipality, and adopt such measures so as to ensure timely payment by the individual(s) or entities occupying the property, if they are not the current owners of record of the property; and

WHEREAS, in the interests of fiscal responsibility, and to ensure the viability and financial stability of the Town’s Electric Department and Water Department, the Town Council is desirous of increasing the Electric and Water deposits required of any individual(s) or entity who is occupying any property, without two (2) years of good, established credit history with the Town, or another Unit, if they are not the current owners of record of said property.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Winamac, Indiana, that this Ordinance Amending Municipal Code Title V, Chapter 50.09, Meter Deposits for Electric and Water Utilities, is hereby adopted as follows:

SECTION I.
Collection and Deposit

1. **Authorized Fee.** For any individual(s) or entity/entities occupying real property that is currently being serviced by the Town Water Department or Town Electric Department, who is not the current owner(s) of record of the property, and does not have at least two (2) years-worth of good, established credit history with the Town, or another Unit, the following deposits shall be required for any such individual or entity/entities:

- (A) A Water Deposit in the amount of Two Hundred and Twenty Five Dollars (\$225.00) shall be collected at the time of commencement of Town water service.
- (B) An Electric Deposit in the amount of Two Hundred and Seventy Five Dollars (\$275.00) shall be collected at the time of commencement of Town electric service.

- (C) An Electric Deposit of Three Hundred and Twenty Five Dollars (\$325.00) to a commercial establishment, or where electric heat is utilized, shall be collected at the time of commencement of Town electric service.

2. **Requisite Credit History Defined.** For purposes of this Ordinance, “good, established credit history” shall mean any individual(s) or entity/entities, that have not missed or been late on any payment for any water, electric, or wastewater utility charges, for the two (2) years immediately preceding application for water or electric services with the Town. A “late payment” is any payment made after the 15th of any month where said charge is due and payable, for the Town, or any payment that is made after the due date for any other Unit.

3. **Unit Defined.** For purposes of this Ordinance, “Unit” shall have that meaning as set forth in Ind. Code § 36-1-2-23. Unit shall also mean a private utility provider, assuming good, established credit history can be proven via certified invoices from the private utility provider in question.

SECTION II.

Effective Date and Repeal of Conflicts

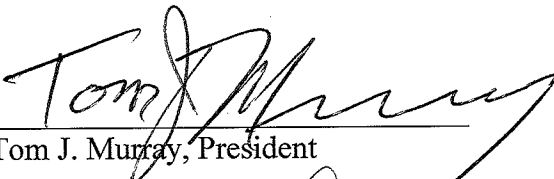
1. This Ordinance shall become effective immediately upon its passage, in a meeting that has been properly advertised, and open to the general public.

2. All other provisions of Title V, Chapter 50.09 shall remain in full force in effect, except as specifically amended. The Town Clerk-Treasurer is hereby authorized to amend any conflicting rule, policy, or ordinance book, to reflect these changes.

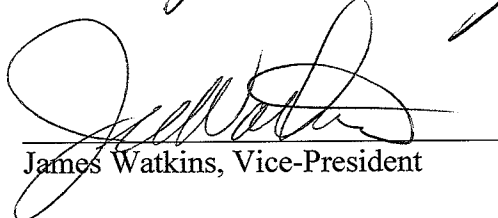
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WINAMAC, INDIANA, THIS 12th DAY OF AUGUST, 2019.

THE WINAMAC, INDIANA TOWN COUNCIL

APPROVED:



Tom J. Murray, President



James Watkins, Vice-President



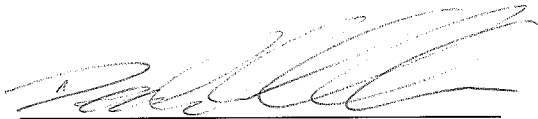
Alvin R. Parish, Council Member

OPPOSED:

Tom J. Murray, President

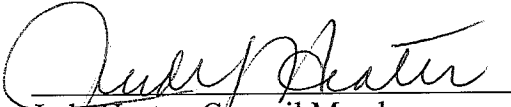
James Watkins, Vice-President

Alvin R. Parish, Council Member



David Chambers, Council Member

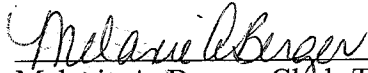
David Chambers, Council Member



Judy Heater, Council Member

Judy Heater, Council Member

ATTEST:



Melanie A. Berger, Clerk-Treasurer