

## ORDINANCE NO. 2024-19

### **An ordinance amending Chapters 50 of the Code of Ordinances, relating to the waiver of payment for monthly sewer charges to be collected by the City of Portland, Indiana from the owners of property served by the Sewage Works of said City.**

WHEREAS, the City of Portland, Indiana has heretofore, by ordinance, established the rates and charges to be collected for the Sewage Works operated by the City of Portland, Indiana; and,

WHEREAS, the City recognizes that under certain limited circumstances it may be necessary to waive the monthly charges for such services for a period of time where the user's property is uninhabitable through no fault of the user of the system; and,

WHEREAS, it is now the determination of the City Council that the following procedures shall be established in order to allow the City's Board of Works and Safety to waive monthly sewer fees.

NOW THEREFORE, be it ordained by the City Council of the City of Portland, Indiana that Chapter 50 of the City's Code of Ordinances be amended as follows:

#### Chapter 50.101- Waiver of Payment

- A. When any user of the City's sewer system determines that the user's home, business, or structure connected to the City's sewer system is destroyed and/or uninhabitable for an extended time due to circumstances beyond the user's control, including but not limited to, fire, flood, wind, or other act of God, the user may apply in writing to the Board of Works for a waiver of payment of the user's monthly sewer fee.
- B. Any waiver of the imposition of monthly sewer fees shall be at the Board of Works's sole discretion.
- C. The Board of Works shall consider the following criteria to determine whether such a waiver of payment shall be granted:
  1. The cause of the damage;
  2. The extent of the damage;
  3. The user's intent to rebuild;
  4. The estimated time period to rebuild or repair the damage; and,
  5. The extent to which utility services will not be available for use during any period of rebuilding or repair.
- D. The Board of Works may impose certain conditions upon the granting of any waiver, in its sole discretion, as may recommended by the Waste Water Superintendent.
- E. Any waiver granted pursuant to this section shall not exceed six months. For good cause shown, the Board of Works may grant an extension of any waiver granted pursuant to this section.

- F. Upon the expiration of the waiver granted pursuant to this section, the user shall be subject to all usual and customary fees and charges for the property applicable under the Chapter beginning the month following the expiration of the waiver.

Passed and adopted by the City Council of the City of Portland, Indiana this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Jeff Westlake, Presiding Officer

Attest:

\_\_\_\_\_  
Lori Phillips, Clerk-treasurer  
City of Portland, Indiana

Approved by me on this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Jeff Westlake, Mayor