

ORDINANCE NO. 17-2025

AN ORDINANCE ESTABLISHING THE WATER SERVICE AREA FOR THE TOWN OF DANVILLE, INDIANA, AND REGULATING THE FURNISHING OF WATER SERVICE THEREIN

WHEREAS, the Town of Danville, Indiana (the "Town"), owns and operates the Town's municipal water works pursuant to Indiana Code § 36-9-23 and other applicable laws; and

WHEREAS, pursuant to Indiana Code § 36-9-23-36, the Town may exercise powers granted by Indiana Code § 36-9-23 in areas within ten (10) miles outside of its corporate boundaries; and

WHEREAS, pursuant to Indiana Code § 8-1.5-6, following adoption of a regulatory ordinance concerning authority to provide service outside of a municipalities' corporate boundaries, the municipality must petition the Indiana Utility Regulatory Commission ("Commission") for its approval of the regulatory ordinance; and

WHEREAS, the Town desires to establish a specific water service area in an area outside of its corporate boundaries in which the Town is the exclusive water utility service provider as permitted by Indiana law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA that:

Section 1. The Town of Danville Water Service Area is hereby defined and established as those areas within the corporate boundaries of the Town, as well as certain areas outside the Town's boundaries as identified and depicted in Exhibit A attached hereto and incorporated herein by reference.

Section 2. Upon adoption of this Ordinance and its approval by the Commission, the Town shall have the exclusive authority and hold an exclusive license to furnish and regulate water service in the Town of Danville Water Service Area, and the Town shall be the exclusive provider of water utility service to the public within the Town of Danville Water Service Area.

Section 3. Upon adoption of this Ordinance and its approval by the Commission, no other utilities are permitted to provide water service within the Town of Danville Water Service Area. This Ordinance does not: (1) mandate the Town to extend or provide service or (2) prevent the use of onsite disposal systems where the Town does not have facilities available and such other onsite disposal is otherwise permitted. Rather, this Ordinance expressly prohibits other utilities from furnishing water service to customers within the Town of Danville Water Service Area.

Section 4. No end user of water service within the Town of Danville Water Service Area shall connect, and no water producing structure within the Town of Danville Water Service Area shall be connected to, collection or treatment facilities or any other water service provider or utility.

Section 5. Any violation of this Ordinance shall result in a civil penalty of two thousand dollars (\$2,000) per violation, with each day of violation and each separate connection constituting

a separation violation. Any individual, firm, or corporation deemed to be in violation shall be responsible for reimbursing the Town for its costs to repair and replace and any attorneys' fees and costs in any action brought to enforce this Ordinance.

Section 6. The Town's existing rules and regulations for water service, as may be amended from time to time, shall apply to and within the Town of Danville Water Service Area.

Section 7. If any one or more of the terms, provisions, or sentences of this Ordinance or portions of the Town of Danville Water Service Area shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Ordinance.

Section 8. The Town hereby authorized the Town Manager and legal counsel to pursue any and all necessary approvals for the implementation, effectiveness, and enforcement of this Ordinance, including but not limited to approval of this Ordinance by the Commission.

Section 9. This Ordinance shall be in full force and effect from and after its adoption and any regulatory approval required by applicable law.

ADOPTED by the Town Council of the Town of Danville, Indiana, on this _____ day of _____, 2025.

DANVILLE TOWN COUNCIL

FOR:

Dave Potter

Michael Chatham

Chris Gearld

Greg Irby

Bret Doub

AGAINST:

ATTEST:

Carrie L. Lofton, Clerk-Treasurer