

**COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA**

**ORDINANCE NO. 2022- 09**

**AN ORDINANCE REPEALING ORDINANCE 2021-10– AN ORDINANCE ESTABLISHING THE CITY OF AUSTIN SANITARY SEWAGE SERVICE AREA AND REGULATING THE FURNISHING OF SANITARY SEWAGE SERVICE THEREIN**

**WHEREAS**, the City Council for the City of Austin passed and adopted Ordinance 2021-10 on August 10, 2021 (the “Regulatory Ordinance”); and

**WHEREAS**, said Regulatory Ordinance established the City of Austin Sanitary Sewage Service Area and regulated the furnish of sanitary sewage service therein; and

**WHEREAS**, said Regulatory Ordinance was not effective until being approved by the Indiana Utility Regulatory Commission (“IURC”); and

**WHEREAS**, on or about August 26, 2021, the City of Austin filed a Petition with the IURC, Cause No. 45603 (“IURC Proceeding”), seeking approval of its Regulatory Ordinance; and

**WHEREAS**, after the filing of the IURC Proceeding, the Scott County Regional Sewer District (the “District”) on or about September 8, 2021, filed a Complaint in the United States District Court against Austin; and

**WHEREAS**, the District was aware of the introduction of the Regulatory Ordinance and at no time expressed any concern or objection to the Regulatory Ordinance prior to its adoption; and

**WHEREAS**, the City has engaged in good faith with the District for over one year to attempt to reach a new agreement that is fair to the City and the City’s sewage works users and encourages the District to maintain and improve its collection systems; and

**WHEREAS**, the District has recently expressed that it has no desire to reach such an agreement with the City; and

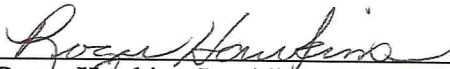
**WHEREAS**, because of unsuccessful negotiations with the District, the Council now desires to repeal the Regulatory Ordinance, and dismiss the IURC proceeding.

**NOW, THEREFORE**, be it ordained by the Common Council of the City of Austin, Indiana that:

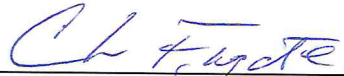
1. **REPEAL**. Ordinance 2021-10 passed and adopted on August 10, 2021, establishing the City of Austin Sanitary Sewage Service Area, and regulating the furnish of sanitary sewage service therein is hereby repealed.
2. **IURC PROCEEDING**. Legal Counsel for the City of Austin is hereby authorized to take whatever action necessary to terminate the IURC Proceeding, Cause No. 45603, seeking approval of Ordinance 2021-10.
3. **NO CONFLICT**. All ordinances, resolutions, and orders (or parts thereof) that conflict with the provisions of this Ordinance hereby is repealed to the extent of such conflict.
4. **SEVERABILITY**. If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.
5. **EFFECTIVENESS**. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with Indiana Code.

**PASSED AND ADOPTED** by the Common Council of the City of Austin, Indiana on September 30, \_\_\_\_\_, 2022 by a vote of 4 to 0.

Common Council City of Austin, Indiana

  
\_\_\_\_\_  
Roger Hawkins, Presiding Officer

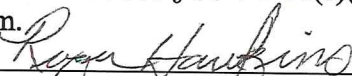
Attest:

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on September 30, 2022 at 12 : 28 p.m.

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on September 30, 2022 at 12 : 28 p.m.

  
\_\_\_\_\_  
Roger Hawkins, Mayor

Attest:

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer