

ORDINANCE NO. 3920

**AN ORDINANCE REMOVING THE CITY OF NEW CASTLE WATER UTILITY
FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY
COMMISSION FOR THE APPROVAL OF RATES, CHARGES AND EVIDENCES OF
INDEBTEDNESS**

WHEREAS, the City of New Castle operates water utility, which is currently subject to the jurisdiction of the Indiana Utility Regulatory Commission (“IURC”) for the purposes of approval of rates, charges and the issuance of stocks, bonds, notes and other evidences of indebtedness; and

WHEREAS, Indiana Code § 8-1.5-3-9.1 provides that a municipal utility may be removed from the jurisdiction of the IURC for the purposes of approval of rates, charges and the issuance of stocks, bonds, notes and other evidences of indebtedness upon the adoption of an ordinance by the municipal legislative body, which ordinance will become effective sixty (60) days after adoption; and,

WHEREAS, the City believes that its water utility can be operated more efficiently if it is not subject to the jurisdiction of the IURC for the purposes of approval of rates, charges and the issuance of stocks, bonds, notes and other evidences of indebtedness; and

WHEREAS, Indiana Code § 8-1.5-3-9.1 (b) requires that notice of the City’s consideration of removal of its Water Utility from the jurisdiction of the IURC be provided to ratepayers and the IURC at least thirty (30) days prior to the final vote on this Ordinance and that such notice will be provided as required by the above statute.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, INDIANA, as follows:

The New Castle Water Utility, pursuant to Indiana Code § 8-1.5-3-9.1, is hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission for the purposes of approval of rates, charges and the issuance of stocks, bonds, notes and other evidences of indebtedness.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective sixty (60) days after its adoption, subject to the provisions of Indiana Code § 8-1.5-3-9.1.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS
____ DAY OF _____, 2024.

Greg York, Presiding
Officer, Common Council, City
of New Castle, Indiana

AYE

NAY

ATTEST:

Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2024.

Greg York, Mayor of the City
Of New Castle, Indiana