

STATE OF INDIANA
CITY OF CHARLESTOWN
CHARLESTOWN CITY COUNCIL

AMENDMENT TO CHARLESTOWN CITY
ORDINANCE 2003-OR-13 SECTION 901 BONDING
REQUIREMENT DELETING ALL REFERENCES TO LETTERS OF CREDIT

WHEREAS, the City of Charlestown approved Ordinance 2003-OR-13 which contained section 901 entitled "Bonding Requirement" which states in part 901 (a) "The Commission may not approve a plat for a subdivision without a bond or irrevocable letter of credit to cover the proposed improvements and installations. The bond or letter of credit shall..."; and

WHEREAS, it has been the experience of the Commission that letters of credit pose both legal and administrative difficulties that diminish the certainties of protections that bonds provide in assuring that infrastructure improvements and their proper and timely installments are completed under the Ordinance; and

WHEREAS, the Charlestown Advisory Plan Commission at its January 3, 2006 public meeting approved a Motion to Amend Ordinance 2003-OR-13 to delete any and all references to letters of credit and require that developers only post bonds to insure the completion of infrastructure systems.

NOW THEREFORE, BE IT ORDAINED by the City Council of Charlestown that:

Section 1 / Deletion of Letters of Credit

All language or references to letters of credit contained anywhere in Ordinance 2003-OR-13 and / or any other ordinances of the City of Charlestown that contain any language or references to letters of credit involving planning and zoning are hereby deleted.

Section 2 / Bonds

Hereafter, only bonds may be submitted to the Commission to satisfy the bonding requirements of Ordinance 2003-OR-13.

Section 3 / Savings Clause

If any section of this Ordinance shall be deemed unenforceable and / or not in compliance with any applicable statute or law by a court of competent jurisdiction, then to the extent permissible all other sections of this Ordinance shall remain in full force and effect.

Section 4 / Repealing Clause

All sections of any previous Ordinances and / or Resolutions that are inconsistent and / or contradictory to the above provisions of this Ordinance are hereby repealed.

Section 5 / Effective Date

This Ordinance shall be in full force and effect upon and after its passage by the Charlestown City Council or as otherwise mandated by statute and / or rule.

ADOPTED by the City Council of Charlestown, this 1st day of May, 2006.

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____ Jeff Aaron	_____	_____	_____	_____
<u>Bruce Bottorff</u> Bruce Bottorff	✓	_____	_____	_____
<u>Ted Little</u> Ted Little	✓	_____	_____	_____
_____ Terry Pierce, President	_____	_____	_____	_____
<u>Brian Walker</u> Brian Walker	✓	_____	_____	_____

APPROVED: Michael D. Hall
Michael D. Hall, Mayor

DATE: 5/1/06

ATTEST: Donna S. Coomer
Donna Coomer, Clerk-Treasurer

DATE: 5/1/06