

## PLAINFIELD TOWN COUNCIL

### ORDINANCE NO. 01 - 2011

#### **AN ORDINANCE ENLARGING AND AMENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION OVER WATER RESOURCES, REGULATING THE USE AND DISPOSITION OF WATER RESOURCES, REGULATING THE PROVIDING OF PUBLIC WATER AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE ORDINANCE**

WHEREAS, the Town of Plainfield ("Town") has installed, maintains and operates a public water utility and well fields to provide potable water to the users; and

WHEREAS, the Town exercised its extraterritorial jurisdiction over the planning and providing of water to certain areas outside of the corporate boundaries of the Town by passing Resolution No. 93-14, a copy of said resolution being attached hereto and made a part hereof and identified as Exhibit B; and

WHEREAS, it is in the best interest of the health and welfare of the Town, its citizens and the users of its public water to conserve and protect the water resources and water courses in the Town and within its extraterritorial authority and for that purpose to enlarge, amend and define its extraterritorial boundaries and provide reasonable regulations for the beneficial use and disposition of water resources; and

WHEREAS, the Town has the authority to regulate the furnishing of water to the public; and

WHEREAS, the Town has the authority to exercise its jurisdiction over water within an area of four miles and ten miles, respectively, outside of its corporate boundaries.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Plainfield, Hendricks, County, Indiana, that:

#### **SECTION 1. PURPOSE**

The purpose of the Ordinance is to enlarge and amend the Town's extraterritorial boundaries and exercise the Town's extraterritorial powers over water courses and well fields and to regulate the furnishing of water to the public within the Plainfield Water Territory as described on Exhibit A, attached hereto and made a part hereof.

#### **SECTION 2. DEFINITIONS**

- A. "Ground Water" shall mean all water occurring beneath the surface of the ground regardless of location and form.
- B. "Person" shall mean an individual, a firm, a limited liability company, a corporation, an association, a public utility, a private utility, or a

governmental agency. However, for purposes of this ordinance, a governmental agency shall not include the State of Indiana or the federal government.

- C. "Plainfield Water Territory" shall mean the area depicted on Exhibit A attached hereto and made a part hereof.
- D. "Town" shall mean the Town of Plainfield, Hendricks County, Indiana.
- E. "Town Water System" shall mean all pipes, lines, joints, tanks, hydrants, wells, water treatment plant and all related parts used to supply public water to users.
- F. "User" shall mean any person or entity connected to the Town Water System.
- G. "Water Course" shall mean and include lakes, rivers, streams, ground water, and any other body of water.
- H. "Well Fields" shall mean areas owned or controlled by the Town that have established water wells or planned water wells on them for use by the Town water utility.

### SECTION 3. EXTRATERRITORIAL POWER

The Town hereby exercises its power and authority to control and regulate all water courses, well fields and furnishing of water to the public in the area described and depicted on Exhibit A attached hereto and made a part hereof (the "Plainfield Water Territory").

### SECTION 4. REGULATION

- A. No Person shall interfere with the Town's access to and use of water from its existing or later developed well fields.
- B. No Person shall provide public water to a Person or property located within the Plainfield Water Territory without the express written consent from the Town after written application to the Town by such Person.
- C. No Person shall furnish water to the public or provide public water from a source within the Plainfield Water Territory, without the express written consent from the Town after written application to the Town by such Person.
- D. No Person shall take water from or cause or prevent water to escape from a water course or do any act that might affect the water flow in a water course in the Plainfield Water Territory without the express written consent from the Town after written application to the Town by such Person.

- E. Nothing in this ordinance shall be construed to prohibit the taking of water from a water course or ground water for reasonable personal use by an individual, including, but not limited to, residential water wells.

**SECTION 5. TERRITORIAL APPLICATION**

This Ordinance shall apply to the Plainfield Water Territory as defined and depicted on Exhibit A attached hereto and made a part hereof.

**SECTION 6. EXCLUSION FOR EXISTING AGREEMENTS**

The terms of the Ordinance are subject to and subordinate to any currently existing agreements between the Town and any other entities providing public water to users.

**SECTION 7. PENALTY, INJUNCTION AND ATTORNEY'S FEES**

- A. **Penalty:** Any person who violates this Ordinance shall be fined not less than \$100.00 Dollars or more than \$2500.00. A separate offense shall be committed for each day of the violation.
- B. **Injunction:** In addition to the penalty provided by Section 6(A), the Town shall be entitled to an injunction, enjoining any further violation of the Ordinance.
- C. **Attorney's Fees:** Any person found by a Court to have violated this Ordinance shall pay all costs and reasonable attorneys fees incurred by the Town as a result of the Town's enforcement of the Ordinance.

**SECTION 8. JURISDICTION**

The Plainfield Town Court and the Circuit and Superior Courts of Hendricks County, Indiana, shall have jurisdiction for the enforcement of this Ordinance and the determination of any penalties and issuance of an injunction.

**SECTION 9. SEVERANCE AND SAVINGS CLAUSE**

If any section, provision or part of this Ordinance is adjudged to be invalid, unenforceable, or unconstitutional, such adjudication shall not affect the validity, enforceability or constitutionality of the Ordinance as a whole or any sections, provisions or parts not adjudged invalid, unenforceable or unconstitutional.

**SECTION 10. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its adoption by the Plainfield Town Council and any publication required by law.

THIS ORDINANCE is hereby passed and adopted this 28<sup>th</sup> day of Feb, 2011.

TOWN COUNCIL, TOWN OF  
PLAINFIELD, HENDRICKS COUNTY,  
INDIANA

Robin G. Brandgard  
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Kent McPhail  
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Renea S. Whicker  
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ATTESTED BY:  
Wesley R. Bennett  
Wesley R. Bennett, Clerk-Treasurer  
Town of Plainfield, Indiana

**PUBLISHED:**  
Hendricks County Flyer MAR 05 2011  
Hendricks County Flyer MAR 09 2011

# Plainfield Water Utility Service Area

- Legend**
- Credits
  - Public Land Survey Sections
  - Plainfield Water Utility Service Area
  - Subdivision Corporate Boundary
  - Subdivisions pertinent to Service Area
  - Avon, Danville, Clayton



JANUARY 17th, 2013

**Plainfield Water Utility Service Area Land Description**

This map shows the Plainfield Water Utility Service Area as of January 17th, 2013. The service area is shown in blue and is bounded by the Avon, Danville, and Clayton corporate boundaries. The map also shows the Public Land Survey Sections, the Subdivisions pertinent to the Service Area, and the Subdivisions Corporate Boundary. The map is overlaid with a grid of Public Land Survey Sections. The map is titled "Plainfield Water Utility Service Area Land Description" and is dated "JANUARY 17th, 2013".

