

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2023-16**

**AN ORDINANCE AMENDING SECTIONS 10.97, 38.21, 51.40(E), AND
51.45 OF THE WHITELAND TOWN CODE TO CLARIFY THE
APPLICATION OF INSUFFICIENT FUNDS CHARGE TO INCLUDE
EFT, CREDIT CARD, AND ACH TRANSACTIONS**

WHEREAS, Sections 38.21 and 51.45 of the Whiteland Town Code authorize the Town of Whiteland (the “Town”) to collect fees when checks paid to the Town are returned for insufficient funds and Section 51.40 authorizes the Town to discontinue water service to customers by reason of non-payment;

WHEREAS, the Whiteland Town Council (the “Council”) desires to amend the Whiteland Town Code to clarify that the remedies available to the Town for returned checks are also available to any dishonored or returned payments made by electronic means, including without limitation, credit and debit card payments, automatic clearing house (ACH) transactions, electronic funds transfer (EFT), and online banking transfers;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

Section 1. The eighth line under the “All Departments” subsection of the Schedule of Fees in Section 10.97 of the Whiteland Town Code is hereby amended to read as follows:

	<i>Amount</i>	<i>See Section</i>
<i>All Departments</i>		
Insufficient funds <u>Fee for Failed Payments, returned check, stop payment</u>	\$35.00	38.21 <u>and 51.45</u>

Section 2. Section 38.21 of the Whiteland Town Code is hereby amended to read as follows:

§ 38.21 FEES FOR OTHER SERVICES.

The town hereby establishes a charge for services incurred by or provided by any town officer or employee as set forth below:

- (A) Certification of documents: \$5.
- (B) An Insufficient Funds Fee shall be charged for payments that fail after initial acceptance by the Town (i.e., not ultimately paid to the Town), including without limitation, payment by check, credit or debit card, automatic clearing house (ACH) transaction, electronic funds transfer (EFT), online banking transfer, whether

[The new provisions are shown in blue and underlined, deleted provisions in ~~red strikethrough~~.]

returned or dishonored for insufficient funds, having been drawn on a closed account, stop payment, or otherwise ("Failed Payment")~~insufficient funds check, returned check, stop payment~~: \$35.

- (C) Council meeting room rental: \$500. \$400 is a non-refundable deposit. Not-for-profit entities shall be charged \$450 with \$400 being non-refundable.
- (D) Vehicle identification number check: N/C.
- (E) Special request not enumerated above: actual cost.

Section 3. Section 51.40(E) of the Whiteland Town Code is hereby amended to read as follows:

§ 51.40 DELINQUENT BILLS.

- (E) Policy in regard to payments that fail after initial acceptance by the Town (i.e., not ultimately paid to the Town), including without limitation, payment by check, credit or debit card, automatic clearing house (ACH) transaction, electronic funds transfer (EFT), online banking transfer, whether returned or dishonored for insufficient funds, having been drawn on a closed account, stop payment, or otherwise ("Failed Payment"): ~~insufficient funds checks or checks drawn on closed accounts~~:
 - (1) It is the policy of the town to discontinue service to customers that have made a Failed Payment~~insufficient funds checks received or by checks received drawn on closed accounts~~, after notice of the Failed Payment is received by the Clerk-Treasurer~~of the receipt of such checks~~.
 - (2) Prior to disconnection for nonpayment as a result of a Failed Payment, ~~the~~ Clerk-Treasurer shall ~~will~~ notify the customer by mailing a notice to the customer's address and posting a notice on the customer's door, giving the customer notice that the customer has two days to pay the Failed Payment and the Insufficient Funds Fee in full by money order, cashier's check or cash~~on any payment which has been dishonored by the customer's bank~~, or service will be disconnected for nonpayment of bill.
 - (3) In the event the customer does not provide payment for the Failed Payment and Insufficient funds Fee ~~delinquent check~~ in the time specified~~delineated~~, the Clerk-Treasurer shall provide notice and proceed with discontinuance of the customer's service ~~same~~ as provided in division (D) above.

[The new provisions are shown in blue and underlined, deleted provisions in ~~red strikethrough~~.]

Section 4. Section 51.45 of the Whiteland Town Code is hereby amended to read as follows:

§ 51.45 INSUFFICIENT FUNDS FEE.

Phase I/Phase II

An Insufficient Funds Fee shall be charged for Failed Payments~~Checks returned for insufficient funds~~, in the amount of: \$35

Section 5. The provisions of all other ordinances, resolutions, or Town Code provisions in conflict with the provisions of this ordinance are of no further force or effect.

Section 6. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

Section 7. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10, subject to publication of this ordinance to the extent required by law.

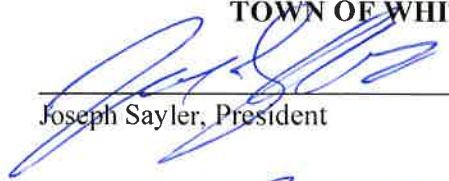
[Signatures on following page.]

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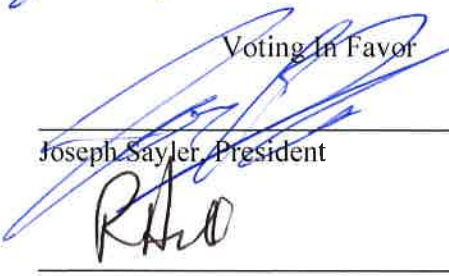
PASSED through first reading by the Town Council on the 14 day of November, 2023, by a vote of 4 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on the 14 day of November, 2023, by a vote of 4 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

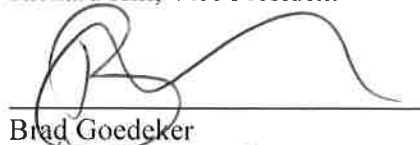


Joseph Sayler, President



Joseph Sayler, President

Richard Hill, Vice President



Brad Goedeker



Laura Fleury

David Hawkins

Attest:


Debra L. Hendrickson, Clerk-Treasurer

Voting Opposed

Joseph Sayler, President

Richard Hill, Vice President

Brad Goedeker

Laura Fleury

David Hawkins

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