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## CH22 22 .3 - Change Provider Unit of Lapel Stony Creek Fire Protection Territory

### ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA TO CHANGE PROVIDER UNIT OF LAPEL STONY CREEK FIRE PROTECTION TERRITORY

**WHEREAS**, the Common Council of the Town of Lapel, Madison County, Indiana (the "Council") met at a duly called an authorized meeting of the Council held on the date set forth below, such meeting being called pursuant to a notice stating the time, place and purpose of the meeting received by all the Council Members, and the following actions were taken, seconded, and adopted by a majority of those present at the meeting, which constituted a legal quorum of the Council;

**WHEREAS**, Stony Creek Township, Madison County, Indiana (the "Township") and the Town of Lapel, Indiana (the "Town") entered into an Interlocal Cooperation Agreement dated March 22nd, 2010 (the "Agreement") which formed the Lapel Stony Creek Township Fire Protection Territory (the "Territory");

**WHEREAS**, the Agreement set forth the Town and Township would be the participating units in the Territory and the Town would be the provider unit for the Territory.

**WHEREAS**, Indiana Code [36-8-19-6.5](#) allows for the participating units of a fire territory to change the provider unit; and

**WHEREAS**, the Town and Township desire to change the provider unit of the Territory from the Town to the Township effective January 1st, 2014.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council that:

1. The provider unit of the Territory shall be changed from the Town to the Township effective January 1st, 2014, as the same is provided for in Indiana Code [36-8-19-6.5](#).
2. The Town and Township agree that to facilitate the change of provider unit as set forth above, references in the Agreement to provider unit shall now be understood to reference the Township, and all such terms

- or conditions of the Agreement necessary to effectuate the change shall be interpreted as such.
3. Specifically, the Town and the Township shall annually levy its allowable fire property tax levy and pay over to the provider unit all distributions of that tax along with all other tax revenue associated with the property tax including financial institutions/bank personal property tax, vehicle excise tax, and commercial vehicle excise tax as shown on County Form #22.
  4. In addition, all participating units within the Territory shall pay over the Territory Provider Unit 50% of its Public Safety (COIT/LOIT) shares based on the property taxes levied by the participating unit for the benefit of the Territory versus the total property taxes levied by the participating unit. This provision specifically supersedes any provision to the contrary in the Interlocal Agreement executed by the Town and Township on March 22nd, 2010.
  5. The Township shall take any and all steps necessary to serve in the role as the provider unit which shall include but not be limited to creating a fire protection territory fund for the same purpose as that set forth in the Agreement.
  6. All other terms of the Agreement not in conflict with the change in provider unit remain.
  7. Pursuant to Indiana Code [36-4-4-7-13](#) the Town Council of Lapel suspends the requirements of three readings of this Ordinance, this Ordinance being subject to a vote on its passage the same day which it is introduced.

Passed by the Common Council of the Town of Lapel, Indiana this 7th day of March, 2013 by a vote of 5 ayes and 0 nays.

#### Further Information

**3-2013**

**Date Passed: 3/7/2013**