

ORDINANCE NO. _____-2009

AN ORDINANCE ESTABLISHING USER FEES TO BE COLLECTED BY THE CITY OF CRAWFORDSVILLE, INDIANA, FROM USERS AND OWNERS OF PROPERTY SERVED BY THE STORM WATER UTILITY OF SAID CITY AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the City of Crawfordsville, Indiana (“City”) has heretofore constructed and has in operation a stormwater collection system for the purpose of collecting and managing stormwater runoff; and

WHEREAS, the costs of collecting and managing stormwater are not presently being recovered from the properties generating that stormwater runoff and/or the properties served by that system; and

WHEREAS, a major part of the expense of stormwater management is compliance with the federal Clean Water Act concerning municipal separate stormwater sewer systems (“the MS4 mandate”), which requires a number of mandatory compliance measures by the City; and

WHEREAS, the City has caused a report to be completed by H. J. Umbaugh & Associates (“Report”), and based upon that Report, the City finds that a stormwater user fee should be enacted to pay for the costs of collecting and managing its storm water, including compliance with the MS4 mandate; and

WHEREAS, the City has calculated an average Equivalent Residential Unit (“ERU”) for parcels of real estate located within the City, which was derived by calculating an average residential parcel size and an average total impervious surface area, and based on those calculations, an ERU for the City shall be and is 3,960 square feet; this ERU allocates the demand that all such parcels in the City place on the stormwater utility of the City and their benefit from the stormwater management activities of the City; and

WHEREAS, the City intends to enact a stormwater user fee for the costs of collecting and managing its stormwater pursuant to IC 36-9-23-25, which authorizes the Common Council of the City (“Common Council”) to enact such a fee; and

WHEREAS, the Board of Directors of the Department of Storm Water Management of the City (“Board”) has adopted a resolution recommending to the Common Council the enactment of a stormwater user fee at the rate set forth therein; and

WHEREAS, prior to imposition of any fee, the Board will adopt a policies and procedures manual (“Policy Manual”) regarding the policies and procedures for assessment, billing, and administration of stormwater fees and charges; and

WHEREAS the Common Council finds, based upon the Report and the recommendations of the Board, that a stormwater user fee should be enacted to pay for the costs of collecting and

managing storm water pursuant to the provisions of IC 36-9-23, which storm water user fee should be charged, collected and administered pursuant to the provisions of the Policy Manual; and

WHEREAS, the Common Council finds that due notice and the appropriate public hearing have been given and conducted in accordance with IC 36-9-23;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Crawfordsville, Indiana, as follows:

1. There is hereby established a monthly stormwater utility fee to be charged to all owners of real estate within the City of Crawfordsville for the use of and services provided by the stormwater utility of the City.

2. For residential real estate, the stormwater utility fee shall be a flat residential customer charge of \$4.95, plus \$1.05 for the ERU, per month per residence, for a total monthly residential charge of \$6.00.

3. For non-residential real estate, the stormwater utility fee shall be determined by the square footage of impervious area of each non-residential parcel, using a classification system as follows:

	Impervious Area (Square Feet)	Fee Per Month
User Class 1	0 to 50,000	\$10.20
User Class 2	50,001 to 100,000	\$23.85
User Class 3	100,001 to 150,000	\$38.55
User Class 4	150,001 to 250,000	\$56.40
User Class 5	250,001 and up	\$155.10

6. If the monthly stormwater utility fee is not paid by the due date stated on the bill, a late charge of ten percent (10%) will be assessed, together with any and all costs of collection, if any, including reasonable attorney's fees and costs of collection. Delinquent charges for stormwater services, as well as applied penalties, recording fees, and service charges, constitute a lien upon the property and may be collected in accordance with the provisions of I.C. 36-9-25-11.

7. The policies and procedure for determining impervious surface area, establishing the ERU and its multiplier, billing and collection procedures are set forth in the Policy Manual adopted by the Board of Directors of the Crawfordsville Department of Storm Water Management, as it was originally adopted prior to the effective date of this ordinance and as it may be amended from time to time by that Board.

8. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

9. The monthly stormwater utility fee as herein set forth shall become effective on and payable after the first full billing period occurring once a billing system for the foregoing stormwater utility fees is operational, but in no event shall the rates and fees set forth herein be effective earlier than _____ [insert date 45 days after date of Council passage].

10. This ordinance shall be in full force and effect from and after its passage and any publication as required by law.

Adopted and passed by the Common Council of the City of Crawfordsville, Indiana, this _____ day of _____, 2009.

Charles E. Coons, Mayor & Presiding Officer

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS _____ DAY OF _____, 2009.

Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS _____ DAY OF _____, 2009.

Charles E. Coons, Mayor

ATTEST:

Terri Gadd, Clerk Treasurer
City of Crawfordsville