

## ORDINANCE 1250

### AN ORDINANCE AMENDING THE MUNICIPAL CODE, AMENDING THE FEE FOR THE SEWER MAINTENANCE FEE AND REPLACING IT WITH A SEWER/STORMWATER FEE

#### WHEREAS;

The Town Council has established Schedule "A" for the purposes of centralizing all fee and service charges for Town services, permits, licenses, and products.

From time to time various fees and charges are reviewed to ensure they are covering the appropriate share of the cost for providing the services.

The Town Council passed Ordinances 1223, 1236, and 1242 to extend the current Sewer Fee until a permanent Stormwater Fee could be determined.

The Town has maintained a Geographic Information System (GIS), which can accurately assess the total amount of impermeable surface on a specific property.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Munster, Indiana that a Sewer/Stormwater Fee be adopted to replace the existing sewer maintenance fee now charged to Town residents, and that this fee shall be applied in the following manner:

1. Delete Section 58-162 of the Munster Town Code in its entirety.
2. Section 58-162. Definitions.

*Affected Stormwater Run Off Area:* an evaluation of specific property which utilizes the assignment of *runoff coefficients* for each square foot within an assigned area; the current evaluation of property assigned a *runoff coefficient* of .85 for paved and roofed surfaces and .15 for subdivided grounds, i.e. grass and dirt surfaces.

*Base Price per Square Foot:* total amount of required fund contribution divided by the total amount of *affected stormwater run off area (ASTRO)* square footage within the Town.

*Excluded Collection Participants:* Land owned by the Civil Town of Munster, School Town of Munster, any Indiana political subdivision, the State of Indiana or an educational facility with any portion or the whole of grades Kindergarten through Grade 12 shall not be charged a monthly stormwater fee.

*Faith-Based Institution:* The location of a not for profit facility whose primary focus is assisting its members in the recognition of a common faith.

*Runoff Coefficient:* a defined amount that represents the total percentage of water shed once it falls upon a particular surface; each type of material may have a specific *runoff coefficient*, but two different percentages were used in the evaluation of the Town's stormwater utility customers.

*Storm Rate I:* a flat fee to be paid by all single-family and duplex parcel owners by the 20<sup>th</sup> day of each month.

*Storm Rate II:* a fee equal to the *ASTRO* times the *base price per square foot* to be paid by those residents and commercial utility users who live or operate in buildings or housing other than single-family residential units or duplexes; this fee has a minimum amount and is to be paid by the 20<sup>th</sup> day of each month.

*Storm Rate III:* upon the calculation of the monthly fee using *Storm Rate II*, the fee is adjusted for *Faith-Based Institutions* so as not to exceed a maximum amount as set by the Town Council and shall be paid by the 20<sup>th</sup> day of each month.

*Unimproved Areas:* Those portions of land throughout the Town that are not subdivided, belong to the Northern Indiana Public Service Company (NIPSCO) or Railroad rights-of-way will not be liable for a payment of Stormwater fees at this time.

3. Section 58-163. Monthly Sewer/Stormwater Charges.

- (a) Storm Rate I: \$10 per month
- (b) Storm Rate II:  $\$0.0122 \times \text{ASTRO}$ ; minimum charge of \$5.00
- (c) Storm Rate III:  $\$0.0122 \times \text{ASTRO}$ ; maximum charge not to exceed \$50.00

Which changes shall be set forth in Schedule A, Fees and Charges, to Ordinance 1225, as amended.

4. Section 58-164. Appeals Process.

- (a) A property owner may appeal the rate imposed upon their property at any time during the first six months in which the new rate takes effect. The appeal shall assert that the property has been assigned with an incorrect fee for one of the following reasons:
  - 1.) the Town has improperly assigned the Storm Rate;
  - 2.) the Town has improperly calculated the Storm Rate II formula; or
  - 3.) the information the Town possesses as to the total amount of permeable and impermeable surface for an account is incorrect.

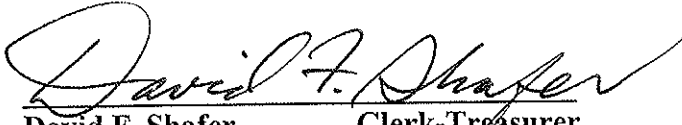
- (b) An Appeal shall be filed with the Town Engineer. The Town Engineer shall issue a report to the Town Manager with a recommendation concerning the validity of the appeal.
  - (c) During the time of an appeal, the property owner shall continue to pay the amount that the Town has billed. Upon determination of the Town Manager, the property owner's account shall be credited, debited or remain as billed.
  - (d) Final determination as to the appeal or any other issue arising out of the assignment of a stormwater fee shall remain with the Town Manager or his designee.
5. The stormwater fee to be charged to Munster property owners according to the guidelines set forth above shall begin with utility usage and/or availability as of June 16, 2004. Munster property owners will receive the new fee in their utility billing which will be mailed at the beginning of August, 2004 and thereafter.
6. Existing Section 58-163 shall now be renumbered Section 58-165. Existing Section 58-164 shall now be renumbered Section 58-166.

**ORDAINED** and **ADOPTED** by the Town Council of the Town of Munster, Lake County, Indiana this 14<sup>th</sup> day of June, 2004 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF  
MUNSTER, LAKE COUNTY, INDIANA**

  
David B. Nellans President

**ATTEST:**

  
David F. Shafer Clerk-Treasurer