

ORDINANCE: 1787

**AN ORDINANCE CODIFYING RESIDENTIAL YARD FLOODING
MITIGATION PROGRAM**

WHEREAS, the Town Council of the Town of Munster is the municipal legislative body of the unit; and

WHEREAS, with the passage of time various ordinances, codes, procedures of the Town of Munster must be amended; and

WHEREAS, with the passage of time various practices, policies and procedures must be updated; and

WHEREAS, many rear yards of private properties in the Town of Munster have come to experience inadequate drainage of storm water to existing storm sewers during heavy rains do to the passage of time and evolution of the built environment around their parcels; and

WHEREAS, generally speaking, individual property owners are responsible for their own property, however, the magnitude of the potential solution to mitigate the rear yard flooding lends itself to a public-private partnership that might bridge the gap to potential solutions; and,

WHEREAS, the Town Council wishes to codify procedures that would allow the Town to collaborate and share in the cost to mitigate these rear yard flooding issue,

Now, therefore, be it **ORDAINED** by the Town Council of the Town of Munster, Lake County, Indiana as follows:

Criteria for Cost Share Participation

1. Munster owner-occupied residents only.
2. Overland storm water that caused documented direct damage to accessory structures or home flooding or that results in documented standing water for over seventy-two (72) consecutive hours after a rain event.
3. As funding is available, the Town will consider projects on a rolling basis with APPLICATION processing occurring on a first-come first-served basis with those ready first given approval first. However, the Town's decision to financially participate in a rear yard stormwater improvement project may also vary when needed and become more competitive at times based on several factors:
 - Available funding at any point in time.
 - Number of competing projects.
 - Other project considerations:
 - Project solves long-standing severe rear yard stormwater drainage issues;
 - Provides a large-scale benefit to an area of more than one property owner;
 - General cost-effectiveness of the solution.
4. Applicant must agree to correct any outstanding code violations prior to receiving

reimbursement for any approved rear yard stormwater drainage improvements.

5. Payment of property taxes must be current.
6. Work must begin within 6 months and all eligible expenses submitted within one year of application approval.

Not Eligible for Cost Share Participation

1. New construction or remodeling that requires storm water control measures.
2. Sump pump discharge relief.
3. Repeat installations at one property (one-time participation only).
4. Maintenance and repair of existing storm sewer systems, unless found to be deficient and requiring an upgrade replacement.
5. If the Town is proposing a larger-scale neighborhood solution to solve multiple individual rear yard flooding problems, such as an alley reconstruction or a stormwater infrastructure project, then no individual APPLICATIONS will be requested or approved.

Other Considerations

1. A resident may appeal a denial to the Town Manager.
2. At all times resident must comply with all applicable Municipal Ordinances, Codes, Federal, State and/or County storm water regulations, as well as any additional applicable regulations.

Process of Application

1. Any resident seeking Town advice or assistance with a rear yard drainage issue should fill out a "RESIDENTIAL YARD FLOOD REPORT" Form available on the Town website or at the Community Development Department (Town Hall -1005 Ridge Road) or at the Public Works Department (508 Fisher Street). Upon receipt of this form the resident will be contacted for an onsite meeting. Representatives from both Departments will meet with the resident and assess the problem to determine the best course of action, consulting with any needed technical staff and/or the Town Engineer as necessary.
2. If upon review, the Town determines that the specific problem constitutes part of a larger problem, affecting multiple parcels of property or a large area, Staff shall consult with the Town Engineer as necessary to determine whether the problem may be better addressed by establishing an impact district, whereby the cost of remediation would be assessed against the parcels comprising the district to be benefited.
3. Once the cost share program is determined to be the best funding option, the Town shall determine the best method to remedy the problem, including, but not limited to: subsurface rear yard stormwater drainage system, regrading existing topography, surface channelization of water via swales, use of permeable pavement/pavers, dry wells, surface/sub-surface French drain systems, rain gardens, rain barrels, etc.
4. Once the best method to remedy the problem is selected, the resident must complete and submit a "APPLICATION FOR COST PARTICIPATION" (to be developed) to be reviewed and approved by the Town. The APPLICATION will consist of: Resident's contact information,

address, description of the scope of work including drawings/plans and three (3) itemized quotes from qualified contractors registered with the Town. All permits, applicable fees and bonding if required will be the resident's responsibility to process through the Community Development Department. Drawings/plans must be provided to the Town, which may opt at its cost for Town Engineer review to verify compliance with good engineering practices and consistency with applicable Town Code specifications.

5. Upon approval by the Town of the "APPLICATION FOR COST PARTICIPATION" the resident is responsible to secure and pay for any required permit before the contractor performs the installation. In the case of multiple properties involved in a joint rear yard flood improvement plan, required permits and fees will be issued per property per resident. All taps to the Town's storm sewer system must be inspected by the Public Works Water/Sewer Division.
6. Resident is not limited to selecting a contractor from the 3 supplied quotes and may select any contractor registered within the Town of Munster to perform the scope of work approved in the APPLICATION, paying any amount the resident agrees with the selected contractor. Resident is responsible to pay the contractor and provide the Town of Munster with proof of payment including itemized receipt for services and a waiver of lien from the contractor. After scope of work has been performed and after review and acceptance of all documents, the Town of Munster will reimburse the resident 50% of labor and material up to \$3,000, toward the lowest of either 50% of the lowest quote received or 50% of the actual cost paid by the resident.
7. If residents choose to install a rear yard drainage system themselves without using a contractor, the Town will reimburse 50% of the cost of material only up to \$1,500.
8. The resident will assume all maintenance responsibility with the new stormwater drainage system on their property, regardless of whether installed by a Contractor, the resident or the Town.

Now, therefore, be it **ORDAINED** that the above-referenced Ordinance Codifying Policies for the Mitigation of Residential Flooding are hereby enacted.

ORDAINED and ADOPTED by the Town Council of the Town of Munster, Indiana, on the 23RD day of ~~November~~ **DECEMBER** 2019, by a vote of 5 In favor and 0 opposed.

(Signatures on following page)

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



Dr. Andy Koultourides, President

ATTEST:



David F. Shafer, IAMC, MMC, Clerk-Treasurer