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CH20 20 .8 - Department of Storm Water Creation

AN ORDINANCE CREATING AND ESTABLISHING A DEPARTMENT OF STORM WATER MANAGEMENT FOR THE TOWN OF LAPEL, MADISON COUNTY INDIANA

Whereas, the Town Council of the Town of Lapel, Madison County, Indiana, finds that the storm water collection and disposal system of the Town is inadequate to properly provide for the collection and drainage of storm water in the Town; and

Whereas, the Town Council finds that pursuant to the provisions of Indiana Code [8-1.5-5](#) the Town may create a Department of Storm Water Management to provide, among other things, for the maintenance and improvement of the storm water collection and disposal system of the Town; and

Whereas, the Town Council finds it necessary and appropriate for the Town, pursuant to the provisions of Indiana Code [8-1.5-5](#), to create and establish a Department of Storm Water Management to provide for the management of the storm water collection and disposal system of the Town.

SECTION 1-PURPOSE AND INTENT

The purpose and intent of this chapter is to promote the health, safety and general welfare of the inhabitants of the town of Lapel, Indiana by establishing a storm water utility sufficient to plan, control, operate and maintain the Town's storm water management systems.

SECTION 2-DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning (words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary.) The word "may" is permissive.

Approved Plans- Plans approved by the authorized official according to a permit and plan review which will govern all improvements made within the Town that require a storm water system or changes or alterations to the existing storm water system.

Authorized Official- Any employee or agent of the Town authorized in writing by the Board to administer or enforce the provisions of this chapter.

Board- The Town Council acting as the Board of Public Works and Safety pursuant to Indiana Code [36-1-2-24](#).

Classification Procedure-The method that the Town uses to determine the classification of non-residential parcels may take the following forms or any combination thereof:

1. Computation of the parcel size, pavement area, roof area, or other area using onsite measurements of the apparent outside boundaries of the parcel or impervious area in or on such developed parcel, respectively, made by the Town or on its behalf.
2. Computation of the parcel size, pavement area, roof area, or other area using the dimensions of the parcel or impervious area in or on the parcels which are set forth and contained in the records of the office of the County Assessor or Township Assessor.
3. Computation of the parcel size, pavement area, roof area, or other area using aerial photography or photogrammetric, or using the information data from on-side measurements of like or similar property or features or as contained in the records of the Town or County.
4. Computation of the parcel size, pavement area, roof area, or other area using data provided by the owner, tenant or developer. The authorized official may require additional information as necessary to make the determination.

Code-The Town of Lapel Municipal Code.

Composite Coverage Value- The result of calculations as determined by the Town that multiplies pavement times 0.90, roof areas 1.00, and other areas times 0.20 and then divides the sum of three by the total area of a particular parcel. Pavement areas include aggregate, asphalt, brick, concrete, etc. that may be used for pedestrian or vehicular traffic. Roof areas include any above ground structure. Other areas include lawns, open water, woods, etc.

Coverage Factor- The part of the non-residential rate equation representing the relative amount of impervious area on a particular parcel. For purposes of this chapter, each non-residential parcel shall be assigned one of the following coverage factor categories as determined by the Town in accordance with the classification procedure.

- Low-The composite coverage value is equal to or less than 0.5. Low coverage factor is hereby established as 2.0
- High- The composite coverage value is more than .05. High coverage factor is hereby established as 3.0.

Non Developed Property- Non-developed property shall be a lot or parcel of land which is vacant or is used for agricultural purposes. This does not include parking lots, athletic fields, front back or side lawns, or lots

which are used as accessory lots to residential property or non-residential property.

Non-Residential Property-All properties not encompassed within the definition of residential property, including but not limited to: commercial, industrial, retail, multi-family residential, governmental, institutional, schools and churches.

Residential Property-Any lot or parcel existing in the Town on which a single building or mobile home is situated, containing up to and including four dwelling units.

Size Factor-The part of the non-residential rate equation representing the relative amount of surface area on a particular parcel. All surface area calculations shall be rounded to the nearest 1/10 of one acre. For purposes of this chapter, each non-residential parcel shall be assigned one of the following size factor categories as determined by the Town:

- Small- A particular parcel is made up of equal to or less than 1.0 acres. Small size factor is hereby established as 1.0.
- Medium- A particular parcel is made up of more than 1.0 acres but less than 5.0 acres. Medium size factor is hereby established as 3.0.
- Large- A particular parcel is made of more than 5.0 acres. Large size factor is hereby established as 5.5.

Storm Water-The chemical compound of hydrogen and oxygen which is produced from atmospheric clouds as rain, snow, sleet and hail.

Storm Water System-All constructed facilities, including structures and natural watercourses under the ownership, and/or control of the Town, used for collecting and conducting storm water to, through, and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, streets, culverts, retention or detention basins and pumping stations; and excluding there from, any part of the system of drains or watercourses under the jurisdiction of the Madison County Drainage Board or waters of the State of Indiana.

Storm Water Utility-A division of the Sewage Works as defined in Indiana Code [36-9-18\(8\)](#) and (12).

Storm Water Utility User-The owner of a lot or parcel within the Town.

Surface Water-Water occurring on the surface of the land, from natural causes such as rainfall, whether falling on the land in question or flowing onto the land in question.

Town-The incorporated Town of Lapel, Madison County, Indiana. (Ord 8-17-04 passed 10-19-04)

SECTION 3-CREATION OF STORM WATER UTILITY

A storm water utility is hereby created as part of the Lapel Sewage Works. Said utility shall be responsible for all storm sewers and the collection and disposal of storm drainage. Said utility shall also be responsible for the

implementation of all federal and state mandates regarding storm water drainage and erosion control. (Ord. 8-17-04 passed 10-19-04)

SECTION 4-GOVERNING BOARD

- The utility shall be governed by the Town Council acting as the Board of Public Works and Safety. This utility shall have the same governing board as that which governs the Sewage Works established in Chapter 52 of the Lapel Town Code.
- Area served by storm water utility. The corporate limits of the Town of Lapel, Indiana.
- Powers and duties of utility. The Town Council acting as the Board of Public Works and Safety shall have all those powers and duties provided by such boards by Title 36 of the Indiana Code and more specifically but not limited to the following:
 - The power to recommend the Town Board of Lapel enter into contracts.
 - The power to recommend the Town Board of Lapel employ professionals.
 - The power to recommend the Town Board of Lapel construct, maintain, and improve the storm water utility structures.
 - The power to recommend the Town Board of Lapel make plans and ordinances regarding the collection and disposal of storm water within the Town.
 - The power to recommend the Town Board of Lapel pass ordinances as provided by Title 36 which imposes just reasonable and equitable fees or service charges for those who utilize the storm water system and penalties to those who violate provisions of ordinances established for storm water control and drainage.

SECTION 5-CREATION OF NON-REVERTING STORM WATER UTILITY CUMULATIVE FUND

- A non-reverting Storm Water Utility Operating Fund is hereby created. All proceeds received as a result of user fees and charges or penalties assessed by this chapter or subsequent amendments hereto shall be deposited in a non-reverting cumulative storm water utility fund. Proceeds from this non-reverting fund, shall be for the exclusive use of Town's storm water utility, which includes but is not limited to, the following:
 - Storm water management services, such as studies, design, permit review, plan preparation and development review.
 - Operation, maintenance, repair and replacement of the storm water collection, storage, conveyance, and/or treatment infrastructure.
 - Project costs related to constructing major or minor structural improvements to the Town's storm water-related infrastructure.
 - Administrative costs associated with the management of the storm water utility user fee.
 - Debt service financing of the Town's storm water-related capital improvements.
 - Funding of studies such as water quantity and quality monitoring, aerial photography, and geotechnical work associated with the planning of the storm water-related infrastructure.
 - This would include but be not limited to the implementation of long range storm water plans developed and approved by the Indiana Department of Environmental Management for elimination of combined sewer overflows and the construction of storm water drains and sewers and maintain same within the

Town limits and the area served by the sewage works. All such expenditures for both capital and operating expenses must be first approved by the Town Council. (Ord. 8-17-04, passed 10-19-04).

SECTION 6-SPECIAL TAXING DISTRICT

Pursuant to Indiana Code [8-1-5-5-5](#), there is hereby created a special taxing district which shall include all of the territory within the corporate boundaries of the Town of Lapel, Madison County, Indiana.

SECTION 7-STORM WATER UTILITY USER FEE

A storm water utility user fee shall be imposed on each and every sewer connection. This user fee is deemed reasonable and necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future storm water system of the Town. (Ord. 8-17-04 passed 10-19-04).

SECTION 8-STORM WATER UTILITY USER FEE STRUCTURE

For the purposes stated herein, there is hereby assessed a storm water utility user fee to each storm water utility user within the corporate limits of the Town, in an amount as determined below. For purposes of imposing the storm water utility user fee, all lots and parcels within the Town are classified as either:

- Residential
- Non-residential or
- Non-developed property (Ord. 8-17-04, passed 10-19-04).

SECTION 9-SCHEDULE OF RATES

- The monthly storm water utility user fee for all developed residential and non-residential properties within the Town shall be \$2.50. The Common Council, from time to time, by ordinance may amend the monthly charge established in this section.

SECTION 10-BILLING AND PAYMENT; PENALTIES

- Bills or statements for the storm water utility user fee shall be rendered monthly, in accordance with their regular utility billing cycle, by the utility billing division of the Town for all properties subject to the fee. Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth in the sewer utility. Any partial payment of a combined utility bill shall be applied first to the storm water utility user fee. Any unpaid storm water utility user fees shall constitute a lien on such property except the liens of state, county and municipal taxes and shall be on a party with the lien of such state, county and municipal taxes. Such lien, when delinquent for more than 30 days, may be foreclosed by the Town in the manner provided by the laws of Indiana for the foreclosure of mortgages on real property. Penalties may also be subject to any subsequent ordinances, duly passed by the Town of Lapel, to effectuate the payment of such storm water utility user fee.
- For properties normally receiving monthly utility bills for other town services, the storm water utility user fee shall be included in the monthly sewage utility bill rendered to the established customer.

- For properties not receiving monthly utility bills for other Town services, the bill or statement for the storm water utility user fee shall be sent to the storm water utility user as determined from the tax rolls. The Director may render annual, semiannual, or monthly billings, to be billed in arrears, to coincide with the property tax schedule, on such properties if determined to be in the best interest of the Town.
- The owner of a property is ultimately responsible for all fees imposed under this chapter. (Ord. 87-17-04, passed 10-19-04).

Read and adopted this 20 day of October 2011.

Further Information

8-2011

Date Passed: 10/20/2011