

ORDINANCE NO. 4306

**AN ORDINANCE ESTABLISHING A USER FEE TO BE COLLECTED BY THE CITY OF CONNERSVILLE, 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 Connerville, Indiana ("City") has heretofore constructed and has in operation a wastewater collection system and treatment plant for the purpose of collecting and treating sewage wastewater and conveying the same away from the premises where produced; and

**WHEREAS**, the City also collects and treats storm water and the costs of collecting and treating storm water are not presently being paid; and

**WHEREAS**, the City has caused a financial report to be completed by H. J. Umbaugh & Associates and an engineering report to be completed by M. D. Wessler & Associates (collectively, "Reports"), and based upon such Reports the City finds that a storm water user fee needs to be enacted to pay for the costs of collecting and treating such storm water; and

**WHEREAS**, the City intends to enact a storm water user fee for the costs of collecting and treating such storm water pursuant to I.C. 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 storm water user fee; and

**WHEREAS**, the Board has adopted a policies and procedures manual prepared by M. D. Wessler & Associates ("Policy Manual") regarding the policies and procedures for administration of storm water user fees of the City; and

**WHEREAS**, the Common Council finds, based upon the Reports and the recommendation of the Board, that a storm water user fee should be enacted to pay for the costs of collecting and treating storm water pursuant to the provisions of I.C. 36-9-23 which storm water user fee should be 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 I. C. 36-9-23;

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

1. There is hereby established a monthly storm water utility fee for the use of and services provided by the storm water utility of the City.

2. The monthly fee will be uniform for all residential properties which will be assigned one (1) Equivalent Residential Unit ("ERU"). This allocates that all residents of the City place demands on the storm water utility of the City and benefits from the storm water management activities of the City.

3. The monthly fee for non-residential properties will be determined using an ERU multiplier which will be calculated by dividing the total impervious surface area within the property by the base ERU of 2,662 square feet. This method allows for the non-residential property user fee to be based upon the demand the property places on the storm water utility as compared to the demands of the average residence. The ERU for non-residential property shall not be less than one (1) ERU. The ERU multiplier shall then be multiplied by the current fee for one (1) ERU as established in Section 5 to determine the actual user fee in dollars.

4. The monthly user fee for combined residential/business properties will be one (1) ERU for the residential portion and the ERU multiplier will be calculated for the business portion.

5. The monthly user fee per ERU will be \$5.15.

6. If the monthly storm water 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 costs of collection, if any, including reasonable attorney's fees.

7. The policies and procedures for determining impervious surface area, establishing the ERU and its multiplier, billing and collection procedures and the credit process are described in the Policy Manual, which Policy Manual is attached hereto as Exhibit A, incorporated herein by reference and is hereby approved.

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 storm water utility fee as herein set forth shall become effective on the first full billing period occurring once the City's computer billing system for the storm water utility fees is operational.

10. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

**PASSED AND ADOPTED** by the City Council of the City of Connersville, Indiana, on this 16th day of December, 2002.

CITY COUNCIL OF THE CITY OF CONNERSVILLE, INDIANA

COMMON COUNCIL

Mauri P. Connell  
Presiding Officer

ATTEST:

Henrietta Ripberger  
Henrietta Ripberger, Clerk-Treasurer

Presented by me to the Mayor of the City of Connerville, Indiana, this 16th day of December, 2002, at 6:00 P.M.

Henrietta Ripberger  
Henrietta Ripberger, Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Connerville, Indiana this 16th day of December, 2002, at 6:00 P.M.

Mauri P. Connell  
Mauri P. Connell, Mayor