

Ordinance No: 1658

AN ORDINANCE AMENDING STORMWATER OPERATIONS, MAINTENANCE AND MANAGEMENT FEE STRUCTURE

WHEREAS, the City of Butler Code of Ordinances, Title V, Chapter 53 established a Stormwater Management Utility; and

WHEREAS, the City of Butler Code of Ordinances, Title V, Chapter 53 established a fee at \$1.00 per bill issued by the Butler Utility Office; and

WHEREAS, the City of Butler Stormwater Management Utility has stated its goal is to improve stormwater operations, maintenance and management in Butler; and

WHEREAS, the City of Butler Stormwater Management Utility currently has inadequate funds to install new and additional storm sewer capacity to accomplish their desired goal; and

WHEREAS, the City of Butler has reviewed the current stormwater management fee established in Title V, Chapter 53; and

WHEREAS, the City of Butler has determined that the current stormwater management fee is inadequate and is not based on stormwater management practices, with consideration of runoff from impervious surfaces; and

WHEREAS, the City of Butler has determined that the stormwater management fee should be assessed on the amount of impervious surface related to an Equivalent Residential Unit (ERU); and

WHEREAS, the stormwater management fee should be increased to more than the one dollar (\$1.00) fee assessed by the Butler Utility Office;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BUTLER, INDIANA, THAT:

Title V, Chapter 53, of the Butler Code of Ordinances, related to stormwater operation, maintenance and management shall be amended, per the following:

1. Add the following definitions in Section 53.05 and renumber the definitions that are described after these additions.

(G) EQUIVALENT RESIDENTIAL UNIT (ERU): The basis for determining the stormwater service charge. The ERU is an average of impervious surface area located on a single-family residential property in Butler. One ERU is equal to 2,500 square feet of impervious surface. Single-family residential properties are considered to be one ERU. Residential properties larger than single-family residences and non-residential properties

- (F) The Utility shall periodically review the stormwater management fee for the Council to determine if the fees are adequate to address the operation, maintenance and management responsibilities of the Utility and shall make recommendations to the Council on any amendments to the fee or the method used to calculate the fee.
- (G) Changes to the fees or the method(s) for calculating fees shall be made by Council ordinance, upon recommendation of the Board, after the public readings and public hearings required by law to establish or change said fees.
- (H) The Clerk-Treasurer shall collect and retain such fees in a separate storm water management fund.
- (I) Said fee shall be included on the Utility bill for other services and shall be paid at the same time and in the same manner as other City utility bills.
- (J) The stormwater management fee shall be used to pay for the design, planning, regulation, education, administration, coordination, construction, operation, maintenance, inspection and enforcement activities of the stormwater system of the district

3. Add a new Section 53.11 Calculation of the Storm Water Management Fee, as follows.

(A) The stormwater management fee shall be calculated as follows:

(1) Residential properties. Each single-family residential property, as defined in this article, shall be assessed a monthly stormwater management fee based on one (1) ERU. An ERU, as defined herein, shall be established at two thousand five hundred (2,500) square feet of impervious surface.

(2) Multiple residential and non-residential property (commercial, institutional and industrial) stormwater management fees shall be calculated as follows:

a. The monthly stormwater user fee for each multiple family and all non-residential properties, as defined herein, shall be calculated by determining and assigning to that property an ERU multiple based upon the property's individually measured square footage of impervious area, divided by two thousand five hundred (2,500) square feet, which is one (1) ERU. This division shall be calculated to the first decimal place.

b. The user fee shall be based on the nearest whole ERU. Rounding necessary to determine the nearest ERU shall be done according to mathematical convention, zero (0.0) to four-tenths (0.4) rounded down to the nearest whole ERU and five-tenths (0.5) to nine-tenths (0.9) rounded up to the nearest whole ERU.

(B) Exemptions from the assignment of ERUs shall be as stated herein.

- (4) Credit is intended for construction of stormwater management facilities that are designed and constructed to exceed the requirements of the identified stormwater specifications. A fifty percent (50%) credit may be granted from the total monthly stormwater user fee for a parcel having approved stormwater facilities that exceed the requirements of the identified stormwater specifications.

Application process: Detailed technical information shall be supplied by the owner and the owner's engineer. Such information shall include as-built data, routing the storm event for the two (2), ten (10), twenty-five (25), and one hundred (100) year-storm events, comparison of pre-development and post-development conditions, total storage volume and emergency spillway configuration. To receive a credit, stormwater facilities must provide control to a pre-development level for all the above storm events. Water quality volume and post construction treatment data shall be supplied. To receive fifty percent (50%) credit, approved stormwater facilities must provide both control to a pre-development level for all the above storm events and provide post construction stormwater quality treatment that exceeds the requirements detailed in the stormwater specifications by ten (10) percent. Credits shall be awarded as provided in the stormwater credit procedures.

- (5) Additional water quality and/or quantity control. An additional water quality and/or quantity control credit is intended to utilize the construction of approved Green Infrastructure (infiltrative) practices to reduce overall stormwater discharge volume from the property. An additional credit up to twenty-five percent (25%) may be granted for an approved plan and successful construction and implementation of Green Infrastructure (infiltrative) practices that reduce discharge volume.

Application process: Applicant must first qualify for credit, as defined in Section 3(B)(3) or (4) to receive the additional water quality and/or quantity control credit. Final approved level of credit shall be based on an approvable plan that demonstrates the use of acceptable infiltrative practices approved by the City. Submission shall include design plans and details and hydrologic and hydraulic calculations necessary for review. Credit shall be granted as provided in the stormwater credit procedures.

- (C) All parcel owners may apply for and be eligible for credit under this section.
- (D) The descriptions in this section of circumstances in which credit may be granted are not intended to be all inclusive. The stormwater credit procedures may allow credit for stormwater facilities and circumstances not described in this section.
- (E) The board, upon recommendation from the Public Works Manager, shall approve the stormwater credit procedures. The stormwater department shall follow the provisions of the stormwater credit procedures in reviewing and acting upon

(3) Credits approved by the department on or after the date of Board approval of the articles herein, shall expire, unless earlier terminated as provided in subsection (4), three (3) years from the effective date.

(4) Upon written notice to the property owner or other person designated by the property owner to receive such notice, the department may terminate a credit for good cause, including, but not limited to, the reasons set forth below. The department's termination of a credit may be appealed by following the review procedures set forth herein.

- a. At the written request of the owner;
- b. Property or land alteration that affects drainage or impervious area;
- c. Change of ownership;
- d. Failure to maintain facilities; and
- e. Failure to report as required.

(5) If a credit expires or is terminated, the property owner may submit a new or renewal credit application subject to all conditions herein.

7. Adjustments and appeals to the stormwater management fee shall be governed by the following.

(A) Any person subject to this article may petition the director for an adjustment of the stormwater management fees assessed against him/her, provided:

(B) That the petitioner has paid the disputed stormwater management fees in full;

(C) That the petitioner:

(1) Has good cause to believe that such stormwater management fees were erroneously assessed against him/her, or

(2) That because of extraordinary circumstances unique to his/her parcel equity can be served only by adjusting the stormwater management fees assessed against his/her parcel.

8. Petition for Review

(A) That within six (6) months of the petitioner's receipt of the bill for the disputed stormwater management fees, the Board receives from the petitioner a written petition for adjustment of fees and a brief statement of fact demonstrating the petitioner's right to an adjustment. The petitioner may include with his/her petition any additional information he/she deems relevant. If the petitioner wishes to have an

PASSED AND ADOPTED by the Common Council of the City of Butler, Indiana, this _____ day of _____, 20 ____.

Ron Walter, Mayor/Presiding Officer

FIRST READING: _____

YES Votes: _____ NO Votes: _____

ATTEST:

Angela Eck, Clerk-Treasurer

SECOND READING: _____

YES Votes: _____ NO Votes: _____

ATTEST:

Angela Eck, Clerk-Treasurer

THIRD READING: _____

YES Votes: _____ NO Votes: _____

ATTEST:

Angela Eck, Clerk-Treasurer

Approved by me this _____ day of _____, 20 ____, at _____ a.m./p.m.

Ron Walter, Mayor/Presiding Officer