

**ORDINANCE NO. 13, 1998**

**COMMON COUNCIL  
CITY OF VALPARAISO, INDIANA**

**AN ORDINANCE ENACTING STORM WATER  
UTILITY POLICIES AND RATES**

**PASSED: APRIL 27, 1998**

ORDINANCE NO. 13, 1998  
OF THE CITY COUNCIL OF THE CITY OF VALPARAISO, INDIANA

AN "ORDINANCE ENACTING STORM WATER UTILITY POLICIES AND RATES"

WHEREAS, the City of Valparaiso, Indiana, finds that the institution of a rate schedule for financing projects in the work of the Department of Storm Water Management for the City of Valparaiso, Indiana, is reasonable, and

WHEREAS, the City of Valparaiso, Indiana, by and through its City Council, created a Department of Storm Water Management in Ordinance No. 55, 1996, to provide for the collection, disposal and drainage of storm and surface water in the City of Valparaiso, Indiana, and

WHEREAS, the Department of Storm Water Management has conducted investigation into the needs of the City of Valparaiso, Indiana; and has implement criteria for the ranking of storm water drainage projects; and has listed and ranked by priority the storm water projects determined to be necessary to maintain and improve the handling of surface water in the City of Valparaiso, Indiana; and has drafted policies and procedures therefor; and

WHEREAS, it has been determined that the work to be performed will require substantial capital expenditures to complete which will include funds to be generated by the Storm Water Board as well as grants and other sources of revenue, and

WHEREAS, the Storm Water Board finds it necessary to charge a rate to collect monies to pursue the completion of projects and to possibly conduct a rate study for the implementation of proper financing and the rates to be charged to the citizenry of the City of Valparaiso, Indiana, and

WHEREAS, the Storm Water Board by their Resolution No. 1, 1998, has approved interim rates and charges and requests that the Common Council adopt such charges,

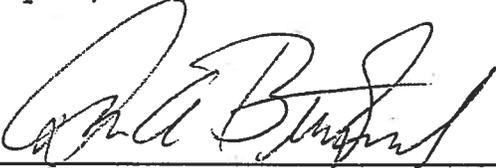
NOW THEREFORE, BE IT RESOLVED by the City of Valparaiso, by and through its City Council, as follows:

1. That the schedules of rates and the rate structures set out in "Exhibit A", attached hereto and incorporated herein by reference, is hereby adopted, and
2. That, pursuant to I.C. 8-1.5-5-6 and other appropriate sections, the Clerk-Treasurer of the City of Valparaiso, Indiana, shall account for all funds collected and expended for Storm Water Management, and
3. That, pursuant to I.C. 8-1.5-5-6 and other appropriate sections, the Storm Water Board retains the right to direct the spending of funds through written directive to the Clerk-Treasurer of the City of Valparaiso, Indiana, and
4. That the Department of Storm Water Management shall implement policies and procedures governing its operation, and
5. That the following accounts are hereby established for the deposit of funds to be allocated by the Storm Water Management Board:
  - A. Operation and Maintenance Account, and
  - B. Depreciation Account, and
  - C. Bond and Interest Redemption Account, and
  - D. Any other accounts established by state statute or administrative agency for the operation of municipal government agencies, and

6. That the operation of the Storm Management Board shall be in compliance with I.C. 8-1.5-5-1 et seq., and

7. That this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 5-0 vote of all members present and voting this 17th day of April, 1998.

  
\_\_\_\_\_  
David A. Butterfield, Mayor

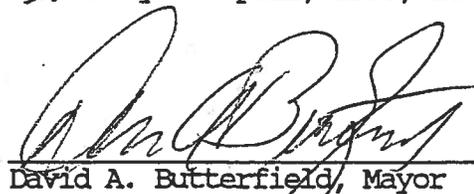
ATTEST:

  
\_\_\_\_\_  
Sharon Swihart, Clerk-Treasurer

Present by me to the Mayor of the City of Valparaiso, Indiana, this 17th day of April, 1998, at 8:00 o'clock p.m.

  
\_\_\_\_\_  
Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 17th day of April, 1998, at 8:00 o'clock p.m.

  
\_\_\_\_\_  
David A. Butterfield, Mayor

# EXHIBIT "A" TO ORDINANCE NO. 98-13

## *PROPOSED STORMWATER MANAGEMENT RATE SCHEDULE*

March 1998

Classification	Description	Multiplier	<u>Rate Per Mo.</u> \$3.00	Rate Per Year	Number of Units	Monthly Income	Annual Income
1	Single Family	1.00	\$3.00	\$36.00	6,450	\$19,350	\$232,200
2	Apts. / Mobile	0.75	\$2.25	\$27.00	3,820	\$8,595	\$103,140
3	Non-Residential < 10,000 SF	1.00	\$3.00	\$36.00	405	\$1,215	\$14,580
4	Non-Residential 10 K - 40 K SF	4.00	\$12.00	\$144.00	339	\$4,068	\$48,816
5	Non-Residential 40 K - 160 K SF	16.00	\$48.00	\$576.00	101	\$4,848	\$58,176
6	Non-Residential > 160,000 SF	32.00	\$96.00	\$1,152.00	34	\$3,264	\$39,168
<b>TOTALS</b>						<b>\$41,340</b>	<b>\$496,080</b>

RESOLUTION NO. 1, 1998  
OF THE STORM WATER MANAGEMENT BOARD  
OF THE CITY OF VALPARAISO, INDIANA

A RESOLUTION OF THE STORM WATER MANAGEMENT BOARD APPROVING FOR PRESENTATION TO THE CITY OF VALPARAISO, INDIANA, BY AND THROUGH ITS CITY COUNCIL, A SYSTEM OF RATES AND CHARGES FOR THE DEPARTMENT OF STORM WATER MANAGEMENT.

WHEREAS, the Storm Water Management Board of the City of Valparaiso, Indiana, hereinafter referred to as the "Board", is charged with the installation, maintenance and operation of a system of storm water collection and disposal for the City of Valparaiso, Indiana, and

WHEREAS, the City of Valparaiso, Indiana, by and through its City Council, created the Storm Water Management Board pursuant to Ordinance No. 55-1996, and

WHEREAS, I.C. 8-1.5-5-7 et. seq provides for authority for the Board after approval by the City of Valparaiso, Indiana, by and through its City Council, to assess and collect user fees from all the property of the Storm Water District, and

WHEREAS, pursuant to I.C. 8-1.5-5-5, the Storm Water Management Board has determined at this time that the municipal boundaries of the City of Valparaiso, Indiana, shall constitute the Storm Water District, and

WHEREAS, the Board has conducted internal studies with regard to the creation of criteria for the ranking of various Storm Water Management projects within the City of Valparaiso, Indiana, and has made a determination as to the initial amounts that must be expended to complete the projects so included, and

WHEREAS, the Board has determined that it is necessary and desirable to impose interim user fees in order to provide for the operation and maintenance of the storm water system as well as to provide monies to fund the initiation of certain projects and to fund the necessary rate study for the purpose of determining a rate schedule for the citizenry of the City of Valparaiso, Indiana, and

WHEREAS, it is the intention of the Board to hire and complete a rate study within calendar year 1998 for presentation to the City Council upon its completion, and

WHEREAS, the Storm Water Management Board has determined that the initial user fees should be as follows:

- A. Single Family, and
- B. Apartments/Mobile Homes, and
- C. Non-Residential
  - 1. Areas less than 10,000 square feet, and
  - 2. Areas from 10,000 to 40,000 square feet, and
  - 3. Areas from 40,001 to 160,000 square feet, and
  - 4. Areas greater than 160,000 square feet.

WHEREAS, the Board has completed a policy manual regarding the implementation and operation of the Storm Water Management Utility,

NOW, THEREFORE, BE IT RESOLVED by the Storm Water Management Board of the City of Valparaiso, Indiana, as follows:

1. That the City of Valparaiso, Indiana, by and through its City Council, is asked to approve the rates and charges as set forth above, and
2. That this Resolution is effective upon passage.

PASSED BY THE STORM WATER MANAGEMENT BOARD OF THE CITY OF VALPARAISO, INDIANA, by a 3-0 vote of all three (3) members present on this 6<sup>th</sup> day of APRIL, 1998.



Mark Reshkin, Chairman

ATTEST:



Gale Carmona, Secretary

**CITY OF VALPARAISO, INDIANA**  
**DEPARTMENT OF STORM WATER MANAGEMENT**

**I. GENERAL RULES AND REGULATIONS**

In accordance with Chapter 8-1.5-5 of the Indiana Code (hereinafter known as the "Code") and City of Valparaiso, Porter County, Indiana (hereinafter known as the "City") Ordinance 55, 1996 and City Ordinance 13, 1998 the Board of the Valparaiso Storm Water Department (hereinafter referred to as the "Board") has established the following general rules and regulations to provide for the implementation of the provisions of said Code and Ordinances, the safe and efficient capture and conveyance of storm water runoff through the management and operation of the City's Storm Water system and the regulation, assessment, collection, and crediting of rates and charges for Storm Water service.

These rules and regulations are intended to follow the provisions of said Code and the mandates of said Ordinances and should be read consistent with the same.

It is intended that the daily operation of the Storm Water Department shall be accomplished through the City Department of Engineering unless so specified below.

Along with these rules and regulations, the Board of the Valparaiso Storm Water Department does hereby include by reference said Code and Ordinance provisions, and the policies of the City Department of Water Works (hereinafter referred to as the "Water Department") wherever applicable and when not in conflict with any specific provision as follows. It should be noted that the intent of the Storm Water Department with regard to the Water Department is that of either an agency relationship (Water Department as agent of the Storm Water Department) and/or of a contractual relationship if subsequently arranged.

The term "customer" throughout this document shall include by reference both the customer receiving the service and the owner of any property upon which services are rendered.

**II. SERVICE CHARGES AND BILLING PRACTICES**

A. General

1. a. Charges for Storm Water service shall be computed and billed by and through the Water Department on the same billing format and related policies, including but not limited to the following: commencement of service, prorating, and delinquency.

- b. Charges for miscellaneous services or work performed on behalf of a Storm Water customer by the Storm Water Department may be assessed at the time the work is completed and may be included in the customer's next billing if possible. Installment payments must be arranged through the Water Department.
2. Charges for Storm Water service shall be billed to the Storm Water customer, unless by contract with the Water Department or City another person assumes responsibility for payment.
3. Charges for customers shall be those as enacted by the City Council of the City of Valparaiso, Porter County, Indiana and are reflected by the rate schedule, attached and labeled as "exhibit A".
4. Adjustments in favor of the customer shall be made by refund to the customer. Any customer may submit a written request for reimbursement to the Storm Water Department for review. It shall be the policy of the Board to review the same and to secure for that customer a proper refund within a reasonable period of time.
5. All billing errors to the benefit of the customer including incorrect rate applications, will be adjusted to the known date of the error or for a period of one (1) year, whichever period is shorter. The Board and Water Department reserve the right to correct billing errors and/or rate classifications for a period of up to two (2) years and to submit a proper billing to the customer for any additional amounts owed.

### III. OWNER'S RIGHTS AND RESPONSIBILITIES

1. Notwithstanding billings to and assumption of responsibility by any other person, charges for Storm Water service shall remain the ultimate joint and several responsibility of the customer billed and of the property owner, both of whom shall hold the Board, City, and Water Department harmless from any loss occasioned by the delinquency of the person billed, said responsibility to include all penalties, recording fees, attorney's fees imputed or otherwise, interest and court costs, if any.
2. The customer shall, upon proper written request, have the right to examine the Storm Water records of billing and collection for the customer's property to ascertain whether such charges have been timely paid, and the amount thereof; said right to examine shall be conducted in a reasonable manner, and the Board and/or Water Department reserves the right to request that the customer return at a specified time to allow said department a reasonable period of time to locate and to secure said records.

3. For properties with inactive utility accounts where no water or sewer services have been generated for at least sixty (60) days or more, the Storm Water service charge may, upon the sole discretion of the Board, revert to the owner. For billing purposes, a Storm Water only account number may be issued to such property, payable by the owner of said property, until water or sewer charges have been reinstated.
4. It is the responsibility of each customer to contact in writing the Board and the customer service department when said customer's property use changes. If said change of usage is not so reported, the Utility reserves the right to demand additional payment consistent with the rate structure herein implemented for all periods reasonable determined by the Board and/or Water Department to be served at a higher rate, plus statutory interest, up to a period of six (6) years, unless otherwise restricted by statute.

#### IV. ENGINEERING AND CONSTRUCTION PRACTICES

1. All allowances for Storm Water considerations shall be consistent with the other policies of the City, the City Engineer's Office, and any other requirement as so set forth by the City of Valparaiso Board of Works and/or City Council.

#### V. CREDITS AND DISCOUNTS

1. Customers seeking a rate reclassification must file an application for the same on an application form provided by the Board through City Engineer's office. Credit applications must be accompanied by the appropriate application fee. The fee shall be \$25.00 for users listed on the rate schedule as Single Family and/or Apartments and/or Mobile Homes, and \$100.00 for all others. The Board shall reasonably attempt address any said applications within its next two meetings, or within three (3) months, whichever period is longer, and offer to the customer a written response either accepting the requested relief, denying said relief, or requesting further information and/or a meeting with said customer.

## VI. INSPECTIONS AND ADJUSTMENTS

1. The Board, itself or through the Engineering Department, reserves the right to inspect all storm drainage control facilities to ascertain whether they are operating properly. If such a system, due to improper maintenance or any other reason, fails to detain storm water runoff in an effective manner (as determined by the Board or other aforementioned department), an order may issue to complete the repairs of the facility within sixty (60) days or other appropriate time period. If such repairs are not completed in a timely manner, the Board or other said department(s) may arrange to effectively correct/repair the system in reasonable manner and shall issue an invoice for the cost(s) of said corrections/repairs to the customer.

## VII. APPEALS

1. INTRODUCTION: The appeal process described herein will be used for appeals by customers of the fee they are being charged, not to contest the rate structure or the existence of the fee itself. Any challenge to the fee or the rate structure should be undertaken with the City Council or through the court system.

Customers may only appeal on the basis of their belief that City staff, the Board, and/or other stated Department applied the fee determination methodology incorrectly to their individual property and/or usage.

The appeal process is reserved for the resolution of disputes of customers over the application of the fee after informal attempts to negotiate a fee acceptable to both the City, Board, and/or Engineering Department and the customer have failed. The appeal process begins after the customer has provided to the Board, and the Board has reviewed and initially ruled upon, all requested supporting information, and the customer remains unsatisfied with said ruling.
2. BASIS FOR APPEAL : There are several reasons why a customer would file an appeal. The Following are some of these reasons; however, this list is not intended to be all-inclusive:
  - a. A difference or disagreement in interpretation of what is to be considered area ground cover. Definitions of what is area were established in advance of measurement of owner and/or customer properties. A customer may feel that these definitions were incorrectly applied and resulted in an incorrect fee being charged through improper classification;
  - b. An unresolved dispute over the land use category or area division applied to a particular parcel or property. Strip-malls or businesses run out of a residence are potential sources of appeals of this type.

3. **FILING PROCESS:** An appeal shall be initiated by filing a completed Petition to Appeal Form with the City Engineer's Office once informal attempts to resolve the owner's and/or customer's complaint or inquiry have failed.
4. **REVIEW PROCESS:** The appeal form will be reviewed for administrative completeness. Incomplete forms will be returned to the Appellant. The Board and/or other Department will have sixty (60) days to perform this review, and shall render a written determination that either the original assessed rate classification should be affirmed or the appellant's rate should be adjusted. This opinion shall be forwarded to the appellant by certified mail, return receipt requested.

If an appeal is denied, the appellant shall have seven (7) days from the date of the receipt of notice thereof to request a reconsideration of said decision by written request to the Board (c/o the City Engineer's Office), which request shall be served by certified mail, return receipt requested. If said request is properly made, the Board shall schedule said request for discussion at one of the next two Board meetings, shall have discussion about all reasonable related issues, and shall issue an opinion thereof.

A party or person aggrieved by the Board shall have the right to judicial review or such determination in accord with the Indiana Code.

#### VIII. DELINQUENCIES AND COLLECTION REMEDIES.

1. Failure to receive a bill shall not affect the right of the Water Department to turn off or discontinue water service, and the Sewer Department and/or other City Departments to turn off and discontinue other service(s) for non-payment or to seek other remedies available to it by law or in equity.
2. Disputing the accuracy of a billing shall not be a valid reason for non-payment of a bill by the customer. Nor shall the filing of an application for a reclassification and/or of an appeal stay the /customer's obligation to pay charges when due. The customer may pay a bill under protest, thus giving written notice that redress is being sought. However, the customer must still file the request and/or appeal as previously set forth.
3. Delinquent Storm Water billings shall be subject to a collection or late charge of up to eight percent (8%) percent on the outstanding balance.
4. Where the property having a delinquent account for charges for Storm Water service is served by the City's Water Department, said Department may, after reasonable notice to the owner and/or customer, shut off the water service to the property. Water service may not be restored until the delinquent account, together with the costs of turning off and tuning on the water, have been paid.
5. Moving from one location to another in no way absolves the owner and/or customer from responsibility for any unpaid balance incurred at a previous location. The remedies set forth above shall attach to the new location.

Ord 13

# Proof Of Publication Notice

State of Indiana, Porter County, as:

As the undersigned, being duly sworn, says that he is an officer of the Northwest Indiana News Inc. publishers of the Vidette & Portage Times, a daily newspaper printed and published at Valparaiso, Indiana, and of general circulation in Valparaiso and County of Porter, State of Indiana, and that the notice hereunto attached was published and

duly circulated in said paper for .....  
weeks in succession, to wit:

- The 1st on the 14 day of 7 1998
- The 2nd on the.....day of.....19.....
- The 3rd on the.....day of.....19.....
- The 4th on the.....day of.....19.....
- The 5th on the.....day of.....19.....

D. Asper  
.....  
Legal Clerk

Subscribed and sworn to before me, this  
14 day of APRIL 1998

Lynda Nielsen  
.....  
Notary Public

Printer's Fee, \$.....

LYNDA NIELSEN  
NOTARY PUBLIC STATE OF INDIANA  
PORTER COUNTY  
MY COMMISSION EXP JUNE 15,2000

**NOTICE OF PUBLIC HEARING  
ON ORDINANCE 98-13,  
ESTABLISHING STORMWATER  
UTILITY RATES**

Notice is hereby given the taxpayers of the City of Valparaiso, Porter County, Indiana, that the proper legal officers of the Common Council of said City, at their regular meeting on Monday, April 27, 1998, in the Council Chambers of City Hall, 166 Lincolnway, will, at 7:30 PM local prevailing time, hear comments regarding, and will consider Ordinance No. 98-13, an Ordinance establishing rates/fees for the Stormwater Management Department of the City of Valparaiso. Said proposed monthly rates are as follows:

- Single Family Residence \$3.00
- Apartment or Mobile Home \$2.25
- Non-Residential, less than 10,000 s.f. \$3.00
- Non-Residential, 10,000 to 40,000 s.f. \$12.00
- Non-Residential, 40,000 to 160,000 s.f. \$46.00
- Non-Residential, greater than 160,000 s.f. \$96.00

Taxpayers appearing at the meeting will be heard concerning the proposed ordinance and rates. Written comments will be received at the office of the City Engineer up to the date and time of the Public Hearing. David L. Pitz, City Engineer  
City of Valparaiso  
166 Lincolnway  
Valparaiso, IN 46383  
219-462-1181  
4/14 Vidette 762778

# EXHIBIT "A" TO ORDINANCE NO. 98-13

## ***PROPOSED STORMWATER MANAGEMENT RATE SCHEDULE***

							March 1998
Classification	Description	Multiplier	Rate Per Mo. \$3.00	Rate Per Year	Number of Units	Monthly Income	Annual Income
1	Single Family	1.00	\$3.00	\$36.00	6,450	\$19,350	\$232,200
2	Apts. / Mobile	0.75	\$2.25	\$27.00	3,820	\$8,595	\$103,140
3	Non-Residential < 10,000 SF	1.00	\$3.00	\$36.00	405	\$1,215	\$14,580
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5	Non-Residential 40 K - 160 K SF	16.00	\$48.00	\$576.00	101	\$4,848	\$58,176
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<b>TOTALS</b>						<b>\$41,340</b>	<b>\$496,080</b>