ORDINANCE 2024-09
TOWN OF BARGERSVILLE, INDIANA

AN ORDINANCE ESTABLISHING
STORM WATER UTILITY RATES

WHEREAS, the Town of Bargersville, Indiana, created a Department of Storm Water Management (the "Department") in Ordinance No. 2009-9, to provide for the collection and disposal of storm and surface water in the Twon of Bargersville, Indiana, and the Department is controlled by a Board of Directors (the "Board"); and

WHEREAS, the Board has prepared a Stormwater Utility Rate Study and found that existing rates and charges for the use of services provided to the Town property owners by the Department do not produce sufficient revenue to satisfy the fiscal needs of the Department; and

WHEREAS, the Board has recommended to the Town Council the establishment of new rates and charges; and

NOW, THEREFORE, BE IT ORDAINED by the Bargersville Town Council of the Town of Bargersville, Johnson County, Indiana as follows:

1. The monthly Stormwater Management User Fee through December 31, 2024 shall be as follows for Original Accounts, Annexed Area and Non-Residential accounts:

a. Original Account - $7.96
b. Annexed Area - $6.96
c. Non-Residential - $10.36

2. Starting on January 1, 2025, there shall no longer be a distinction between Original Accounts and Annexed Area accounts and these properties shall be treated uniformly as residential property.

3. The monthly Stormwater Management User Fees shall be uniform for all residential property (agricultural and residential single family, residential- duplex, triplex, mobile homes and condominiums) located within the District and same shall be assigned one (1) Equivalent Residential Unit ("ERU") starting on January 1, 2025.

4. The monthly Stormwater Management User Fees for all non-residential properties (commercial, industrial, tax exempt, apartments, and residential common areas) located within the District shall be determined by using an ERU multiplier, which shall be the quotient obtained by dividing the total square feet of impervious surface area within a non-residential property by a divisor of 4,110 square feet, then rounded to the next whole number. The rounded multiplier will then be multiplied by the ERU rate to obtain the monthly Stormwater Management User Fee. The monthly Stormwater Management User Fee for a non-residential property located in the District shall not be less than one (1) ERU.

5. The Stormwater Management User Fees for a period of four (4) years starting January 1 of each year shall be as follows:

a. January 1, 2025:

i. Residential - $8.00
ii. Non-Residential - $12.00

b. January 1, 2026:
i. Residential - $8.40
ii. Non-Residential - $12.60

c. January 1, 2027:
i. Residential - $8.82
ii. Non-Residential - $13.23

d. January 1, 2028:
i. Residential - $9.26
ii. Non-Residential - $13.89

6. If the monthly Stormwater Utility Management User 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 and if not paid within ninety (90) days after the due date, the Town may certify the lien to the Auditor of Johnson County who shall place that lien on the tax duplication of Johnson County, Indiana, with interest and penalties to be collected as other taxed are collected.

7. The total monthly Stormwater Utility Management User Fee and the policies and procedures for determining impervious surface area, establishing the ERU and its multiplier, and billing and collection procedures and the credit process are described in the Policy Manual, which Policy Manual (as amended from time to time) is incorporated herein by reference.

8. The Secretary of the Board is hereby directed to file a copy of this resolution with the Town of Bargersville, Indiana, and request approval by and through its Town Council of the rates and charges as set forth above.

9. The sections, paragraphs, sentences, clauses, phrases and words of this resolution are separate and severable, and if any word, phrase, clause, sentence, paragraph or section of this resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this resolution.

10. The rates and charges approved in this resolution are effective upon passage of an ordinance by the Town Council approving this resolution and the rates and charges authorized herein in accordance with IC 36-9-23-26 and upon a determination of the source of additional funding. The rates and charges shall be billed on the first billing cycle of the Town's utilities after approval of such ordinance by the Town Council of the Town and after determination of whether additional funding will be obtained from RD or from an open market bond issue.

11. This Ordinance shall be in full force and effect from and after its adoption.

Introduced on this 13th day of August, 2024

Duly Passed on this 13 day of August, 2024, by the Common Council of the Town of Bargersville, Johnson County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

Voting Affirmative:

James Rumell II, President

James Ph absent eifer, Vice President

Andrew Greenwood, Member

Ruth Ann Moore, Member

Susie Qualls, Member

Voting Opposed:

James Rumell II, President

James Pheifer, Vice President

Andrew Greenwood, Member

Ruth Ann Moore, Member

Susie Qualls, Member

ATTEST:
Dustin Doyle, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law – Joseph M. Csikos

Document Prepared by:
Joseph M. Csikos, Director of Development, Town of Bargersville
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Bargersville, IN 46106