

## CHAPTER 54: STORMWATER MANAGEMENT

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### § 54.01 PURPOSE; INTENT.

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

(Ord. 05-02, passed 3-7-2005; Ord. 2011-2, passed 2-7-2011)

### § 54.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**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 stormwater system or changes or alterations to the existing stormwater 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 I.C. 36-1-2-24.

**CLASSIFICATION PROCEDURE.** The method that the town uses to determine classification of nonresidential parcels may take the following forms or any combination thereof:

(1) Computation of the parcel size, pavement area, roof area, or other area using on-site 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 photogrammetry, or using the information data from on-site measurements of like or similar property or features or as contained in the records of the town or county.

(4) Computation of 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 Dayton, Indiana Municipal Code.

**COMPOSITE COVERAGE VALUE.** The result of the calculations as determined by the town that multiplies pavement area times 0.90, roof area time 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, and the like that may be used for pedestrian or vehicular traffic. Roof area includes any above ground structure. Other areas include lawns, open water, woods, and the like.

**COVERAGE FACTOR.** That part of the nonresidential 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:

(1) **HIGH.** The composite coverage value is more than 0.5. **HIGH COVERAGE FACTOR** is hereby established as 3.0.

(2) **LOW.** The composite coverage value is equal to or less than 0.5. **LOW COVERAGE FACTOR** is hereby established as 2.0.

**NON-DEVELOPED PROPERTY.** 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 (three or more dwelling units), 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 two dwelling units. Two dwelling units or duplexes will be charged per unit.

**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 one-tenth of one acre. For purposes of this chapter, each nonresidential parcel shall be assigned one of the following **SIZE FACTOR** categories as determined by the town:

(1) **SMALL.** A particular parcel is made up of equal to less than 1.0 acres. **SMALL SIZE FACTOR** is hereby established as 1.0.

(2) **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.

(3) **LARGE.** A particular parcel is made of more than 5.0 acres. **LARGE SIZE FACTOR** is hereby established as 5.5.

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

**STORMWATER SYSTEM.** All constructed facilities, including structures and natural watercourses under the ownership, and/or control of the town, used for collecting and conducting stormwater 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 therefore, any part of the system of drains and watercourses under the jurisdiction of the Tippecanoe County Drainage Board or waters of the State of Indiana.

**STORMWATER UTILITY.**: A division of the sewage works as defined in I.C. 36-9-1-8(8) and (12).

**STORM 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 Dayton, Tippecanoe County, Indiana. (Ord. 2011-2, passed 2-7-2011)

## **§ 54.03 CREATION OF STORMWATER UTILITY.**

A Stormwater Utility is hereby created as part of the Dayton Service Utility Board. The Utility shall be responsible for all storm sewers and the

collection and disposal of storm drainage. The Utility shall also be responsible for the implementation of all federal and state mandates regarding stormwater drainage and erosion control.  
(Ord. 2011-2, passed 2-7-2011)

**§ 54.04 GOVERNING BOARD; AREA SERVED; POWERS AND DUTIES.**

(A) *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 Dayton Service Utility Board established in Chapter 52 of the Dayton Town Code.

(B) *Area served by Stormwater Utility.* The corporate limits of the Town of Dayton, Indiana, and all others who are served by the sewage works of the Town of Dayton, Indiana.

(C) *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:

- (1) The power to enter into contracts.
- (2) The power to employ professionals.
- (3) The power to construct, maintain, and improve the stormwater utility structures.
- (4) The power to make plans and ordinances regarding the collection and disposal of stormwater within the town.
- (5) The power to pass ordinances as provided for by I.C. Title 36 which impose just, reasonable and equitable fees or service charges for those who utilize the stormwater system and penalties to those who violate provisions of ordinances established for stormwater control and drainage.  
(Ord. 2011-2, passed 2-7-2011)

**§ 54.05 CREATION OF NON-REVERTING STORMWATER UTILITY CUMULATIVE FUND.**

(A) A Non-reverting Stormwater Utility Cumulative 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 Stormwater Utility Fund. Proceeds from this Non-reverting Fund shall be for the exclusive use of the town's Stormwater Utility which includes, but is not limited to, the following:

- (1) Stormwater management services, such as studies, design, permit review, plan preparation and development review.
- (2) Operation, maintenance, repair and replacement of the stormwater collection, storage, conveyance, and/or treatment infrastructure.
- (3) Project costs related to constructing major or minor structural improvements to the town's stormwater-related infrastructure.
- (4) Administrative costs associated with the management of the stormwater utility user fee.
- (5) Debt service financing of the town's stormwater-related capital improvements.
- (6) Funding of studies such as water quantity and quality monitoring, aerial photography, and geotechnical work associated with the planning of the stormwater-related infrastructure.

(B) This would include but be not limited to the implementation of long range stormwater plans developed and approved by the Indiana Department of Environmental Management for elimination of combined sewer overflows and the construction of stormwater 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. 2011-2, passed 2-7-2011)

**§ 54.06 STORMWATER UTILITY USER FEE.**

A stormwater utility user fee shall be imposed on each and every lot or parcel of the real property within the Town of Dayton, Indiana including those classified as non-profit or tax exempt, for services and facilities provided by the Stormwater Utility. 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 stormwater system of the Town of Dayton, Indiana. (Ord. 2011-2, passed 2-7-2011)

**§ 54.07 STORMWATER UTILITY USER FEE STRUCTURE.**

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

- (A) Residential;
- (B) Non-residential;
- (C) Non-developed property.

(Ord. 2011-2, passed 2-7-2011)

**§ 54.08 SCHEDULE OF RATES.**

(A) The monthly stormwater utility user fee for all developed residential properties within the town shall be \$5. Duplexes shall be two times \$5. The Common Council, from time to time, by ordinance may amend the monthly charge established in this division (A).

(B) The monthly stormwater utility user fee for all developed non-residential properties within the town shall be coverage factor times size factor times \$5. The Common Council, from time to time, by ordinance may amend the monthly charge established in this division (B).

(C) Upon the town's completion of the classification procedure, the monthly stormwater utility user fee imposed for non-developed properties as defined herein shall be 0.25 times the low coverage factor times the size factor times \$5 that is being equal to 25% of the low coverage non-residential size classification. (Ord. 2011-2, passed 2-7-2011)

**§ 54.09 BILLING AND PAYMENT; PENALTIES.**

(A) Bills or statements for the stormwater utility user fee shall be rendered monthly, in accordance with the regular sewage 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 for the Sewer Utility. Any partial payment of a combined utility bill shall be applied first to the stormwater utility user fee. Any unpaid stormwater utility user fees shall constitute a lien on such property except the liens of state, county and municipal taxes and shall be on a parity 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 mortgagees on real property.

(B) For properties normally receiving monthly utility bills for other town services, the stormwater utility user fee shall be included in the monthly sewage utility bill rendered to the established customer.

(C) For properties not receiving monthly utility bills for other town services, the bill or statement for the stormwater utility user fee shall be sent to the stormwater 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 the best interest of the town.

(D) The owner of a property is ultimately responsible for all fees imposed under this chapter. (Ord. 2011-2, passed 2-7-2011)