

As a condition of approval of the final drainage plans by the City of West Lafayette, applicant shall pay to the City of West Lafayette Clerk-Treasurer the sum set forth in the statement. The City of West Lafayette may issue such a billing statement before the project advances to the final approval stage, and such payment is due by applicant upon receipt of the billing statement regardless of whether the project has advanced to the final approval stage.

The City of West Lafayette has the right to not accept the drainage improvements or to not approve the advancement of any project for which the Additional Fees have not been paid.

Article IX. Stormwater Service Charge

(Ord. No. 34-12)

Section 116.901 Stormwater Service Charge and Sunset Provision

- (a) A Stormwater Service Charge shall be imposed on each and every lot and parcel of land within the City of West Lafayette which directly or indirectly contributes to the stormwater system of the City of West Lafayette, which charge shall be assessed against the owner, who shall be considered the user and ultimately responsible for the service charge for the purposes of this Article.
- (b) This charge is deemed reasonable and is the minimum necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future City of West Lafayette stormwater system and for compliance with the City of West Lafayette NPDES stormwater discharge permit.
- (c) The Stormwater Service Charge shall, unless extended by Common Council action, expire and cease to be collected twenty (20) years from the first collection of the stormwater service charge under this ordinance.

Section 116.902 Stormwater Rate and Fee Establishment Procedures

- (a) Each parcel of property within the City of West Lafayette shall be individually subject to a Stormwater Service Charge.
- (b) For each parcel that directly or indirectly contributes to the stormwater system of the City of West Lafayette, the Stormwater Service Charge shall be based on the presence of and/or measure of impervious surface area on the parcel or property.
- (c) Each parcel of property shall be classified as Residential or Non-residential. The Board is authorized to establish the classification of an individual parcel or property based upon its primary use.

- (d) This stormwater rate is designed to recover the cost of rendering stormwater service to the users of the stormwater system and shall be the basis for assessment of the City of West Lafayette's Stormwater Service Charge. This rate is further designed to maintain adequate reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.
- (e) This rate shall be evaluated annually as to its sufficiency and an evaluation report shall be provided to the Board no later than April 30 of each year.

Section 116.903 Rate Structure and Calculations

- (a) For the purposes stated in Section 116.901, there is hereby assessed a Stormwater Service Charge to each user in the City of West Lafayette who contributes directly or indirectly to the stormwater system of the City of West Lafayette, in an amount defined below.
- (b) It is hereby established that an Equivalent Residential Unit ("ERU") shall be based upon 3,200 square feet of impervious surface area.
- (c) All properties having impervious surface area within the City of West Lafayette shall be assigned an ERU, or multiple thereof, with all properties having impervious area assigned at least one (1) ERU.
- (d) The Stormwater Service Charge for one (1) ERU is hereby established at the rate of \$8.00 per month. The total service charge for a particular property shall be determined by taking the number of ERUs assigned to a particular property and multiplying it by the established rate.
- (e) *Residential Properties.* Residential properties shall be assessed a monthly service charge for stormwater service of one (1) ERU. This flat fee shall apply to all residential properties as defined herein.
 - (1) Contiguous residential properties having common ownership and sharing a single structure containing two (2) or less dwelling units shall be assigned one (1) ERU.
 - (2) However, there shall be a fifty percent (50%) reduction in the monthly service charge for owners of residential property who verify they:
 - (A) are head of household; and
 - (B) are either over the age of 65 years or permanently and totally disabled as determined by the Social Security Administration; and
 - (C) have a total annual household income which is at or below 150% of the poverty level as determined by the United States

Health and Human Services
Guidelines.

- (f) *Non-Residential Properties.* The total impervious surface area of each Non-Residential property shall be individually calculated. Non-Residential properties shall be assessed a monthly service charge for stormwater service based upon the total number of ERUs that encompasses the measured impervious surface area on the individual property. The calculation to determine the total number of ERUs for a Non-Residential property shall be completed by dividing the total square footage of measured impervious surface area for a property by 3,200 square feet. The division shall be calculated to the first decimal place. Total ERUs shall not be less than one (1) for any Non-Residential property containing measurable surface area.
- (g) Only whole ERUs shall be used in determining the assignment of gross ERUs to a property. All rounding necessary to reach the appropriate whole ERU shall be done according to mathematical convention (0 – 0.4 rounded down to the nearest whole ERU; 0.5 -0.9 rounded up to the nearest whole ERU).

Section 116.904 Omitted

Section 116.905 Billing; Collection

- (a) Stormwater Service Charge levied pursuant to this chapter shall be in effect from January 1, 2014, and shall be due and payable on or before the due dates shown on the billing statement.
- (b) Any Stormwater Service Charge not paid by the due date shall be considered delinquent. The delinquent charge shall be ten (10%) percent of the billed amount and shall be added to the next statement rendered.
- (c) Delinquent Stormwater Service Charges constitute a lien against a property and may be collected along with applied penalties, recording fees and service charges, in accordance with the provisions of IC 36-9-23-32 and -33, as amended from time to time. Delinquent Stormwater Service Charges together with delinquent penalties, cost of collection, legal fees and other expenses of collection may be collected by any lawful remedy.

Section 116.906 Appeals

A user liable for payment of a Stormwater Service Charge may appeal any billing dispute to the West Lafayette City Engineer's office. Such appeal shall be filed in writing on forms prescribed by the Board together with supporting evidence no later than 30 days after the action or decision being appealed from. The City of West Lafayette Engineer's office shall consider the appeal and make a decision within 60 days from the date the appeal was filed. If a decision is not rendered within the 60 day

period, or if the user disagrees with the decision rendered, the user may make a written request for a hearing before the Board no later than 90 days from the date the appeal was filed. The Board will render a final decision within 30 days thereafter. During the appeal period, the user will continue to pay the Stormwater Service Charge and any other charges hereunder, which charges will be subject to rebate if required by the final decision of the Board.

Section 116.907 Stormwater Revenue Fund

All revenues earned and Stormwater Service Charges collected for stormwater service, including but not limited to drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in an account entitled "City of West Lafayette Stormwater Revenue Fund" and shall be subject to the provisions of IC 36-9-23, as amended from time to time. Disbursements from the Stormwater Revenue Fund shall be authorized by the Board and, as required by law, by the Common Council. Such disbursements shall be used exclusively for the operation, maintenance and improvement of the City of West Lafayette's stormwater system. Funds from this account shall not revert to any other city utilities or the general fund of the City and may not be transferred for any other purpose. To the extent that there are outstanding revenue bonds of the City issued pursuant to the provisions of IC 36-9-23, as amended from time to time, revenues deposited in the Stormwater Revenue Fund shall be subject to the covenants contained in the ordinance or ordinances authorizing such outstanding bonds.

Section 116.908 Exemptions

The following areas shall not be considered impervious surface area for the purpose of calculating the stormwater service charge.

- (a) Roadways including Federal, State, County, City and those serving only Residential Property;
- (b) Railway beds, ties and rails; and,
- (c) Open water.

Section 116.909 Stormwater Service Charge Credit Program

The City Engineer shall develop for approval by the Board a Stormwater Service Charge Credit Program to be implemented following the effective billing date of the Stormwater Service Charge. The credit program shall include alternatives which provide direct benefit to the City's stormwater regulatory non-structural compliance effort and conveyance and/or water quality treatment facilities.