

**ORDINANCE NO. 2011- 09**  
**TOWN OF BARGERSVILLE, INDIANA**

**AN ORDINANCE ENACTING STORM WATER UTILITY RATES**

WHEREAS, the Town of Bargersville, Indiana, created a Department of Storm Water Management (the "Department") in Ordinance No. 2000-9, to provide for the collection and disposal of storm and surface water in the Town of Bargersville, Indiana, and the Department is controlled by a Board of Directors (the "Board"); and

WHEREAS, the present rates and charges (the "storm water utility fee") are set forth in the Board's Resolution No. 2004-1, which is incorporated in Bargersville Ordinance No. 2004-9; and

WHEREAS, the Board has recommended to the Town Council the establishment of new rates and charges, which would lower the existing rates and charges and has requested that the Town Council adopt such rates and charges;

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

Section 1. Paragraphs 1-8 of the schedule of rates and charges set forth in the Board's Resolution No. 2004-1, which were incorporated by reference in Bargersville Ordinance No. 2004-9, shall be deleted in their present form, and the following paragraphs 1- 8 shall be substituted in their place and stead:

"1. The monthly storm water utility fee is a user fee.

2. Types of properties and accounts. Properties and accounts will be divided into three classifications, as follows:

(1) Original Accounts. These accounts are for residential properties which were within the town limits of Bargersville before January 1, 2010. Original Accounts do not include nonresidential properties ("Nonresidential Accounts").

(2) Annexation Accounts. These accounts are for residential/agricultural properties which were annexed into the town limits on or after January 1, 2010. Annexation Accounts do not include Nonresidential Accounts.

(3) Nonresidential Accounts. These accounts are for all nonresidential properties, whether or not they were within the town limits of Bargersville before or after January 1, 2010.

3. The monthly user fee will be different for each type of account. There will be a flat rate for Original Accounts and Annexation Accounts. Nonresidential Accounts will be based on Equivalent Residential Units ("ERUs"). The fees are different because of the different demands on the storm water system and benefits from the storm water management activities.

4. The monthly user fee for nonresidential properties will be determined using an ERU multiplier, which will be calculated by dividing the total impervious surface area within the property by the base ERU of 4,110 square feet. For nonresidential properties, the monthly user fee will be \$8.36 per ERU. This method allows for the nonresidential property user fees to be based upon the demand the property places on the storm water system as compared to the demands of the average residence. The ERU for a nonresidential property shall not be less than one ERU.

5. The monthly user fee for a combined residential/nonresidential property will reflect both the residential nature of the property and the nonresidential nature of the property.

6. The monthly user fees will be as follows:

(1) Original Account: \$6.96.

(2) Annexation Account: \$4.96.

(3) Nonresidential Account: The monthly user fee will be based on the ERU multiplier of \$8.36 per ERU. For a combined residential/nonresidential property, the monthly user fee will be the monthly user fee for an Original Account or Annexation Account (whichever is applicable to the property in question) plus the ERU multiplier calculated for the nonresidential portion.

7. Late charge. If the monthly storm water utility 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.

8. Discount. This discount is available to any Original Account and Annexation Account customer who pays his storm water fee annually. For an Original Account, the discount is \$8.40 per year (70¢ per month), and for an Annexation Account, the discount is \$6.00 per year (50¢ per month), but the discount is available only if the customer pays the entire bill at one time and is only available in January of each year. However, if such a customer pays annually and sells his property within that one-year period, there will not be any refund, and the new owner-customer will not be responsible for storm water fees until January of the following year."

Section 2. This Ordinance shall be in full force and effect from and after its adoption.

PASSED by the Town Council of the Town of Bargersville, Indiana, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2011.

TOWN COUNCIL OF THE TOWN OF  
BARGERSVILLE, INDIANA

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ATTEST:

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Clerk-Treasurer