

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2024-16**

**AN ORDINANCE APPROVING NEW STORMWATER USER FEES FOR
THE TOWN OF WHITELAND, INDIANA**

WHEREAS the Town of Whiteland, Indiana (the “Town”), has established a Department of Storm Water Management pursuant to Ordinance No. 09-01 adopted by the Town Council of the Town (the “Town Council”) on July 13, 2009 (the “Ordinance”), and the provisions of Ind. Code § 8-1.5-5 et seq., as amended (the “Act”); and

WHEREAS, pursuant to the Act, the Ordinance also created a special storm water taxing district (the “District”) that includes all the territory within the corporate boundaries of the Town; and

WHEREAS, the Act provides that the Board of Directors of the District (the “Board”), after holding a public hearing with notice given under Ind. Code 5-3-1 *et seq.* and obtaining the approval of the fiscal body of the Town may assess and collect user fees from all of the property of the District for the operation and maintenance of the storm water collection and disposal system (the “Storm Water System”); and

WHEREAS, by Storm Water Board Resolution No. 2024-01SWM the Board has approved the new Storm Water User Fees specified therein, which are also duplicated and specified within this Ordinance (the “User Fees”); and

WHEREAS, the Act requires the new Storm Water User Fees to be approved by the Town Council before the User Fees may be assessed and implemented; and

WHEREAS, the Council, as the fiscal body of the Town, now finds that user fees should be assessed and collected in accordance with the Act to enable the District to pay all expenses incidental to the operation and maintenance of the Storm Water System, provide adequate money to be used as working capital, and provide adequate money for improving or replacing the Storm Water System from time to time.

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

Section 1. The assessment and implementation of the new Storm Water User Fees specified within Storm Water Board Resolution No. 2024-01SWM are hereby approved.

Section 2. Section 51.48 of the Whiteland Town Code, which codifies the Storm Water User Fees, is hereby renumbered to be Section 31.43, and revised to read as follows:

§ 31.43 STORM WATER USER FEES.

- (A) Each owner, or user under a written agreement with the town, of a property within the town shall be charged a monthly storm water user fee according to the following

schedule, and such fee shall be applicable irrespective of whether the property is vacant or disconnected from the waterworks system of the town.

| <u>Effective Date</u> | <u>Monthly Rate Per ERU</u> |
|-----------------------|-----------------------------|
| January 1, 2025* | \$7.87 |
| January 1, 2026 | \$8.24 |
| January 1, 2027 | \$8.61 |

* Effective with the billing cycle first occurring on or after January 1, 2025, or as soon thereafter as the revised rates and charges can be implemented by the Town's billing system.

- (B) An Equivalent Runoff Unit ("ERU") is equal to 3,704 square feet of impervious surface.
- (C) All single-family residential properties are deemed equal to one ERU.
- (D) Properties, other than single-family residential, will have their impervious surface calculated in terms of an ERU by the Town Utility Department. The owner or user of such property will be billed according to the property's specific number of ERU's multiplied by the then applicable monthly ERU rate.

Section 3. The provisions of all other ordinances, resolutions, and the Whiteland Town Code in conflict with the provisions of this ordinance are of no further force or effect.

Section 4. If any part of this ordinance is held to be invalid, such part shall be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

Section 5. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance, to the extent permitted by law) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10, subject to publication of this ordinance to the extent required by law.

[Signatures appear on the following page.]

PASSED through first reading by the Town Council on the 30th day of November, 2024, by a vote of in favor and against.

DULY PASSED AND FINALLY ADOPTED on the day of , 2024, by a vote of in favor and against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Richard Hill, President



Voting In Favor

Richard Hill

Voting Opposed

Richard Hill



Tim Brown


Tim Brown


Joseph Sayler

Joseph Sayler


Brad Goedeker

Brad Goedeker


Debra L. Hendrickson

Debra L. Hendrickson

Attest:


Melissa A. Fraser, Clerk-Treasurer