

ORDINANCE NO. 22-36

ORDINANCE TO ADJUST THE STORMWATER UTILITY FEE

WHEREAS, the City of Westfield ("City") provides collection, disposal and drainage of storm and surface water for its residents ("Stormwater Utility");

WHEREAS, the City established the Stormwater Fee Schedule on April 16, 2016, Ordinance 16-08 and approved a basic monthly stormwater service charge of \$4.16 per ERU;

WHEREAS, Ordinance 16-08 instructs the City Council ("Council") to revisit the rate structure used to determine the Stormwater User Fee every 5 years and may adjust it accordingly to meet the needs of the city stormwater program;

WHEREAS, the City has updated its Stormwater Master Plan that includes stormwater capital projects to improve serviceability, to protect public infrastructure and property, to improve public health and safety, and to comply with the federal stormwater quality regulations;

WHEREAS, the Stormwater Management Division ("Division") within the Department of Public Works ("Department") has updated its stormwater program costs for projects within the corporate boundary of the City of Westfield, Indiana ("District") and found that the existing rates and charges for the use of services provided to City residents by the Stormwater Utility do not produce sufficient revenue to satisfy the fiscal needs of the stormwater program;

NOW, THEREFORE, BE IT ORDAINED, by the Westfield City Common Council meeting in session as follows:

Section 1. The Council adopts and approves the stormwater user fees as recommended by the Division for the District, to wit:

- a. The monthly Stormwater User Fees shall be uniform for all residential property units located in the District, and same shall be assigned one (1) Equivalent Residential Unit ("ERU"). Except for apartments which would pay multiple ERUs based on the amount of impervious area similar to non-residential properties.
- b. The monthly Stormwater User Fees for all non-residential properties located in 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 3,500 square feet, which quotient will then be multiplied by the ERU to obtain the Stormwater User Fee, except that the monthly Stormwater User Fee for a non-residential property located in the District shall not be less than one (1) ERU.
- c. The monthly Stormwater User Fees for all tax-exempt municipal property located in the District shall be the product of the ERU multiplied by 0.50.
- d. The monthly Stormwater User Fees for all unimproved property located in the District shall be the product of the ERU multiplied by 0.33.

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- e. A 5-year graduated ERU shall be implemented for all properties in the District. The first year, starting January 1, 2023 the ERU will be \$4.55, the second year \$4.94, the third year \$5.33, the fourth year \$5.73 and the fifth year \$6.13.
- f. On January 1 of each year beginning in 2028, a 3% Cost of Living Adjustment (COLA) shall be added to the previous year's rates and charges. This 3% shall occur automatically each year unless and at such time the Council amends or adjust the percentage of the COLA increase for the next fiscal year.

Section 2. If the monthly Stormwater User Fee is not paid by its due date, as stated on the Division's fee invoice, which may be combined with and made a part of the City's billings issued pursuant to City Ordinance 07-23. Section 5c, a late charge of ten percent (10%) will be assessed, together with the costs of collection, if any, including reasonable attorney's fees.

Section 3. The Department shall be responsible for calculating and assessing all monthly Stormwater User Fees and for establishing billing and collection procedures for the same, and for taking all other lawful actions, including, but not limited to, those set forth in City Ordinance 07-23, as are necessary or convenient in order to implement the City's stormwater management and user fee system.

Section 4. This Ordinance shall be in full force and effect from and upon its adoption in accordance to the law. All ordinances or parts thereof in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

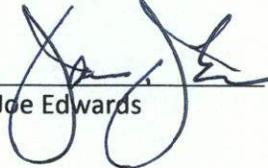
ALL OF WHICH IS ORDAINED THIS 12th DAY OF Sept, 2022.

WESTFIELD COMMON COUNCIL

Voting For

Voting Against

Abstain



Joe Edwards

Joe Edwards

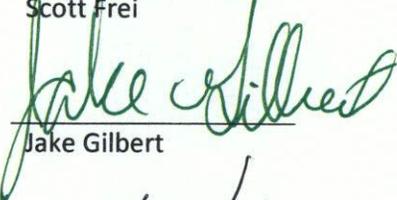
Joe Edwards

Scott Frei



Scott Frei

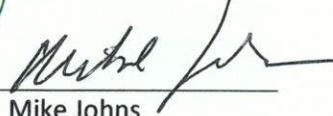
Scott Frei



Jake Gilbert

Jake Gilbert

Jake Gilbert



Mike Johns

Mike Johns

Mike Johns

Troy Patton



Troy Patton

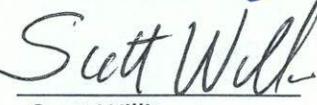
Troy Patton



Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric



Scott Willis

Scott Willis

Scott Willis

ATTEST:



Cindy Gossard, 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: Christopher B. Burke Engineering, LLC

I hereby certify that ORDINANCE 22-36 was delivered to the Mayor of Westfield on the 14th day of September, 2022 at 9:40 A.M.

Cindy Gossard
Cindy Gossard, Clerk Treasurer

I hereby APPROVE Ordinance 22-36
this 14th day of September, 2022.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO Ordinance _____ this
_____ day of _____, 2022.

J. Andrew Cook, Mayor

This instrument prepared by:
Christopher B. Burke Engineering, LLC 115 West Washington Street Suite 1368, Indianapolis, Indiana 46204.
(317)266-8000