

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO: 1803

**AN ORDINANCE ESTABLISHING A FEE FOR STORM WATER MANAGEMENT
AND FOR MEETING STATE MANDATES REGARDING
THE MANAGEMENT OF STORM WATER, AND ESTABLISHING A FUND FOR
THE DEPARTMENT OF STORM WATER MANAGEMENT**

WHEREAS, the Town of St. John, Indiana ("Town"), through its Town Council ("Council") created the Town's Department of Storm Water Management ("Department") and delegated the plenary responsibility of overseeing the operation, maintenance and repair of the Town's Municipal Separate Storm Sewer System (MS4) in compliance with all applicable federal, state and local laws, rules and regulations, to the Department's Board of Directors ("Board"), including the responsibility of advising the Council on implementation of federal, state and local rules concerning storm water management and identifying solutions to flooding concerns in the Town of St. John; and

WHEREAS, I.C. § 8-1.5-5-7, as amended, provides authority to the Department, upon recommendation of the Board and after approval by the Council, to assess and collect user fees from all eligible properties identified in this Ordinance and located within the Town of St. John ("Town"); and

WHEREAS, the Council finds that in order to meet the regulatory mandates from the State of Indiana that provisions must be made to study, design, and implement a system for the safe and efficient disposition of stormwater in the City and that funds be made available for such purpose; and

WHEREAS, the Board has conducted an investigation into the needs for the management of the Town's storm water, has heard public comment, and has identified the need for a fee to cover the costs of capital improvements to properly and comprehensively deal with storm water management; and

WHEREAS, the Council finds that continued funding is needed to implement programs to comply with the unfunded mandates from federal and state authorities relating to the management and regulation of the Town's MS4 and its related components; and

WHEREAS, the Council has reviewed the Board's compiled proposed budget and has carefully considered a system of user fees that equitably spreads the cost of funding the stormwater needs among property owners of the Town; and

WHEREAS, the Board and Council are aware of the ability to process such fees through the Lake County Treasurer's Property Tax Bills ("Tax Bill") each spring and fall.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, INDIANA, AS FOLLOWS:

Section 1. Billing. A Storm Water User Fee shall be imposed on all real estate parcels and lots within the boundaries of the Town of St. John based upon the Lake County Property Class Code for real property, according to the service address for each parcel or lot's taxpayer ID number, which charge shall be assessed against the owner thereof, who shall be considered the Storm Water Department Customer/User for the purposes of this Ordinance.

Section 2. Storm Water User Fee. The Storm Water User Fee is deemed reasonable and is necessary to fund the implementation of the Department's drainage and storm water projects, responsibilities, and programs, including: all MS4 compliance and administration; installation, repair, replacement, improvement, operation, regulation, cleaning and maintenance of the Town's storm sewer system, and future planning and capital improvement of same; cleaning and maintenance of all drainage ditches in the Town, including all legal drains; drywell installation, cleaning, and maintenance; catch basin installation, cleaning, and maintenance; maintaining other Town drainage facilities, including street gutters; street sweeping; addressing surface water flooding and standing water complaints; implementing the required elements of the EPA and IDEM mandated MS4 storm water management program; and paying the administrative and salary costs for individuals who provide services to the Storm Water Utility and provide consultation regarding the regulations affecting such system and/or for the Board.

Section 3. User Fee Structure. The User Fees shall be assigned monthly as follows:

Property Class Codes	Description	Monthly Fee
100	Agricultural/Vacant	\$ 7.00
300	Industry	\$ 50.00
400	Commercial	\$ 30.00
500	Residential	\$ 8.00
600	Munis, Charitable, Etc.	\$ 7.00
800	Utilities/Railroads	\$ 15.00

The Board will re-evaluate the fee schedule if there is a new property class code added to the Assessments in the Town. As new property class codes are added, an appropriate user fee will be set and charged. As well, the User Fees will be evaluated on at least a biannual basis as to their sufficiency to satisfy the needs of the Department.

Section 4. Exempt properties. Federal, state, city and county roadways. Streets, roads and highways owned by federal, state, city and/or county authorities shall be

exempt from the storm water utility user fee. They form an integral part of the storm water system. These primary elements of the drainage system yield community-wide benefits and are installed to service the general public interests.

Section 5. Billing and Payment of User Fees. The User Fees prescribed in this schedule shall be collected through a charge appearing on the semiannual Tax Bill of each affected property owner of the Town, and distributed to the Department as such. One-half of the annual fee will appear on each semiannual Tax Bill. The fees shall be imposed and first collected through the semiannual Tax Bill for tax year 2023 payable in 2024, first installment, and continue semiannually thereafter, due and payable on each due date stated on the Tax Bill.

It shall be a violation of this Ordinance to fail to pay a Storm Water User Fee when due. All bills for Storm Water User Fees not paid on or before the due date shall be subject to a collection or delinquent payment charge as imposed by the Lake County Treasurer and shall be reflected on the Lake County Treasurer's Tax Bill. As well, non-payment may result in the property or land being made eligible for the Lake County Treasurers Tax Sale. Delinquent storm water user fees may be collected in a civil action by the Town or Lake County Treasurer, and the Town or Lake County Treasurer shall be permitted to collect its reasonable attorney's fees and court costs incurred in connection with such collection efforts.

Section 6. Storm Water Fund. The Clerk-Treasurer is to establish a "Storm Water Operating Fund" for the Town of St. John, which shall be a non-reverting fund. All revenues and fees collected for the storm water utility user fee, including but not limited to, Storm Water User Fees and interest earnings on any unused funds, shall be deposited in the St. John "Storm Water Operating Fund." Disbursements from this Fund must be authorized by the Board. Such disbursements will be used to fund the implementation all of its drainage and storm water projects, responsibilities, and programs, including: MS4 compliance; installation, cleaning, and maintenance of storm sewers; cleaning and maintenance of all drainage ditches in the Town, including all legal drains; drywell installation, cleaning, and maintenance; catch basin installation, cleaning, and maintenance; maintaining other Town drainage facilities, including street gutters; street sweeping; addressing surface water flooding and standing water complaints; and implementing the required elements of the EPA and IDEM mandated MS4 storm water management program. The Town of St. John will not fund storm water system infrastructure improvements or enforcement of subdivision covenants that are the responsibility of the property owner(s), sub-divider and/or developer as identified in the St. John Municipal Code, such as retention and detention basins. These funds will be expended in accordance with applicable Indiana law and rules and applicable provisions of the St. John Municipal Code. Monies from this Fund shall not revert to any other Town fund and may not be transferred for any other purpose, except as permitted by applicable Indiana law. The Fund shall exist in perpetuity or until such time as the Department of Storm Water Management has been dissolved consistent with Indiana law at which time

any monies held in said Fund shall be transferred to the Town of St .John's General Fund after payment of any and all debt, fees, expenses or charges that may then be owing for the management, operation, maintenance, repair or improvement of the Town's storm water system.

Section 6. Passage. This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 23 DAY OF August, 2023.

Aye 4

Nay 1


MICHAEL SCHILLING, President


GERALD SWETS, Vice-President


MICHAEL AURELIO, Member


BRYAN BLAZAK, Member

NAY
WAYNE PONDINAS, Member

ATTEST: 
BETH HERNANDEZ, Clerk-Treasurer