

ORDINANCE D-2273-16

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA AMENDING CHAPTER 6, ARTICLE 7, SECTION 6-211 OF THE CARMEL
CITY CODE**

WHEREAS, the City of Carmel, Indiana (“the City”) established its Department of Storm Water Management (the “Department”) under Ordinance D-2154-13, enacted on July 24, 2014 and codified under Carmel City Code Section 6-210; and

WHEREAS, the Department provides for and manages the collection, treatment, drainage, and disposal of City storm and surface water; and

WHEREAS, Indiana Code Section 8-1.5-5-7 provides the Board of Directors of the Department (“the Board”), after approval by the Carmel Common Council (the “Council”), may assess and collect Storm Water User Fees (“User Fees”); and

WHEREAS, contemporaneous with and in anticipation of the adoption of this Ordinance, the City of Carmel Storm Water Board, pursuant to Indiana Code Section 8-1.5-5-7, established amended Storm Water User Fees for the City by and through its Resolution No. CC-01-04-16-05 (the “Resolution”), a copy of which is attached hereto and incorporated herein as Exhibit A, which actions by the Storm Water Board are hereby ratified; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Chapter 6, Article 7, Section 6-211 is hereby amended to read as follows:

“Sec. 6-211. Storm Water User Fees.

(a) The Council, acting under the authority granted to the City's fiscal body by I.C., 8-1.5-5-7(b) to approve a storm water user fee, adopts and approves the storm water user fees proposed by the City of Carmel Board of Public Works and Safety in the Resolution for the District, to wit:

(1) The monthly storm water user fees shall be uniform for all residential properties located in the District, and the same shall be assigned one equivalent residential unit (“ERU”).

(2) The monthly storm water 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 nonresidential property by a divisor of 4,150 square feet, which quotient will then be multiplied by the ERU to

This Ordinance was prepared by Ashley M. Ulbricht, Carmel Assistant City Attorney, on December 21, 2015 at 12:22 p.m. No subsequent revision to this Ordinance has been reviewed by Ms. Ulbricht for legal sufficiency or otherwise.

Sponsors: Councilor Carter
Councilor Kimball
Councilor Rider
Councilor Schleif

obtain the storm water user fee, except that the monthly storm water user fee for a non-residential property located in the District shall not be less than one ERU.

(3) The monthly storm water user fees for all unimproved property located in the District shall be the product of the ERU multiplied by 0.33.

(4) The ERU shall be \$5.10.

(5) Annual COLA Increase. On January 1 of each year, beginning in 2017, a 3% Cost of Living Adjustment shall be added to the previous year's rates and charges. This 3% increase shall occur automatically each year unless and until such time that the Carmel City Council amends or adjusts the percentage of the COLA increase for the next fiscal year.

Section 3. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 4. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage, signing by the Mayor, and such publication as is required by law.

[Remainder of page intentionally left blank]

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Sponsors: Councilor Carter
Councilor Kimball
Councilor Rider
Councilor Schleif

PASSED by the Common Council of the City of Carmel, Indiana, this 4th day of January, 2016, by a vote of 6 ayes and 0 nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

[Signature]
Presiding Officer

[Signature]
Laura D. Campbell

[Signature]
Ronald E. Carter

[Signature]
Sue Finkam

[Signature]
H. Bruce Kimball

[Signature]
Kevin D. Rider

NOT PRESENT
Carol Schleif

[Signature]
Jeff Worrell

ATTEST:
[Signature]
Christine S. Pauley, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this 4th day of January, 2016, at 11:30 P.M.

[Signature]
Christine S. Pauley, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this 4th day of January, 2016, at 11:30 P.M.

[Signature]
James Brainard, Mayor

ATTEST:
[Signature]
Christine S. Pauley, Clerk-Treasurer

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