

18-33

**SPONSOR: DAVE WOERPEL
5TH DISTRICT COUNCILMAN**

ORDINANCE NO. 9459 - 2019

**An Ordinance Enacting Proposed Amendments to the User Fees for the
Operation and Maintenance of the City Storm Water System**

WHEREAS, the Council has been informed of the determination by the Board of Commissioners (“HSW Board”) of the Hammond Storm Water Management District (“District”) that it is necessary to secure additional funds to extend, improve, reconstruct, replace, maintain and upgrade substantial portions of the City storm water system; and

WHEREAS, the Council has received the following record of recent actions taken by the HSW Board which:

a. has determined that it is necessary, being mindful of the City’s significant and varied water resources, and the need to protect and enhance the ability of the City to channel and dispose of its storm waters, to extend, improve, reconstruct, replace, maintain or upgrade substantial portions of the City storm water system in order to provide an environmentally responsible, healthful, efficient and effective means of controlling, directing and treating storm water flows within the City, all as required by the laws of the United States and the State of Indiana; and

b. commissioned an analysis through Cender & Company, L.L.C., Certified Public Accountants of the costs, both in the recent past and for anticipated future years of providing the minimum amount of funds necessary for the operation and maintenance of the City storm water system as required by I.C. §8-1.5-5-7 (b); and

c. in order to implement said needs, has determined the minimum amount of funds necessary for the operation and maintenance of the City storm water system as required by I.C. §8-1.5-5-7 (b); and

d. proposed the adoption of amended storm water user fees and charges which equitably spreads the cost of funding said needs among residential, commercial and industrial property owners of the City, taking into account those factors authorized by I.C. §8-1.5-5-7 (d), and making classifications employing the variations authorized by I.C. §8-1.5-5-7 (e) by the adoption of Resolution No. SW 6-2019 on November 12, 2019; and

e. after giving notice in the manner required by law, conducted public hearing upon said proposed system on November 12, 2019 and, having heard and

**An Ordinance Enacting Proposed Amendments to the User Fees for the
Operation and Maintenance of the City Storm Water System**

received no remonstrances from any person, either at said hearing or otherwise, at the conclusion of said hearing adopted Resolution No. SW 6-2019 confirming the amended storm water rates and charges and their collection by a charge appearing on the semiannual property tax statements of affected property owners in the City, all as proposed in Resolution No. SW 6-2019, and

f. recommended to the Council the final adoption and enactment of the amended storm water rates and charges contained in HSW Board Resolution No. SW 6-2019, and

WHEREAS, the Council has carefully evaluated the materials prepared by the HSD and HSW Board in connection with the proposed amended storm water rates and has had the opportunity to receive further information and to pose questions concerning the proposed storm water rates; and

WHEREAS, the Council has concluded that the adoption of amended storm water rates and charges proposed is in the best interest of all of the residents of the City; that the expense of proper maintenance, planning and development for the Storm Water rates require adequate resources which are not otherwise obtainable, and that failure to address the storm water management needs of the City will expose it to worsening overflows, inundations, legal challenges by governmental authorities and even higher costs to its residents; and

WHEREAS, the Council desires to approve said amended rates and charges for Storm Water Management and the collection of the storm water fees and charges, only, through a charge appearing on the semiannual property tax statements of affected property owners in the City, and wishes to spread its action upon the public record through this ordinance.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana as follows:

For the purposes stated herein, there is hereby assessed a storm water utility user fee to each storm water utility customer/user within the corporate limits of the City of Hammond, Lake County, Indiana, in an amount as determined below. Properties within the City of Hammond, Lake County, Indiana, will be assigned the following monthly user fees:

**An Ordinance Enacting Proposed Amendments to the User Fees for the
Operation and Maintenance of the City Storm Water System**

Property Class Code	Monthly Fee
100—199 Agricultural	20 acres or less = \$3.00 per month. Greater than 20 acres = \$.15 per acre per month.
300 Industrial Vacant Land	20 acres or less = \$3.00 per month. Greater than 20 acres = \$.15 per acre per month.
320—399 Industrial	\$162.75 per month
400 Commercial Vacant Land	20 acres or less = \$3.75 per month. Greater than 20 acres = \$.188 per acre per month.
401 Commercial Apartment 4-19 Units	\$62.50 per month
402—499 All commercial including apartment buildings over 19 units	\$90.00 per month
500—509 Residential Vacant Land	.25 acres or less = \$.75 per month .251 acres to 20 acres = \$3.75 per month Greater than 20 acres = \$.188 per acre per month
510—545 Residential Single Family Duplex and Three Unit including excess acreage	\$7.75 per month
550 Residential Condo	\$7.75 per month
599 Other Residential Structure	\$7.75 per month
600, 610, 620, 621, 622, 630, 640, 645, 660, 661, 662, 665, 669	State, county, municipal and other exempt properties are not charged
650, 670 Board of Education and Exempt Private Academy and Colleges	Not charged
680, 685, 686 Charitable, Religious and Churches	Not charged
690 Cemetery	6.66 acres or less = \$3.00 per month. Greater than 6.66 acres = \$.45 per acre per month.
699 Other Exempt Properties	Not charged
805 Utility Vacant Land	.25 acres or less = \$.60 per month. .251 acres to 20 acres = \$3.00 per month. Greater than 20 acres = \$.15 per acre per month.
820 Heat and Power Utilities	\$162.75 per month
821 State Assessed LHP	\$112.50 per month

**An Ordinance Enacting Proposed Amendments to the User Fees for the
Operation and Maintenance of the City Storm Water System**

830—841 Railroad and Pipeline	20 acres or less = \$3.00 per month. Greater than 20 acres = \$.15 per acre per month.
850—871 Sewage; Phone and Water Utilities	\$162.75 per month

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's interests.

All other provisions of Ordinance No. 9262-2014 not otherwise amended shall be full force and effect; and

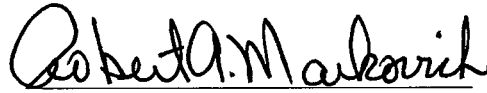
This ordinance shall be in full force and effective from January 1, 2020, including the effective date for the storm water user fees and charges but not prior to its passage, approval, recording and publication as provided by law.

The City Clerk is directed to give notice of the enactment of this Ordinance to the officials of Lake County administering the property tax billing and collection system, and to those officials of the State of Indiana required by law.

BE IT FURTHER ORDAINED by the Hammond Common Council that if any part, parts, section, sections, provision, clause or portions of this ordinance shall be adjudged invalid or unconstitutional, such invalidity or constitutionality shall not affect the validity or constitutionality of this ordinance as a whole or of any other part, parts, section, sections, provision, clause or portion of this ordinance.

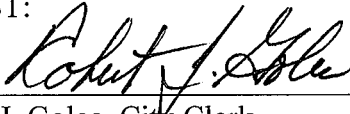
**An Ordinance Enacting Proposed Amendments to the User Fees for the
Operation and Maintenance of the City Storm Water System**

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this
14th day of December, 2019.



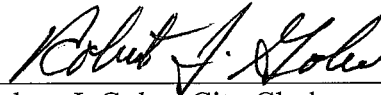
President Robert Markovich
Hammond Common Council

ATTEST:



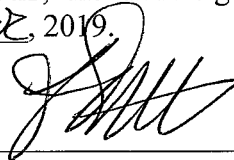
Robert J. Golec, City Clerk
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to
the Mayor, for approval and signature, this 17th day of December, 2019.



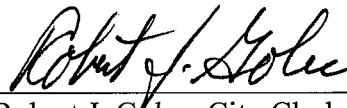
Robert J. Golec, City Clerk
City of Hammond, Indiana

The foregoing Ordinance No. 9459 consisting of five (5) typewritten pages, including
this page, as APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of
Hammond, Indiana, this 17th day of December, 2019.



Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the 14th day of December, 2019 and
Approved by the Mayor on the 17th day of December, 2019.



Robert J. Golec, City Clerk
City of Hammond, Indiana