

## **CHAPTER 59: DEPARTMENT OF STORMWATER MANAGEMENT**

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### **Section 59.01      ADOPTION OF STATE LAW**

A Department of Stormwater Management is hereby created by the City of Richmond. In conjunction therewith, the provisions of I.C. 8-1.5-5-1 et. seq., including any amendments or substitutions therein, are hereby adopted. The control, operation, and financing of the Department and Stormwater District shall be controlled pursuant to the terms of the state law, and the Board of Stormwater Management to be created by such laws, shall have full power and authority to take any and all actions set out within the state law, including, but not limited to, financing the facilities through any method controlled by I.C. 8-1.5-5-7.

### **Section 59.02      CREATION OF SPECIAL DISTRICT**

Pursuant to I.C. 8-1.5-5-5, a special Stormwater Management District is hereby established the boundaries of which shall be consistent with the corporate boundaries of the City of Richmond.

### **Section 59.03. PURPOSE AND OBJECTIVE**

The mission of the City of Richmond Department of Stormwater Management is to develop, implement, operate and adequately and equitably fund the acquisition, construction, operation, maintenance and regulation of the stormwater collection and drainage systems and activities in the City including, without limitation, sewer separation and other improvements to the existing combined sewers of the City.

The Department shall safely and efficiently control stormwater runoff, enhance public health and safety, protect lives and property, facilitate mobility and enable access to homes and businesses throughout the community during storms, complement and support other City programs and objectives, control the discharge of pollutants in stormwater to receiving waters and enhance the natural resources of the community.

### **Section 59.04 DEPARTMENT OF STORMWATER MANAGEMENT POWER AND JURISDICTION.**

(A) General Powers of the Department. The Department shall have exclusive departmental jurisdiction over the collection and conveyance of stormwater within the City of Richmond and the combined sewers in the City, and shall possess the following general powers:

- (1) Install, maintain and operate the stormwater collection and conveyance system and the combined sewers of the City of Richmond.
- (2) Make all necessary or desirable improvements to the stormwater collection and conveyance system and the combined sewers of the City (including all appropriate actions taken with respect to sewer separation), and, when determined to be the best interests of the City, to acquire or otherwise assume jurisdiction over any other improvements or facilities relating to the control of stormwater collection and conveyance currently owned or under the jurisdiction of other parties.
- (3) Establish and enforce the rules, regulations, policies and procedures promulgated by the Department as the same may be approved by the Board of Stormwater Management and, if appropriate, the Common Council of the City of Richmond.
- (4) Hold hearings and make findings and determinations to carry out the policies and procedures of the Department with respect to the use of the stormwater system by the users thereof and the proper rates and changes imposed on such users.
- (5) Recommend to the Board of Stormwater Management and the Common Council of the City reasonable and just rates and

charges for services to the users of the stormwater collection and conveyance system and combined sewers of the City of Richmond.

(B) Board of Stormwater Management. The Department, through the Director, shall report directly to the Board of Stormwater Management of the City of Richmond. The Board of Stormwater Management shall perform all necessary administrative policy-making oversight of the operations of the Department

(C) Stormwater System Jurisdiction. It is the intent of this ordinance to vest in the Department the full and exclusive departmental jurisdiction over the collection and conveyance of stormwater within the City. Notwithstanding anything in this ordinance to the contrary, the Board of Sanitary Commissioners shall continue to levy annually the special benefits tax authorized under Indiana Code 36-9-25 in an amount sufficient to pay all debt service on outstanding bonds of the Sanitary District for each respective year until final retirement of all outstanding bonds of the Sanitary District.

## **Section 59.05      DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) Applicant:            The owner of land requesting a drainage credit or his agent or his legal representative.

(b) Board:    The Stormwater Management Board.

(c) City: The City of Richmond, Indiana or designated party.

(d) Combined Sewer:    Pipe or conduit primarily used to convey sanitary sewage and secondarily intended to convey stormwater.

(e) Customer (or User): Shall mean a property owner benefiting from the stormwater system.

(f) Department: The Department of Stormwater Management established under Section 59.01.

(g) Detention:            The temporary storage of storm runoff in a basin, pond or other structural or non-structural device to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides gravity-settling of pollutants.

(h) Detention Facility: A facility constructed for the purpose of mitigating stormwater runoff from a developed site to control the peak discharge rates that is normally maintained either as a dry basin or with a permanent pool of water.

(i) Developed: The condition of real property altered from its natural state by the addition to or construction on such property of impervious surfaces or physical improvements such that the hydrology of the property or a portion thereof is affected.

(j) Director: The Director of Public Works and Engineering of the City of Richmond, Indiana.

(k) Ditch-Legal: Any drainage system under the jurisdiction of the Wayne County Drainage Board as of the date of enactment of this ordinance.

(l) Ditch-Open: A relatively deep drainage channel which may have a continuous water flow. Open ditches are outlets for both surface, subsurface, or storm sewer drainage systems.

(m) Drain: Relative to stormwater drainage, any sewer, tile, ditch, stream or other stormwater runoff conveyance channel or conduit.

(n) Drainage Easement: The land required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

(o) Drainage Facilities: All ditches, channels, conduits, retention-detention systems, tiles, drainage swales, sewers and other natural or artificial means of draining stormwater from land.

(p) Drainage Requirements: (1) minimum drainage standards as established by this ordinance, (2) regulations promulgated by the Board of Stormwater Management of the City, (3) obligations and requirements relating to drainage established under the Subdivision Control Ordinance of the City, (4) requirements contained in the Zoning Ordinance of the City, including floodway zoning requirements, (5) obligations and requirements relating to drainage established under the Drainage Board of Wayne County, Indiana, and (6) conditions relating to drainage attached to a grant of variance by the Board of Zoning Appeals of the City.

(q) Drainage Subsurface: A system of pipes, tile, conduit or tubing installed beneath the ground used to collect underground water from individual parcels, lots, building footings or pavements.

(r) Drainage Surface: A system by which the stormwater runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways and yards so that storm runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

(s) Drainage Swale: A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

(t) Drainage System: Any combination of surface and/or subsurface drainage components fulfilling all applicable drainage requirements.

(u) Easement: A grant by the property owner of the use of a strip of land by the public, a corporation or other legal entity for specified purposes.

(v) ERU: Equivalent Residential Unit, equal to the average amount of impervious area found on a typical single-family residential parcel, which is 2,980 square feet. Therefore, one ERU equals 2,980 square feet of impervious area.

(w) Impervious Area: Area within developed land that prevents or significantly impedes the infiltration of stormwater into the soil. Including in this definition are areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.

(x) Infiltration: A complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

(y) Land Alteration: Any action taken relative to land which either (1) changes the contour; or (2) increases the runoff; or (3) changes the elevation; or (4) decreases the rate at which water is absorbed; or (5) changes the drainage pattern; or (6) creates or changes a drainage facility; or (7) involves construction, enlargement or location of any building on a permanent foundation; or (8) creates an impoundment. Land alteration includes (by way of example and not of limitation) terracing, grading, excavating, constructing earthwork, draining, installing drainage tile, filling and paving.

(z) Maintenance: Cleaning out of, spraying, removing obstructions from and making minor repairs in a drainage facility to that it will perform the function for which it was designed and constructed.

(aa) NPDES: The National Pollutant Discharge Elimination System, the EPA program initiated to reduce and eliminate pollutants reaching water bodies of all types.

(bb) NPDES Permit: Stormwater management permit required of municipalities and certain industries by the EPA pursuant to Section 402 of the Clean Water Act.

(cc) Peak Discharge: The maximum rate of flow of water passing a given point during or after a rainfall event. Sometimes called peak flow.

(dd) Private Stormwater Facilities: Various stormwater and drainage works not under the control or ownership of the City, Wayne County, the State of Indiana or the federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate storm water.

(ee) Property Owner: The individual, partnership, corporation or other legal entity holding the deed or record title to real property.

(ff) Public Drainage System: Various storm water and drainage works under the control and/or ownership of the City, Wayne County, the State of Indiana or the federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate storm water.

(gg) Residential Property: A lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating.

(hh) Retention: The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

(ii) Right-of-Way: Any highway, street, avenue, boulevard, road, lane or alley and includes the entire right-of-way for public use thereof and all surface and subsurface improvements thereon including, without limitation, sidewalks, curbs, shoulders, utility lines and mains.

(jj) Sewer Separation: A project intended to reduce the amount or rate of stormwater entering the wastewater treatment plant. Sewer separation projects include, but are not limited to, new sanitary sewer construction with conversion of combined sewer to storm sewer; new storm sewer construction with conversion of combined sewer to sanitary sewer; combined sewage holding tanks; and equalization tanks at the treatment plant or in the system.

(kk) Storm Sewer: A sewer designed or intended to convey only stormwater, surface runoff, street wash waters and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. A storm sewer begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

(ll) Stormwater Service Charge: A charge imposed on users of the stormwater system.

(mm) Stormwater System: All constructed facilities, including combined sewers, structures and natural watercourses owned by or under the jurisdiction of the City used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations.

#### **Section 59.06           STORMWATER SERVICE CHARGE**

A stormwater service charge shall be imposed on each and every lot and parcel of land within the City which directly or indirectly contributes to the stormwater system of the City, which charge shall be assessed against the property owner thereof, who shall be considered the user for the purposes of this chapter. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system.

This Ordinance's stormwater service charge shall take effect no earlier than July 1, 2007.

#### **Section 59.07           STORMWATER SERVICE RATE ESTABLISHMENT PROCEDURES. (Ord. 10-2009)**

(A) Basis for Charge. The stormwater service charge is designed to recover the cost of rendering stormwater service to the users of the stormwater system, and shall be the basis for assessment of the stormwater service charge. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

(B) Charge for single-family residential properties.

The storm water service charge for all single-family residential properties shall be \$6.00 per month, based upon all single-family residential properties having a single ERU. If a billing is for storm water service of less than one month, billing shall be on a per-diem basis.

(C) Charges for all properties other than single-family residential properties.

The storm water service charge for all properties other than single-family residential properties shall be a fixed customer charge of \$4.50 per month per parcel plus a variable rate of \$1.50 per month charge for each ERU assessed on said property.

**Section 59.08 RATE STRUCTURE AND CALCULATION**

(A) Generally. For the purposes stated in Section 59.03, there is hereby assessed a stormwater service charge for each property owner owning land situated within the corporate limits of the City that contributes directly or indirectly to the stormwater system of the City, in an amount as determined below.

(B) Impervious Area. For any such property, lot, parcel of land, building or premises which contribute directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon. Impervious area of public rights-of-way and railroad lines (which shall not be deemed to include adjacent property, such as a rail yard, operated by a railroad), will not be included in the determination of a stormwater service charge.

(B) Classification of Property. All properties within the City will be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, with all properties having impervious area assigned at least one ERU, as follows:

- (1) Single-Family Residential Properties: A monthly flat-rate charge for stormwater service rendered to single-family residential properties shall be assessed to each single-family residential parcel within the City limits. All single-family residential properties are hereby assigned one ERU.
- (2) Other Properties: Properties with impervious area other than those containing a single-family residence will be assigned an ERU multiple based on the total amount of impervious area on the property (measured in square feet) divided by 2,980 square feet. ERU multiples shall be rounded to the nearest whole integer.

(C) Land Alterations. The issuance of any building permit or other action which results in a land alteration of a property other than a single-family residential property or a property that currently only contains a single-family residence but will be no longer used for such purpose shall be cause to an

adjustment of the stormwater service charge determined under this section. The property owner shall have the obligation of informing the Department of any such changes.

(E) Exceptions/Exemptions. Except for public rights-of-way and railroad lines, there shall be no exceptions or exemptions from the assignment of gross stormwater ERU's for any property with impervious area.

## **Section 59.09 BILLINGS; TERMS OF PAYMENT.**

A. Billings. All stormwater service bills shall be rendered on a monthly basis unless additional or prorated billing is required to reflect customer changes, initial billings or is otherwise required to adjust billing cycles. Charges for miscellaneous services or work performed on behalf of a stormwater customer by the Department shall be assessed at the time the work is completed and shall be included in the customer's next stormwater service bill. Stormwater billing for a new property shall commence with the billing for water service, the meter set date or date of occupancy whichever shall first occur. Additional stormwater charges for an established service address necessitated by a change in the amount of impervious area at the property shall commence on the date the new certificate of occupancy or compliance is issued. Billing adjustments required to correct impervious area measurements shall be applied retroactively to the date of the customer's initial protest. Adjustments shall be made by crediting the stormwater service charge portion of the customer's utility account until any overpayment has been fully repaid.

B. Rights and Responsibilities of Property Owner. Charges for stormwater service shall remain the ultimate responsibility of the property owner, including all penalties, recording fees, attorney's fees, interest and court costs. Fees assessed against real property constitute a lien against the property assessed. For properties with inactive utility accounts where no water charges have been generated for 60 days or more, a stormwater only account number will be issued to such property, payable by the owner of said property, until water charges have been reinstated. A lien attaches against real property occupied by someone other than the owner only if the Department of Stormwater Management notifies the owner within twenty (20) days after the time the user fees became sixty (60) day delinquent. However, the Department of Stormwater Management must give notice to the owner only if the owner has given the Department of Stormwater Management written notice of the address to which to send notice. Stormwater service charges attach to the property, provided, however, that if a property owner sells or otherwise transfers such property billed for stormwater service, such property owner shall be responsible for the payment of all bills rendered for stormwater service until written notice of the transfer has been provided to the City utility department, and the account may properly be transferred to another customer.

C. Terms of Payment. The stormwater service charges prescribed in Section 59.07 shall be due on the payment date set out on the bill. It shall be a violation of this Chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date shall be subject to a collection or deferred payment charge of 10% on the outstanding balance. Moving from one location to another in no way absolves the customer from responsibility for any unpaid charges incurred at a previous location.

D. Bad Check Charge: Checks returned for non-sufficient funds will be subject to reimbursement of the fee the banking institution charges the City utilities department and an administrative charge to be established by the Department not in excess of the amount provided in I.C. 35-43-5-5(e). A customer submitting a bad check may be prohibited from making future stormwater service charge payments by check.

E. Collection. Delinquent stormwater service charges may be collected in a civil action along with other delinquent City utility charges, reasonable attorney fees and court costs.

#### **Section 59.10 APPEALS OF ERU DETERMINATION.**

If, in the opinion of any property other than a single-family residential property owner, the ERU multiple assigned to the property of such owner is inaccurate in light of the amount of impervious area contained on said property, such property owner shall have the right to contest such ERU determination. The Department shall develop and promulgate policies and procedures to resolve any such contests, including, as determined necessary, the conducting of hearings and the making of determinations with respect to the measurement of impervious area contained on any property.

#### **Section 59.11 CREDIT POLICIES AND PROCEDURE**

Currently the City requires all developments to meet certain minimum detention criteria. Properties that meet such criteria will receive a 25% credit. Properties that meet the minimum City requirements plus achieve additional detention will receive up to an aggregate total of 40% credit for stormwater detention. An additional 10% credit can be obtained for water quality measures implemented by the property owner. The minimum stormwater service charge shall remain one (1) ERU, even if the credit or credits reduce the ERU multiple below one (1) ERU. The following outlines the criteria for each level of credit.

- (A) Minimum Detention Criteria. The City currently requires that all new developments meet the following criteria:
  - (i) Developed discharge not to exceed 10 year pre-developed rate; and

- (ii) Development must provide retention or detention of 100 years developed rate on site through inline storage, pond or parking lot.

Properties that meet these criteria shall receive a 25% credit. The City shall develop policies and procedures for documenting compliance with the requirements for this credit. If no records are available in the City, the owner shall provide the information to obtain a credit.

All drainage facilities shall be in approved drainage easements before any credit will be allowed. In addition, all drainage facilities shall be maintained by the property owner and verified on annual inspections for the property owner to maintain established credit. Inspections shall be performed annually. In the event of non-compliance, the property owner shall be notified and given 30-60 days depending on the severity of the non-compliance to remediate the deficiencies and respond. If such non-compliance has not been remediated by the expiration date of the remediation period given to the property owner, the credit shall be forfeited and the property owner must reapply to obtain a new credit.

- (B) **Maximum Detention Criteria.** In addition to the minimum detention credit, a property owner may receive up to an additional 15% credit if the owner’s stormwater facilities exceed the City minimum detention requirements in the manner hereinafter described. By increasing capacity on-site, these detention efforts reduce the demand and stress on the downstream drainage facilities. The City shall credit up to an additional 15% for facilities that meet the following criteria:

Criteria	Credit
(i) Provide an additional 20% volume storage	4%
(ii) Provide a reduction in developed peak runoff rate by 20%	4%
(iii) Provide extended storage with the potential For ground water recharge	3%

The City shall develop policies and procedures for documenting compliance with the requirements for the credits described in this Section 59.11. If no records are available in the City, the owner shall provide the information to obtain a credit.

- (C) **Volume Credit.** Properties that provide additional volume under the emergency spillway of the detention facility shall receive up to an additional 4% credit. To receive this credit, the applicant must provide the calculations and data necessary to quantify the additional storage volume. The credit is calculated by determining the minimum detention volume required by the City and comparing

it to the volume provided. The additional credit shall be calculated based on the following table:

Table 51.11 (Credit) – Volume Credit

Additional Volume Provided	% Credit
20% or greater	4%
15-20%	3%
10-15%	2%
5-10%	1%
0-5%	0%

- (D) Peak Reduction Credit. Properties that provide additional decrease in peak flow rate shall receive up to an additional 4% credit. The credit is calculated by determining the required peak outflow to meet the City requirements, and comparing it to the designed peak outflow. The additional credit shall be calculated based on the following table:

Table 51.11 (D) – Peak Reduction Credit

Additional Reduction in Peak	% Credit
20% or greater	4%
15-20%	3%
10-15%	2%
5-10%	1%
0-5%	0%

- (E) Extended Storage Credit. Properties that provide extended storage greater than 24 hours will receive up to 3% additional credit. The credit will be calculated by determining the time it takes the pond to drain, from its peak elevation, to the original time to peak of the undeveloped conditions. The additional credit percentage will be determined by the following table:

Table 51.11 (E) – Extended Storage Credit

Detention time provided	% Credit
24 hours or greater	3%
16-24 hours	2%
8-16 hours	1%
0-8 hours	0%

- (F) Water Quality Credit. Properties that provide measures that improve the quality of stormwater that leaves the property will receive up to an additional 10% above the maximum 40% for stormwater quantity. This credit can apply to property owners who are required to maintain individual NPDES industrial permits. All applicants for the water quality credit will be required to provide

copies of past Site Compliance Evaluations and most current Site Compliance Evaluations to maintain this credit. The City shall develop policies and procedures to establish standards for the granting of the water quality credit.

- (G) Payment Required. Application for any one or more credits, or any appeal of the determination or determinations made in respect thereto shall not constitute a valid reason for non-payment by the user of the originally assessed stormwater service charge.
- (H) Appeals. Determinations regarding credits for a user may be appealed in the same manner as will be established by the City for appeals of ERU determinations pursuant to Section 59.10 of this ordinance.
- (I) Inspections. Any party requesting a credit shall permit the City and its agents, to undertake any inspection or inspections needed, in the discretion of the City, to determine whether any one or more credits are appropriate. The City further reserves the right to inspect periodically all storm drainage control facilities of a user that has received one or more credits to ascertain whether such facilities are operating properly. If such facilities, due to improper maintenance or any other reason, fails to meet the criteria required for any credit, the City shall issue an order to complete the repairs of such facilities within 60 days. If such repairs are not completed within the 60-day period, the City, in its sole discretion, may issue an order eliminating or reducing detention credits to an appropriate level. Any such facility shall not be eligible to reapply for credit adjustments for a period of 12 months following any credit reduction or elimination ordered by the City.
- (J) Land Alteration. The issuance of any building permit or other action which results in land alteration with respect to a property receiving any one or more credits under this section shall be cause for an adjustment, as appropriate, of the credits to which the owner may be entitled. The property owner shall have the obligation of informing the City of any such changes in the manner prescribed.

**Section 59.12 PRIVATE STORMWATER FACILITIES OUTLETING TO PUBLIC DRAINAGE SYSTEM.**

- (1) The City shall have no responsibility for the installation, maintenance and repair of private stormwater facilities or private drain systems.

- (2) No newly-constructed drain shall cross the property of another private owner unless such private owner has granted an easement for such private drain and which easement is duly recorded in the office of the Wayne County Recorder.
- (3) All costs and expenses incident to the installation and connection of the private drain or private drainage system shall be borne by the owner. The owner shall indemnify the City for any loss or damage directly or indirectly occasioned by the construction or installation of the private drain, including backwater damages from the public drainage system.
- (4) The connection or outlet of a private drain into the public drainage system shall conform to City specifications and standards for sanitary sewers and storm drainage works. Any deviation of the prescribed procedure or material must be approved by the Department before installation.
- (5) No unauthorized person shall uncover, make any connection with or open into, use, alter or disturb any public sewer or appurtenance thereof without first contacting the office of the City Engineer.
- (6) All excavations for construction or installation of private drainage facilities shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in accordance with the specifications and standards for sanitary sewers and storm drainage works of the City.
- (7) All private construction and installation of stormwater drainage works shall include proper restoration and provisions for erosion and sediment control in accordance with the specifications and standards for sanitary sewers and storm drainage works of the City and all other drainage requirements.
- (8) No property owner shall change the stormwater runoff pattern of the property of such owner in such a way that neighboring properties or City property is adversely affected. Consideration and provisions must be made for drainage to and from neighboring properties in connection with land alterations.
- (9) No owner, manager, developer or occupant of any real property shall tap, drain or outlet, either directly or indirectly, into any public sewer until a sewer tap permit has been obtained from the City and until the owner has satisfied the obligation to pay all assessments, reimbursements and pro- rata share of sewer extension costs laid

against that property for public sewers which serve it. A sewer tap permit given in error shall not operate to nullify any such obligation that has been duly recorded nor estop the City from charging and collecting such costs at any subsequent time.

- (10) Sewer tap permits shall be obtained from the Sanitary District office and shall be issued to contractors, who shall pay to the District a fee for each sewer tap permit. Not later than 24 hours before making each sewer tap and building of the sewer installation the tap contractor or property owner shall notify the District of such connection so that an inspection may be made by the District prior to backfilling the said sewer installation.
- (11) In cases of requests for connections to newly constructed mains, prior to acceptance by the Board of Stormwater Management a prime contractor's release must be executed and granted through the District. Upon satisfaction of all other requirements, a permit for connection may be issued.
- (12) No person shall make use of a sewer tap or backfill or otherwise conceal a sewer installation unless and until the same has been inspected and approved by the District. In addition to all other remedies, the District may cause installation of the sewer tap to be excavated and exposed, may terminate the connection, and may require the owner, developer, manager or occupant to pay or reimburse the District for its costs and expenses in such excavation, exposure, termination, reconnection and restoration. Such costs and expenses shall be considered as charges for stormwater system services and may be collected in accordance with the provisions of this ordinance.

### **Section 59.13      STORMWATER REVENUE FUND**

All revenues earned and fees collected for stormwater service, including but not limited to, drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in an account entitled "City of Richmond Stormwater Revenue Fund" and shall be subject to the provisions of Indiana Code 36-9-23, as amended. Disbursements from this account shall be authorized by the Board of Stormwater Management and, where required by law, the Common Council. Such disbursements shall be used exclusively for the operation, maintenance and improvement of the City's stormwater system. Funds from this account shall not revert to any other City utilities or the General Fund of the City and may not be transferred for any other purpose. To the extent that there are outstanding revenue bonds of the City issued pursuant to the provisions of Indiana Code 36-9-23, as amended, revenues deposited in the Stormwater Revenue Fund shall be subject to the

covenants contained in the ordinance or ordinances authorizing such outstanding bonds.

**Section 59.14 DELINQUENT FEES AND PENALTIES AS LIENS; DUPLICATES; COLLECTION.**

Delinquent charges for stormwater services, and applied penalties, recording fees and service charges constitute a lien upon the property and may be collected in accordance with provisions of IC 36-9-23-32 and 36-9-23-33.

**Section 59.15 VIOLATIONS, ENFORCEMENT AND PENALTIES.**

Failure to pay a stormwater user fee when due shall constitute a violation of this chapter, which shall be enforced by the Director and such persons as the Director may appoint for such purposes.

**Section 59.16 SEVERABILITY.**

A. The invalidity of any section, sentence, clause, division, part or provision of this chapter shall not affect the validity of any other section, sentence, clause, division, part of provision of this chapter which can be given meaning without such invalid part or parts.

B. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

C. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, and this Ordinance shall be in full force and effect from and upon compliance with all procedures required by law.

**Section 59.17 EXPIRATION OF RATES FOR BOND DEBT**

The portion of the rates and charges that represents debt service on bonds issued to fund the construction of Stormwater collection and conveyances systems and stormwater improvements shall be repealed upon redemption or maturity of such bonds. Upon redemption or maturity of such bonds, the Board of Stormwater Management shall send written notice to Common Council and shall also give public service announcements to the ratepayers of the redemption or maturity of such bonds.

**Section 59.18 EFFECTIVE DATE OF ORDINANCE**

This ordinance shall take effect upon passage.