

**NOTICE OF PUBLIC HEARING ON PROPOSED STORM WATER RATES AND CHARGES
BY THE BOARD OF DIRECTORS OF THE DEPARTMENT OF STORM WATER
MANAGEMENT FOR THE TOWN OF ANDREWS, INDIANA**

Property owners, ratepayers, and other interested parties in or served or to be served by the storm water works of the Town of Andrews, Indiana (“Town”) are hereby notified that The Board of Directors for the Department of Storm Water Management for the Town of Andrews, Indiana will hold a public hearing on April 23, 2018, to begin at the conclusion of the regularly-scheduled Town Council Meeting but not earlier 6:30 p.m., in the Town Hall located at 66 N. Main Street, Andrews, Indiana, on the subject of proposed Resolution SW 2018-01. On that date and at that place and time, as soon as the matter is reached on the agenda, there will be a public hearing on the matter of the storm water rates and charges and consideration of adoption of Resolution SW 2018-01, the relevant portions of which reads as follows exclusive of whereas clauses and proposed signature block:

**“A RESOLUTION ESTABLISHING STORM WATER UTILITY RATES
FOR THE TOWN OF ANDREWS, INDIANA’S
DEPARTMENT OF STORM WATER MANAGEMENT**

NOW THEREFORE, BE IT RESOLVED, by the Board that the following provisions are hereby adopted regarding storm water billing, rates and applicable charges:

“Section 1: Storm Water Service Charge Structure and Calculation

- (A) The storm water service charge shall be assessed to each property owner owning land situated within the District that contributes directly or indirectly to the storm water system of the Town, in the amount specified in Section 2, below.
- (B) The storm water service charge is designed to recover the cost of rendering storm water service to the users of the storm water system. This storm water service charge 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.
- (C) Impervious Area: For any such property, lot, parcel of land, building or premises which contribute directly or indirectly to the storm water system, such charge shall be based upon the quantity of impervious area situated thereon as shown on the records of the Huntington County Assessor. Impervious area of public rights-of-way and railroad lines (which shall not be deemed to include adjacent property, such as a railyard, operated by a railroad), will not be included in the determination of a storm water service charge. In addition, the Department may establish policies and procedures to make determinations whether commonly-owned, adjoining properties with separate plat or legal descriptions should be treated as a single parcel of land for purposes of calculating and assessing the storm water service charges.
- (D) Land Alterations: The issuance of any building permit or other action which results in a land alteration of a property other than residential properties, or a property that currently only contains residential properties but will be no longer used for such purpose, shall be cause for an adjustment of the storm water service charge determined under this Resolution. The property owner shall have the obligation of informing the Department of any such changes.
- (E) Exceptions/Exemptions: Agricultural properties with an impervious area under State Land Use Code 100-199, with the exception of those properties that qualify as residential properties, shall be exempt from the assessment of storm water service charges. Except for public rights-of-ways and railroad lines, and agricultural properties, there shall be no exceptions or exemptions from the assignment of gross storm water ERUs for any property with impervious area.

Section 2: Storm Water Service Charge Established Based Upon ERU

- (A) All properties within the District shall be assessed a storm water service charge as a monthly flat-rate charge for storm water service rendered based on Equivalent Residential Unit, or a multiple thereof, with all properties having impervious area assigned at least one ERU, as follows:

1. Residential properties are hereby assigned one ERU for billing purposes. The Residential classification is for a single-family structure for which the primary purpose is to provide not more than four (4) dwelling units. Included within this classification are mobile homes, duplex, modular homes, and free-standing apartment units.
2. Commercial properties are hereby assigned two (2) ERUs for billing purposes. The Commercial classification is for parcels of land which are less than .50 acres in size which are used for retail, commercial, or industrial purposes.
3. Industrial properties are hereby assigned five (5) ERUs for billing purposes. The Commercial classification is for parcels of land which are .50 acres or greater in size which are used for retail, commercial, or industrial purposes and includes mobile home parks with five or more lots.
4. Municipal properties are hereby assigned Two (2) ERUs for billing purposes. The Municipal classification is for parcels of land which are used for not-for-profit and governmental purposes. Included within this classification are the Town Hall, library, fire department, houses of worship, and other not-for-profit or governmentally-owned properties which are improved.
5. School properties are hereby assigned Five (5) ERUs for billing purposes. The School classification is for parcels of land which are used for educational purposes, whether public or private.

(B) The storm water service charge shall be \$3.00 per ERU per month.

(C) For the purpose of this Resolution, a month shall be considered an interval of time which is at least 25 but not more than 35 days. Any billings for storm water service outside this time shall be on a per diem basis.

(D) All monies collected pursuant to this Resolution shall be deposited into the Town of Andrews Storm Water Account.

Section 3: Billing; Terms of Payment

(A) Monthly Billing: All storm water service bills shall be rendered monthly by the Town in accordance with those provisions regulating the preparation of utility service charges.

(B) Terms of Payment; Late Charge: The storm water service charges shall be due on the payment date set out on the bill. All bills for storm water 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.

(C) Rights and Responsibilities of Owner: Storm water service charges shall remain the ultimate responsibility of the property owner, including all penalties, recording fees, attorney's fees, interest, and court costs, regardless of whether the property is occupied by and the storm water service charges are billed to a tenant.

(D) Collection: Delinquent storm water service charges together with any late payment penalties may be collected in a civil action along with reasonable attorney fees and court costs.

(E) Liens for Unpaid Storm Water Service Charges: Delinquent charges for storm water service charges together with any late payment penalties, recording fees, and service charges constitute a lien upon the property and may be collected in accordance with the provisions of IC §8-1.5-5-29, IC §8-1.5-5-30, and IC §8-1.5-5-31.

Section 4: Appeal of ERU Determination

If, in the opinion of any 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 may 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.”

BE IT FURTHER RESOLVED, that if any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

BE IT FINALLY RESOLVED, that all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby superseded, and this Resolution shall be in full force and effect from and upon compliance with all procedures required by law.”

The complete text of Resolution SW 2018-01 is available from the Town of Andrews’s Clerk-Treasurer without charge and upon request made during normal business hours (for contact information see below). At that public hearing all interested persons may be heard concerning the proposed changes to the rates and charges set out in that Resolution and matters reasonably related thereto. The public hearing may be adjourned from time-to-time. After that hearing the Board of Directors for the Department of Storm Water Management may further consider or adopt Resolution SW 2018-01, either as originally introduced or as modified.

Any individual who requires accommodation as a result of a disability is asked to contact:

Laura Dillon, Clerk-Treasurer
Andrews Town Hall
P.O. Box 386 / 66 N. Main Street
Andrews, IN 46702
Phone: (260)786-3848

sufficiently in advance of that public hearing so that reasonable accommodations can be arranged.

Dated this 2nd day of April, 2018.

Laura Dillon, Clerk-Treasurer
Town of Andrews, Indiana

Publish one (1) time in Herald-Press on or before Thursday, April 12, 2018

Post at the Town Hall on or before Thursday, April 12, 2018

Post at the Andrews-Dallas Township Library, 30 E Madison Street, on or before Thursday, April 12, 2018

Post at the Andrews Post Office, 55 W Jefferson Street, on or before Thursday, April 12, 2018