

Amended
ORDINANCE NO. 4-2010

**AN ORDINANCE ESTABLISHING RATES, CHARGES AND REGULATIONS FOR THE
VINCENNES STORMWATER UTILITY**

WHEREAS, the General Assembly of the State of Indiana has made the determination that management of surface water and stormwater is a primary concern of the State of Indiana and its political subdivisions; and

WHEREAS, stormwater and surface water control and management is an important function for the City of Vincennes (the "City"); and

WHEREAS, the Indiana Department of Environmental Management has promulgated 327 IAC 15-13, which imposes stormwater requirements on municipalities such as the City; and

WHEREAS, the City has adopted Chapter 53 of the City of Vincennes Indiana Code of Ordinances to regulate stormwater discharges within the City (the "Stormwater Code"); and

WHEREAS, pursuant to Section 6 of the Stormwater Code, the Wastewater Department (the "Department"), by and through its Division of Stormwater Management and acting under the Utility Services Board (the "USB") maintains and operates the City's stormwater system (the "System") and administers, implements, and enforces the Stormwater Code; and

WHEREAS, in accordance with and pursuant to Indiana Code 36-9-23 (the "Act"), the Common Council desires to establish a distinct just and equitable schedule of service charges for the users of the System; and

WHEREAS, the City's engineering consultant has prepared a study (the "Engineering Study") for the purpose of determining the appropriate equivalent residential unit (an "ERU"), the probable number of ERUs in the System, ongoing operational and maintenance needs regulatory requirements and the projects necessary for the System; and

WHEREAS, the City's financial advisor has prepared a financial study (the "Financial Study") for the purpose of determining just and equitable rates and charges for the rendering of stormwater service to users of the System; and

WHEREAS, the Financial Study uses the ERU determination, the number of ERUs in the System ongoing operational and maintenance needs, regulatory requirements and the projects identified in the Engineering Study as a basis for determining just and equitable rates and charges for stormwater service; and

WHEREAS, the Financial Study recommends a schedule of rates and charges for stormwater service (the "Stormwater Utility Fees"); and

WHEREAS, the USB and Common Council have reviewed the Engineering Study and have found it to reasonably recommend the appropriate ERU, number of ERUs in the System operational and maintenance needs, regulatory requirements and projects necessary for the System; and

WHEREAS, the USB and Common Council have reviewed the Financial Study and have found the Stormwater Utility Fees recommended therein to be just and equitable; and

WHEREAS, the Stormwater Utility Fees will help the City maintain and operate the System, plan, design, fund and construct projects necessary for the System, including but not limited to stormwater improvements at Duke and 24th Street, Green/Harrison Area, Washington Ave, Old Bruceville Road, College Ave, Hart St/11th St area, City Ditch, Mantle Ditch, Kelso Creek; and

WHEREAS, the Vincennes Levee System must be certified as part of FEMA's Map Modernization Program, authorized by the U.S. Congress in 2003; and

WHEREAS, in the event that the Vincennes Levee System is deemed to no longer meet the certification requirements, it will be decertified; and

WHEREAS, decertification of the Vincennes Levee System would result in a decline in property values, a reduction in city's tax base and would require most homeowners and business owners to purchase costly flood insurance; and

WHEREAS, the Stormwater Utility Fees will help the City implement the programs necessary to provide the safe and efficient conveyance of stormwater and begin an inspection and maintenance program of the City's stormwater infrastructure including the Vincennes Levee System; and

WHEREAS, the Stormwater Utility Fees allocate the cost of providing stormwater service to each user of the System so that the charges assessed are just and equitable and reasonably related to the costs of providing stormwater service; and

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VINCENNES, INDIANA as follows:

SECTION 1

53.05 IS AMENDED TO READ AS FOLLOWS:

53.05 ABBREVIATIONS AND DEFINITIONS.

(A) For the purpose of this chapter, the following abbreviations shall apply:

BMP – Best Management Practice.

CWA – Clean Water Act.

ERU – Equivalent Residential Unit

GIS – Geographical Information System.

IDEM – Indiana Department of Environmental Management.

MS4 – Municipal Separate Storm Sewers.

NPDES – National Pollution Discharge Elimination System.

NRCS – USDA-Natural Resources Conservation Service.

POTW – Publicly Owned Treatment Works.

SWCD – Soil and Water Conservation District.

SWPPP – Stormwater Pollution Prevention Plan.
USACE – United States Army Corps of Engineers.
USB – The City of Vincennes Utility Services Board
USDA – United States Department of Agriculture.
USEPA – Environmental Protection Agency.

(B) For the purpose of this chapter, the following definitions shall apply:

BEST MANAGEMENT PRACTICES. Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

BOARD. The City of Vincennes Utility Services Board.

BUFFER STRIP. An existing, variable width strip of vegetated land intended to protect water quality and habitat.

CAPACITY OF A STORM DRAINAGE FACILITY. The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

CATCH BASIN. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

CHANNEL. A natural or artificial watercourse which periodically or continuously contains moving/standing water or which forms a connecting link between two bodies of water. It has a defined bed and banks, which serve to confine the water.

COMPENSATORY STORAGE. An artificial volume of storage within a floodplain used to offset loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

CONDUIT. A device to convey water runoff or drainage flow.

CONTIGUOUS. Adjoining or, in actual contact with.

CONSTRUCTED WETLAND. A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

CONSTRUCTION ACTIVITY. Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

CONSTRUCTION SITE ACCESS. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

CONTOUR. An imaginary line on the surface of the earth connecting points of the same elevation.

CONTRACTOR or SUBCONTRACTOR. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

CONVEYANCE. Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

CROSS SECTION. A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

CULVERT. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

DE-CHLORINATED SWIMMING POOL DISCHARGE. Chlorinated water that has either sat idle for seven days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths milligram per liter) of chlorinated residual.

DETENTION. Managing stormwater runoff by temporary holding and controlled release.

DETENTION BASIN. A stormwater control facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters resulting from development. This facility has no permanent water pool during inter-storm periods.

DETENTION STORAGE. The temporary detaining or storage of stormwater in storage basins, underground chambers, in streets, parking lots, school yards, parks, open spaces, or other areas under predetermined and controlled conditions, with the rate of drainage released therefrom regulated by appropriately installed devices.

DETRITUS. Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

DEVELOPER. Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

DISCHARGE. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

DEPARTMENT. **The Wastewater Department**

DEVELOPMENT OR DEVELOPED LANDS. The activities that result in a change of land use or an area where a change to a more intensive land use has occurred or migration from a less intense to more intense land use. This activity commonly results in increased runoff and peak discharge.

DISPOSAL. The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

DITCH. A man-made, open drainageway in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

DRAIN. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

DRAINAGE. The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see **NATURAL DRAINAGE**.

DRAINAGE AREA. The area that contributes runoff to a point of interest, or design point, during a rainfall event; i.e. a watershed or catchment area.

DRAINAGEWAY. A natural or artificial stream, closed conduit, or depression that carries surface water. This term is used as a neutral term applying to all types of drains and watercourses, whether man-made or natural.

DURATION. The time period of a rainfall event.

DWELLING UNIT. **A building or structure, or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by local, state and federal code, for not more than one (1) family or congregate resident for sixteen (16) or fewer persons.**

ENVIRONMENT. The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

EQUIVALENT RESIDENTIAL UNIT. **One (1) equivalent residential unit shall equal 2,800 square feet of impervious surface area, which shall be considered the average impervious surface area for a Residential Property.**

EROSION. The wearing away of the land by running water, waves, weather cycles, ice or wind. The following terms are used to describe different types of water erosion:

- (a) **ACCELERATED EROSION.** Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- (b) **CHANNEL EROSION.** An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.

- (c) GULLY EROSION. An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from one to two feet to as much as 75 to 100 feet.
- (d) RILL EROSION. An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see RILL).
- (e) SPLASH EROSION. The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- (f) SHEET EROSION. The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

EROSION AND SEDIMENT CONTROL. A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

FILTER STRIP. Usually a long, relatively narrow area (usually, 20 to 75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

FLOOD (or FLOOD WATERS). A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD ELEVATION. The elevation delineating the maximum level of high waters for a flood of given return period and rainfall duration.

FLOODPLAIN. The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The FLOODPLAIN includes both the floodway and the floodway fringe districts.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

FLOODWAY FRINGE. That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

FOOTING DRAIN. A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

GARBAGE. All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

GASOLINE OUTLET. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create 5,000 or more square feet of

impervious surfaces, or generate an average daily traffic count of 100 vehicles per 1,000 square feet of land area.

GRADE

- (a) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance.
- (b) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

GRADING. The cutting and filling of the land surface to a desired slope or elevation.

GRASS. A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

GROUNDWATER. Accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

HABITAT. The environment in which the life needs of a plant or animal are supplied.

HYDROLOGIC UNIT CODE. A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric ordinance.

HYDROLOGY. The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

ILLCIT DISCHARGE. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

IMPACT AREAS. Areas defined, listed and/or mapped by the Board which are unlikely to be easily drained because of one or more factors including but not limited to any of the following: soil type, topography, land with no adequate drainage outlet, a floodway or flood plain, land within 75 feet of the top of each bank of any regulated drain or within 75 feet from the centerline of any regulated storm sewer or tile drain.

IMPAIRED WATERS. Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters.

IMPERVIOUS SURFACE. Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

INDIVIDUAL BUILDING LOT. A single parcel of land within a multi-parcel development.

INDIVIDUAL LOT OPERATOR. A contractor or subcontractor working on an individual lot.

INDIVIDUAL LOT OWNER. A person who has financial control of construction activities for an individual lot.

INFILTRATION. Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

INLET. An opening into a storm drain system for the entrance of surface storm water runoff, more completely described as a storm drain inlet.

LAND SURVEYOR. A person licensed under the laws of the State of Indiana to practice land surveying.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

LATERAL STORM SEWER. A sewer that has inlets connected to it but has no other upstream storm sewer connected. Lateral storm sewers connect to a main storm sewer outlet.

MANHOLE. Storm sewer junction and maintenance structure through which a person or equipment may enter to gain access to an underground storm sewer or enclosed structure.

MEASURABLE STORM EVENT. A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half inch of rainfall.

MS4 OPERATOR. The person tasked with managing the MS4 area activities covered by 327 IAC 15-13.

MULCH. A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). An MS4 meets all the following criteria: (a) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (b) discharges to waters of the U.S.; (c) is designed or used for collecting or conveying stormwater; (d) is not a combined sewer; and, (e) is not part of a Publicly Owned Treatment Works (POTW).

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM. A permit developed by the USEPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

NATURAL DRAINAGE. The flow patterns of stormwater run-off over the land in its pre-development state.

NON-RESIDENTIAL PROPERTY. A parcel or property that is not a Residential Property.

NUTRIENT(S).

- (a) A substance necessary for the growth and reproduction of organisms.
- (b) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

OFF-SITE. Considered to be not on-site. Typically not under the direct control or influence of the developer.

ON-SITE. Located within the controlled area of development.

OPEN DRAIN. A natural watercourse or constructed open channel that conveys drainage water.

OPEN SPACE. Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

OUTFALL. The point or location where storm runoff discharges from a storm sewer or drain; also applies to the outfall sewer or channel which carries the storm runoff to its point of outfall.

OUTLET. The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

PEAK FLOW. The maximum rate of flow of stormwater at a given point in a channel or conduit resulting from a particular storm or flood, commonly recorded in cubic feet per second.

PERMANENT STABILIZATION. The establishment, at a uniform density of 70% across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

PERVIOUS. Allowing movement of water.

POINT SOURCE. Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

PROFESSIONAL ENGINEER. A person licensed under the laws of the State of Indiana to practice professional engineering.

PROJECT SITE. The entire area on which construction activity is to be performed.

PROJECT SITE OWNER. The person required to submit a stormwater permit application, and required to comply with the terms of this chapter, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

RADIUS OF CURVATURE. Length of radius of circle used to define a curve.

RAINFALL INTENSITY. The cumulative depth of rainfall occurring over a given time period, normally expressed in inches per hour.

REACH. Any selected length of river, channel or storm sewer.

RECREATIONAL WATERS. Most recreational activities within the MS4 area revolve around the Wabash River.

REDEVELOPMENT. Alterations of a property that change a site or building in such a way that there is disturbances of one acre or more of land. The term does not include such activities as exterior remodeling.

REFUELING AREA. An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

REGULATORY FLOOD. The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood".

REGULATORY FLOODWAY. See FLOODWAY.

RELEASE RATE. The amount of stormwater released from a stormwater control facility (typically a detention basin or retention pond) per unit of time. This term is normally expressed in cubic feet per second.

RESERVOIR. A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

RESIDENTIAL PROPERTY. **A parcel or property containing a single building or structure intended for sleeping purposes and containing not more than one (1) Dwelling Unit.**

RETENTION. The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

RETENTION BASIN OR POND. A stormwater control facility designed to retain a permanent pool of water after having provided its planned detention of runoff during a storm event, or one that has no outlet and discharges into the soil with time.

RETURN PERIOD. The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

RIPARIAN ZONE. Areas on and adjacent to the banks of a stream, river, or pond, through which surface and subsurface hydrology connect waterbodies with their adjacent uplands.

RIPARIAN HABITAT. A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

RUNOFF. That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

RUNOFF CO-EFFICIENT. A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drain system to the total amount of rain falling. A co-efficient of 0.5 implies that 50% of the rain falling on a given surface appears as storm water runoff.

SEDIMENT. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface. Material of soil and rock origin, transported, carried and deposited by water.

SEDIMENTATION. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

SITE. The entire area included in the legal description of the land on which land disturbing activity is to be performed.

SLOPE. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise) e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator (e.g., 1V:2H). Slope expressions in this chapter follow the common presentation of slopes (e.g., 2:1) with the metric presentation shown in parenthesis (e.g., (1V:2H)). SLOPES can also be expressed in "percents". SLOPES given in percents are always expressed as $(100 \cdot V/H)$ (e.g., a 2:1 (1V:2H) slope is a 50% slope).

SOIL. The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

SOIL AND WATER CONSERVATION DISTRICT. A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water, and related

resource conservation, use, and development within its boundaries. A subdivision of state government with a local governing body, established under I.C. 14-32.

SOLID WASTE. Any garbage, refuse, debris, or other discarded material.

SPILL. The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

SPILLWAY. A waterway in or about a hydraulic structure, for the passage or flow of water. A portion of a stormwater control facility designed for the passage or flow of water.

STILLING BASIN. A water-filled basin used to dissipate energy of flowing water.

STORAGE DURATION. The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

STORM EVENT. An estimate of the expected amount of precipitation within a given period of time. For example, a ten-year frequency, 24-hour duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hour period.

STORM SEWER. A closed conduit for conveying collected storm water, while excluding sewage and industrial wastes. Also called a storm drain.

STORMWATER. Water resulting from rain, melting or melted snow, hail, or sleet.

STORMWATER UTILITY FEE. **The charge imposed by Section 100 of this chapter.**

STORMWATER POLLUTION PREVENTION PLAN. A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

STORMWATER RUNOFF. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

STORMWATER QUALITY MANAGEMENT PLAN. A comprehensive written document that addresses stormwater runoff quality.

STORMWATER QUALITY MEASURE. A practice, or a combination of practices, to control or minimize pollutants associated with storm water runoff.

STORMWATER DRAINAGE SYSTEM. All means, natural or man-made, used for conducting storm water to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

STRIP DEVELOPMENT. A multi-lot project where building lots front on an existing road.

SUBDIVISION. The division of a parcel of land into two or more lots, parcels, tracts, sites, units, plats, or interests for the purpose of offer, sale, lease, transfer or development; either on an installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. **SUBDIVISION** includes the division of land in any zoning district, whether by deed, metes and bounds description, devise, intestate, lease, map, plat, survey or other recorded instrument.

SUBSURFACE DRAIN. A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

SURFACE RUNOFF. Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

SWALE. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

TEMPORARY STABILIZATION. The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of 70% across the disturbed area.

TOPOGRAPHIC MAP. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

TOPOGRAPHY. The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

TRIBUTARY. Contributing stormwater from upstream land areas.

URBANIZATION. The development, re-development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, municipal, or public utility purposes.

VINCENNES LEVEE SYSTEM. All flood control works that provide flood protection to the City of Vincennes. Including the Brevoort Levee Project as determined by the USACE.

WATER QUALITY. A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

WATER RESOURCES. The supply of groundwater and surface water in a given area.

WATERBODY. Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

WATERCOURSE. Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either regularly or intermittently.

WATERSHED. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facilities. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

WATERSHED AREA. All land and water within the confines of a drainage divide. See also Watershed and Drainage Area.

WETLANDS. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SECTION 2

53.100 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.100 – STORMWATER UTILITY FEE; RIGHTS AND RESPONSIBILITIES OF PROPERTY OWNER.

A Stormwater Utility Fee shall be imposed on each and every lot and parcel of land within the City that directly or indirectly contributes to the City's Stormwater Drainage System, and the Stormwater Utility Fee shall be assessed against the property owner thereof, who shall be considered the user for purposes of this chapter.

This Stormwater Utility Fee is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future Stormwater Drainage System. Stormwater Utility Fees shall be the ultimate responsibility of the property owner, including all penalties, recording fees, attorneys' fees, interest, court costs and other costs, as applicable. The Department shall develop and promulgate 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 the Stormwater Utility Fee for such properties.

SECTION 3

53.101 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.101 – DESIGN OF STORMWATER UTILITY FEE

The Stormwater Utility Fee is designed to recover the cost of rendering stormwater service to the users of the Stormwater Drainage System, and shall be the basis for assessment of the Stormwater Utility Fee. The Stormwater Utility Fee is established 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.

SECTION 4 Rev. 05-13-10

53.102 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.102 - STORMWATER UTILITY FEE FOR RESIDENTIAL PROPERTY

The Stormwater Utility Fee for a Residential Property shall be Three Dollars (\$3.00) per ERU per month.

SECTION 5

53.103 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.103 - STORMWATER UTILITY FEE FOR NON-RESIDENTIAL PROPERTY

The Stormwater Utility Fee for a Non-Residential Property shall be assessed on a monthly basis based on the impervious surface area of such property. The square footage of the impervious surface area on a Non-Residential Property shall be divided by 2,800 square feet (i.e., one (1) ERU), and the resulting ERU shall be rounded in accordance with section 104 of this chapter. A Non-Residential Property shall not have an ERU multiple of less than one (1). The resulting ERU multiple shall then be multiplied by Three Dollars (\$3.00) to determine the applicable monthly Stormwater Utility Fee for the Non-Residential Property. Notwithstanding the foregoing, public rights-of-way and railroad rights-of-way shall be exempt from the Stormwater Utility Fee.

SECTION 6

53.104 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.104 - ROUNDING OF ERU AND STORMWATER UTILITY FEES

ERU multiples shall be rounded to the nearest tenth. The monthly Stormwater Utility Fees shall be rounded to the nearest whole cent.

SECTION 7

53.105 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.105 - PAYMENT AND COLLECTION

A) Terms of Payment: The Stormwater Utility Fees described in 53.102 and 53.103 shall be due on the payment date set out on the bill. Stormwater Utility Fees shall be billed semi-annual. It shall be a violation of this chapter to fail to pay a bill for stormwater service 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 user from the responsibility for any unpaid charges incurred at a previous location.

B) Bad Check Charge: Checks returned for insufficient funds will be subject to reimbursement of the fee the banking institution charges the City and an administration charge to be established by

the Department not in excess of the amount provided in IC 35-43-5-5(e). A customer submitting a bad check may be prohibited from making future Stormwater Utility Fee payments by check.

C) Collection: Delinquent Stormwater Utility Fees constitute a lien against the property and may be collected, along with applied penalties, recording fees and service charges, in accordance with the provisions of IC 36-9-23-32 and IC 36-9-23-33, as amended from time to time. Delinquent Stormwater Utility Fees may also be collected in a civil action along with reasonable attorneys' fees and court costs.

SECTION 8

53.106 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.106 – APPEALS OF ERU DETERMINATION OF NON-RESIDENTIAL PROPERTY

(A) If, in the opinion of any non-residential property owner, the ERU multiple assigned to the property of such owner is inaccurate, such property owner may appeal such ERU determination by filing an "Appeal Form" prescribed by the Board. The "Appeal Form" must be filed within thirty (30) days after the date the assessment notice or the bill is mailed or issued to the property owner.

Grounds for appeal include:

- 1) Incorrect classification of the property;
- 2) Errors in the square footage of the impervious surface area of the property;
- 3) Mathematical errors in calculating the Fee to be applied to the property; and
- 4) Errors in the identification of the owner of a property subject to the Fee.

(B) If a property owner alleges an error under subsection (A)(2) of this section, the request for correction must include a certification by a professional engineer or land surveyor of the impervious surface area of the property. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.

(C) A property owner must comply with all rules and procedures adopted by the Board when submitting a request for an appeal and must provide all other relevant information requested by the Board. The Board shall make a determination within forty-five (45) days after receipt of the completed "Appeal Form" and all other relevant information requested by the Board. The Board's decision on the appeal shall be final.

SECTION 9

53.107 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.107 – CONSOLIDATION OF CONTIGUOUS PARCELS

(A) The Board may consolidate commonly owned, adjoining properties with separate plat or legal descriptions into a single parcel of land for purposes of calculating the Stormwater Utility Fee for such properties under this chapter provided that:

1. The parcels have the same specific land use.

2. The parcels have the same ownership
3. The owner submits a “request for consolidation of contiguous parcels” form as prescribed by the Board.

(B) The Board’s decision on a request for consolidation of the parcels shall be final.

SECTION 10

53.108 IS ADDED TO THE CITY OF VINCENNES INDIANA CODE OF ORDINANCES AS A NEW SECTION TO READ AS FOLLOWS:

53.108 – STORMWATER FUND

All revenues earned and fees collected under this chapter, including interest earnings on any unused funds shall be deposited in an account entitled “City of Vincennes Stormwater Fund” and shall be subject to the provisions of IC 36-9-23, as amended from time to time. Disbursements from the Stormwater Fund shall be authorized by the USB. Such disbursements shall be used exclusively for the operation, maintenance and improvement of the stormwater drainage system and the Vincennes levee 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 IC 36-9-23, as amended from time to time, revenues deposited in the Stormwater Fund shall be subject to the covenants contained in the ordinance or ordinances authorizing such outstanding bonds.

SECTION 11

Any and all contracts and/or other legal agreements held by the City for stormwater related services, projects, program management or other professional services shall be transferred to the Board on July 1, 2010 and shall remain in full force and effect for the remainder of the contractual terms.

SECTION 12

If any sections, sentence or provision of this ordinance, or application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are to be severable.

SECTION 13

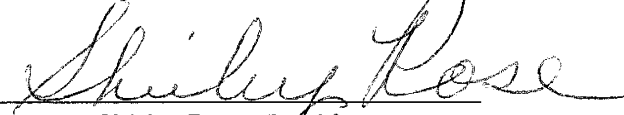
All ordinances or parts thereof in conflict herewith are hereby ordered repealed.

SECTION 14

This Ordinance shall become effective on July 1, 2010 and after proper publication in accordance with Indiana law. All ordinances or parts thereof in conflict herewith are hereby ordered repealed.

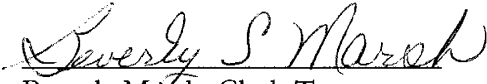
PASSED AND ADOPTED by the Common Council of the City of Vincennes, Indiana this 24th day of
 MAY , 2010.

COMMON COUNCIL OF THE
CITY OF VINCENNES, INDIANA



Shirley Rose, President

ATTEST:



Beverly Marsh, Clerk-Treasurer

Presented by me, the undersigned City Clerk of the City of Vincennes, Indiana, to the Mayor of said
City for his approval on the 24th day of MAY , 2010, at 7:50 o'clock p. m.

Beverly Marsh, Clerk- Treasurer

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Vincennes, approve
said Ordinance and return the same to the City Clerk of the City of Vincennes, Indiana this 24th day of
 MAY , 2010.

Al Baldwin, Mayor