

ORDINANCE NO. 2016-07

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA

**AN ORDINANCE OF THE CITY OF LEBANON, INDIANA CONCERNING AMENDMENTS
TO THE SCHEDULE OF RATES FOR USERS OF THE STORMWATER SYSTEM
(ORDINANCE NO. 2007-7, 2007-8)**

WHEREAS, the City of Lebanon, Boone County, Indiana (“City”), may, pursuant to Indiana law I.C. § 36-1-3 (Home Rule), enact ordinances for effective governance; and

WHEREAS, the City has adopted the provisions of I.C. § 8-1.5-5 relating to the establishment of a Department of Storm Water Management and established a board to control the City’s storm water facilities (the “Board”); and

WHEREAS, the City of Lebanon Stormwater Code (“Code”) as established by Ordinance No. 2006-15 requires the storage and controlled release of excess stormwater runoff for all new business, commercial and industrial developments, residential subdivisions, planned developments, rural estate subdivisions, redevelopments, or other new construction located within the City of Lebanon; and

WHEREAS, the Code established and imposed a user fee applicable to all properties within the City and currently imposes the fee at a rate evaluated periodically by the Board to determine its sufficiency in providing adequate resources for the Board to effectively manage, repair, maintain and improve the City’s storm water management system; and

WHEREAS, the Board engaged Donohue and Associates to conduct an evaluation of the current rate structure for storm water management in relation to the current expenses of the Board and projected future expenses, which was presented to the Board at their public meeting conducted July 11, 2016, and the Rate Study Report (entitled “Storm Water Utility Rate Study, June 2016 Final Report”) is hereby incorporated by reference (hereinafter, the “Report”); and

WHEREAS, the Board, having considered the Report and recommendations contained therein and factors recited in I.C. § 8-1.5-5-7(d), voted to recommend increases in the fee of \$0.25 per Equivalent Dwelling Unit (“EDU”), per month in 2017, \$0.25 per EDU, per month in 2021, and \$0.25 per EDU, per month in 2025; and

WHEREAS, the Common Council for the City of Lebanon (“Council”) finds it in the best interests of the City to amend the Code to increase the fee for the Stormwater Management to properly fund the installation, repair and management of facilities and infrastructure for storm water and to adequately provide for development and management of existing infrastructure and to provide for the continued operation of the Board and its employees as recommended by the Board.

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, MEETING IN SESSION AS FOLLOWS:

Section 1. The Stormwater Management Schedule of Rates, codified as Chapter 56, Section 56.129 in the City of Lebanon, Indiana Code of Ordinances, is hereby amended and replaced with the following:

A new Section “(C)” is added to state (added language italicized):

(C) The base rate shall increase in the amount of \$0.25/EDU/month in 2017; \$0.25/EDU/month in 2021, and \$0.25/EDU/month in 2025.

Section 2. This Ordinance shall take effect upon adoption and as provided for under Indiana law. Any provisions of the Code that conflict with the provisions of this Ordinance are hereby rescinded as applied and shall be superseded by the terms of this Ordinance.

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PASSED AND ADOPTED THIS 26th day of Sept., 2016.

LEBANON CITY COUNCIL

Voting For

Voting Against

Abstain


Keith Campbell

Keith Campbell

Keith Campbell


John Copeland

John Copeland

John Copeland


Dan Fleming

Dan Fleming

Dan Fleming

ABSENT
Mike Kincaid

Mike Kincaid

Mike Kincaid


Corey Kutz

Corey Kutz

Corey Kutz



Jeremy Lamar

Jeremy Lamar

Jeremy Lamar


Dick Robertson

Dick Robertson


Dick Robertson

I hereby certify that ORDINANCE 2016-07 was delivered to the Mayor of Lebanon on the 26th day of September, 2016, at 8:30 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2016-__
this 26 day of September, 2016

I hereby VETO ORDINANCE 2016-__
this __ day of _____, 2016

Matthew T. Gentry
Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer