

ORDINANCE NO. 2015-4

AN ORDINANCE ESTABLISHING THE TOWN OF LINDEN AS A SPECIAL TAXING DISTRICT FOR STORMWATER MANAGEMENT AND TO ESTABLISH A STORM WATER FUND AND TO ESTABLISH A STORM WATER FEE

WHEREAS, the properties in the Town of Linden, Indiana ("Town") generate storm water flows and these flows must be managed for the health, safety and comfort of the public; and

WHEREAS, the costs of collecting and managing storm water are not presently being recovered from the properties generating that storm water runoff and/or the properties served by that system; and

WHEREAS, the Town has previously formed a storm water utility and appointed a storm water board of directors to administer its storm water utility; and

WHEREAS, the Town intends to establish a storm water special taxing district, a storm water fund and a storm water fee to be collected annually with property tax payments; and

WHEREAS, the Town intends to establish this storm water fee for the costs of collecting and managing its storm water pursuant to IC 8-1.5-5, which authorizes the Town Council to enact such a fee; and

WHEREAS, it is prudent for the Town of Linden to establish a fund to resolve storm water collection and disposal and to repair and replace storm and drainage tiles and pursue other endeavors related to the elimination of storm water from streets and properties; and

WHEREAS, the Town Council finds that due notice and the appropriate public hearing have been given and conducted in accordance with IC 36-9-23;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Linden, Indiana, as follows:

1. Establishment Of A Special Taxing District For Purposes Of Storm Water Management.

The Town Council of Linden establishes a Special Taxing District in accordance with I.C. Section 8-1.5-5 for purposes of establishing and creating revenue for a Storm Water Fund. In accordance with said Statute, the Special Taxing District is the corporate limits of the Town of Linden, State of Indiana.

2. Establishment Of A Storm Water Fund.

The Town Council of Linden establishes a Storm Water Fund, in accordance with I.C. Section 8-1.5-5-7, 8-1.5-5-8, 8-1.5-5-9, 8-1.5-5-10 and 8-1.5-5-11.

Said funds shall be established and maintained in accordance with I.C. Section 8-1.5-5 et seq.

3. Establishment Of A Fee to Provide Revenue For The Storm Water Fund.

The Town Council of Linden establishes an annual fee, in accordance with I.C. Section 8-1.5-5-7. The Town Council establishes a flat annual fee of \$20.00 per parcel of property within the Special Taxing District to provide revenue for the Storm Water Fund. There is hereby established an annual storm water utility fee to be charged to all owners of real estate within the Town of Linden for the use of and services provided by the storm water utility of the Town.

4. Invalidity.

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

5. Effective Date.

The annual storm water user fee as herein set forth shall become effective on and payable for the year 2016.

6. This ordinance shall be in full force and effect from and after its passage and any publication as required by law.

Adopted and passed by the Town Council of the Town of Linden, Indiana, this _____ day of _____, 2015.

Attest:
