ORDINANCE NO. 2012 - 19

AMENDMENT TO ORDINANCE NO. 2006-12, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA TO ESTABLISH A DEPARTMENT OF STORMWATER MANAGEMENT

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

WHEREAS, storm water and surface water control and management as required by the Indiana Municipal Separate Storm Sewer System (MS4) – NPDES Permitting Program 327 IAC 15-13 is an unfunded government mandate placed upon citizens of Warrick County; and

WHEREAS, it is in the best interest of Warrick County and its citizens that a Department of Storm Water Management be created for the purpose of providing for the collection, disposal and drainage of storm and surface water as required by the Indiana Municipal Separate Storm Sewer System (MS4) – MPDES Permitting Program 327 IAC 15-13 within the County of Warrick; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for Warrick County as follows:

1. Indiana Code 8-1.5-5 et seq. concerning "Storm Water Management Systems" is hereby adopted by the Warrick County Commissioners, Indiana, so as to make the Act and any and all amendments thereto effective and operative in Warrick County, Indiana; and

2. Pursuant to I.C. 8-1.5-5, a Department of Storm Water Management shall be and is hereby created; and

3. Pursuant to I.C. 8.1-5-5-4.5, the Board of Directors of the Department of Storm Water Management shall be the following four (4) members: the three (3) members of the County Executive and the County Surveyor; and

4. The term of office of a member of the Board who is appointed from the membership of the County Executive is coextensive with the member's term of office on the County Executive; and

5. The term of the Surveyor or the Surveyor's designee as a member of the Board is coextensive with the Surveyor's term of office; and

6. Pursuant to I.C. 8-1.5-5-4.5(d), a member of the Board of Directors is not entitled to a salary or per diem for serving on the Board. However, a member shall be reimbursed for necessary expenses incurred by the member in the performance of their official duties; and

7. Pursuant to I.C. 8-1.5-5, there is hereby created a Utility district which shall include all of the territory within the corporate boundaries of Warrick County that is not located in a municipality; and

8. Funding of Department of Storm Water Management. Funding for the Department of Storm Water Management's activities may include, but not be limited to, the following:

   (A) Storm Water User's Fees.
   (B) Civil penalties and damage assessments imposed for or arising from the violation of the County's Storm Water Management Ordinances.
   (C) Soil and Erosion Control Plan Permit fees.
   (D) Compliance inspection fees.
   (E) Taxes levied pursuant to IC 8-1.5-5 or other relevant authority.
   (F) Revenue bonds issued pursuant to IC 8-1.5-5.
   (G) Other funds or income obtained from federal, state, local, and/or private sources as provided by law or from grants, or revolving funds; and

9. Fees established.

   (A) Storm Water User's Fee established.

      1. There shall be imposed on each and every property in the County outside of a municipality, except exempt property, a Storm Water User's Fee, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this ordinance.

      2. Prior to establishing or amending user's fees, the county shall advertise its intent to do so by publishing notice in a newspaper of general circulation in Warrick County pursuant to IC 5-3-1.

   (B) Soil and Erosion Control Plan Permit Fee.

      1. There shall be imposed on each and every property being developed in the Town, a Soil and Erosion Control Plan Permit Fee, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this ordinance.

      2. Prior to establishing or amending the Soil and Erosion Control Plan Permit Fee, the County shall advertise its intent to do so by publishing notice in a newspaper of general circulation in Warrick County pursuant to I.C. 5-3-1.

   (C) Compliance Inspection Fee.

1. There shall be imposed on each and every property in the County outside of a municipality, a Compliance Inspection Fee, for inspections necessitated because of a violation of any provision of this Ordinance, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this ordinance.

2. Prior to establishing or amending the Compliance Inspection Fee, the County shall advertise its intent to do so by publishing notice in a newspaper or general circulation in Warrick County at least thirty (30) days in advance of the meeting pursuant to I.C. 5-3-1; and

10. The Storm Water Management Board shall prepare a budget for the operation of the Department on an annual basis. The budget shall set forth the estimated revenues and costs for operations and maintenance, extension and replacement, debt and other revenue and costs provided by law. The budget shall contain funds to maintain the Indiana Municipal Separate Storm Sewer System (MS4) – NPDES Permitting Program 327 IAC 15-13 and shall include but not limited to:

    (A) General administration
    (B) Public Education and Outreach
    (C) Public Participation and Involvement
    (D) Illicit Discharge Detection and Elimination
    (E) Construction Site Runoff Control
    (F) Post-Construction Site Runoff Control
    (G) Pollution Prevention and Good Housekeeping
    (H) Tracking & Monitoring Storm Water Quantity into the Sanitary Storm Sewer System and into Warrick County Legal Drains; and

11. Any Warrick County ordinance or provision of any ordinance in conflict with the provisions of this ordinance is hereby repealed; and

12. 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; and

13. This Ordinance shall be in full force and effect from and after its adoption and approval by the Warrick County Commissioners.

DATED this 9th day of May, 2012.

Don Williams

Don Williams

Tim Mosbey

Tim Mosbey

Marlin Weisheit

Marlin Weisheit

ATTEST:

Dixie Dugan

Dixie Dugan
Auditor for Warrick County