

TOWN OF WINONA LAKE, INDIANA STORMWATER UTILITY

POLICY AND PROCEDURES MANUAL

Prepared for:



Town of Winona Lake
Stormwater Utility

Prepared by:



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Adopted and Approved by the Town Council of the Town of Winona Lake, Indiana
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Chapter 1: Introduction

The purpose of this manual is to establish policies and procedures for the Winona Lake Stormwater Utility for determining impervious surface area (ISA), establishing the Equivalent Residential Unit (ERU) for stormwater users, billing and collection, and the credit process.

The Town of Winona Lake established its Stormwater Utility under provisions of IC 36-9-23. The Stormwater Utility is responsible for the operation, maintenance and management of the Town's storm sewer system and funds stormwater management activities by charging user fees to the owner or tenant of each property containing ISA within the corporate limits of the Town of Winona Lake.

Stormwater utility customers pay user fees. The service that is being provided is the management of stormwater runoff from properties within the Town and the activities that the utility is doing throughout the community to manage storm water quantity and quality. Revenues from stormwater user fees are used to pay for capital improvement projects, repair projects and operation and maintenance (O&M) costs. O&M costs may include personnel wages and salaries, billing costs, equipment costs, inlet and storm sewer maintenance, ditch maintenance and other support activities.

Beginning in September 2020, an Advisory Committee was assembled to assist in studying options for stormwater user fees. Wessler Engineering (Engineering Consultant), and Baker Tilly (Financial Consultant), provided technical assistance. The content of this manual was studied and developed with input from the committee.

Chapter 2: Definitions and Acronyms

2.1 Definitions

As used in this manual, the following terms shall have meanings attributed to them as follows:

Business – The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

Compacted Gravel – a gravel, crushed stone, or rock surface that impedes or prevents the infiltration of stormwater into the soil. Such surfaces are subject to vehicular or equipment traffic or may be used as a roadway, driveway, alley or parking surface.

Conveyance – any structural facility for transferring stormwater between two (2) points, including public streets, roads, alleyways, and highways; curb and gutter; inlets, catch basins, manholes and structures; pumping stations; pipes and culverts; outfalls; channels, legal drains, creeks, ditches, swales, and streams; retention or detention facilities; and other structural components and equipment that transport, move or regulate stormwater.

Discharge – the flow of any stormwater runoff, pollutant, or other substance into or from the stormwater system.

Dwelling – a building or place of shelter to live in.

Equivalent Residential Unit (ERU) – the average amount of impervious surface area for a single-family residential property located within the corporate limits of the Town of Winona Lake. The ERU for the Town is 3,800 square feet of impervious surface area and shall be used in calculating user fees.

Home-Based Business Property – a residential property in which business is conducted on the property. The determination as to whether a home-based business is to be billed as non-residential will be on a case-by-case basis. If a significant change in impervious surface area is required to accommodate the business then it will be charged as non-residential.

Impervious Surface Area (ISA) – the horizontal surface area of property covered with materials that include, but are not limited to concrete, asphalt, rooftop, blacktop and compacted gravel, such that the infiltration of stormwater is prevented or impeded. The total amount of ISA located on a property without regard to topographic features of the property is

included. Driveways, parking lots and other areas used for vehicular traffic are considered ISAs. Undisturbed land, tilled agricultural land, ponds, lawns and fields are not considered ISAs for the purposes of ISA measurements. Open topped tanks or pools that collect rainwater are not to be measured as impervious surfaces.

Impervious surface - Any material that prevents or impedes absorption of stormwater into the ground such as concrete, asphalt or compacted gravel.

Infiltration – passage or movement of water into the soil.

Multi-Unit Property – a lot or parcel on which a building is situated containing two (2) or more units. A multi-unit property containing four (4) or more units shall be classified and billed as a non-residential property.

Mobile Home – a trailer, that may be fitted with parts for connection to utilities, that can be installed on a permanent site and is used as a dwelling. Also called a manufactured home.

Mobile Home Park - a parcel of land containing two (2) or more spaces, with required improvements and utilities, leased for the long-term placement of mobile homes. A mobile home park does not involve the sales of mobile homes in which unoccupied units are parked for inspection or sale.

Non-Residential Property – all properties not categorized as residential properties. Non-residential properties include, but are not limited to the following:

- Agricultural property
- Businesses and commercial property
- Churches and other places of religious affiliation
- Community buildings
- Federal, state, and local government property
- Home-based business properties that significantly increase impervious surface area to accommodate the business
- Hospitals and medical centers
- Industrial property
- Multi-unit properties which contain four (4) or more units
- Mobile home parks
- Retirement centers
- Schools and colleges
- Home-based business property that is zoned residential.
- Common areas of residential developments including but not limited to, parking lots, recreational areas, office buildings, maintenance areas, and all other areas not occupied by residential units

Pervious Surface – a surface that allows or encourages the infiltration of stormwater. Pervious surfaces include, but are not limited to, undisturbed land, tilled agricultural land, ponds, lawns (grass and landscaped areas), pervious pavements and vegetated fields.

Property Owner – The person(s) identified as the property owner on the most recent tax record maintained by the Kosciusko County Auditor's Office.

Residential Property – a lot or parcel on which a residential dwelling is situated. Residential properties include the following:

- Single family home
- Mobile home on an individual lot or that is individually owned
- Multi-unit property consisting of three (3) or less residential units in a single building
- Home-based business properties that are zoned as residential

Runoff – the portion of precipitation that flows from a drainage area on the land surface, in open channels, or in the stormwater conveyance system.

Storm Sewer – an underground piped system which is part of the stormwater conveyance system. A storm sewer is intended to convey only stormwater, surface runoff, and drainage and is not intended for sanitary sewage and industrial wastes. Also called a storm drain or storm pipe.

Stormwater – water resulting from rain, melting or melted snow, hail, or sleet.

Stormwater Conveyance System – all facilities and conveyances used for collecting and conveying stormwater to, through and from drainage areas to the point of final outlet.

Stormwater Facilities – all stormwater and drainage components used for collecting and conveying stormwater including but not limited to conduits and appurtenant features; public streets, roads, alleyways, and highways; curb and gutter; inlets, catch basins, manholes, and structures; pumping stations; pipes and culverts; outfalls; channels, legal drains, creeks, ditches, swales, and streams; retention or detention facilities; and other structural components and equipment that transport, move or regulate stormwater.

Stormwater Management Activities – Activities conducted by the Stormwater Utility and the Town of Winona Lake that benefit stormwater utility customers and allow the Town to comply with federal and state laws and regulations. Some of the activities of the

Stormwater Utility include: stormwater monitoring and sampling; storm drain marking; street sweeping; stormwater system maintenance and cleaning; capital improvement projects for flood control; stormwater quality education; erosion and sediment control; and other similar activities.

Stormwater User Fee – a charge imposed by the Stormwater Utility for the funding of stormwater management activities.

User (or Customer) – the owner and/or tenant of a property, lot, parcel of land, building or premises within the Town of Winona Lake corporation limits and containing impervious surface area.

2.2 Acronyms

ERU	Equivalent Residential Unit
GIS	Geographic Information System
IDEM	Indiana Department of Environmental Management
ISA	Impervious Surface Area

Chapter 3: Stormwater User Fee Determination

3.1 Impervious Surface Measurements

The volume and rate of stormwater runoff on a property is calculated by the total surface area, the intensity of the rainfall and the percent of ISA. Properties with more impervious surface generate more runoff and at a faster flow rate. Properties with less impervious surface (or more pervious surface) generate less runoff and at a slower flow rate. Impervious surfaces tend to collect and transport stormwater pollutants that are deposited on these surfaces.

The method of measuring ISA of properties is through the use of aerial photography in AutoCAD or GIS. GIS layers such as parcel delineations, corporate limit delineations, public right-of-way lines, and 911 address systems are used to define the ISA boundaries. This type of information provides an accurate means of gathering measurements and correctly charging stormwater user fees to each property.

3.2 ERU Determination

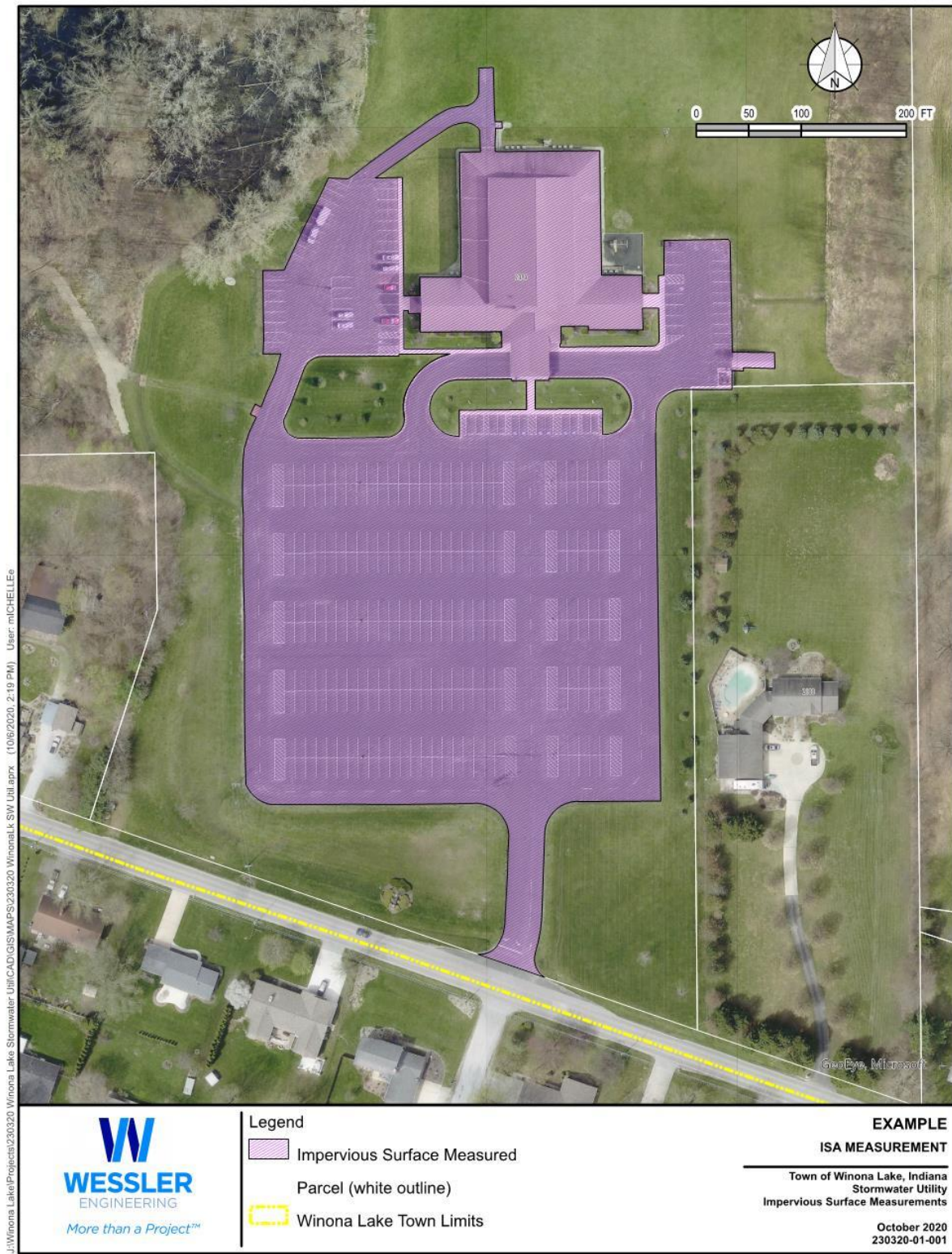
A sample set of residential properties was selected to calculate the average ISA for residential properties in Winona Lake. ISA measurements were determined using aerial photography, submitted construction plans, and field measurements (measurements completed by Wessler Engineering in October 2020).

A random sample of residential properties was selected within the corporate limits of Winona Lake. A total of 50 residential properties were measured for their ISA. The average residential ISA was calculated as 4,153 square feet. A statistical analysis was completed to verify the accuracy of the sample set and the average residential ISA calculation. The statistical analysis resulted in a 95% confidence that if all of the residential properties in Winona Lake were measured, the average ISA would fall between 3,482 and 4,196 square feet. The ERU for the Town of Winona Lake is determined to be 3,800 square feet, and shall be used in calculating user fees for non-residential properties. Residential properties are assessed 1.0 ERUs.

3.3 Non-Residential Measurements

All non-residential properties are to be measured for ISA and individually billed. Public streets and sidewalks parallel to public streets shall not be used in the calculation of the ISA of a property for purposes of determining the stormwater user fee applicable to it. Access drives to individual properties shall be measured to the edge of the public street and used in the calculation of the ISA

to determine the stormwater user fee. The following figure illustrates an example ISA measurement.



When improvements are made to non-residential properties, the property owner/developer shall provide during the permit application process to the Building Department the ISA measurements (in square feet) for the completed project in order for that property to be accurately billed. A procedure is to be developed for the transfer of ISA information to the utility billing department.

3.4 Stormwater User Fees

Stormwater user fees shall be charged according to the total ISA on the property. The user fee per ERU shall be established by ordinance. The user fee may be changed from time to time by the Town Council.

Stormwater user fees do not relieve any property owner from compliance with the Town of Winona Lake and/or Kosciusko County ordinances or other applicable state and federal laws and regulations.

3.5 Residential vs. Non-Residential Properties

The monthly user fee for residential properties (refer to the definitions section of this manual) will be the uniform stormwater user fee for one (1) ERU. This acknowledges that all properties of the Town of Winona Lake place demands on the storm sewer system and benefit from the Town's stormwater management activities.

The monthly user fee for non-residential properties varies as described below. All non-residential properties will be charged the uniform stormwater user fee per ERU.

The ERU for a non-residential property (refer to the definitions section of this manual) shall be based upon the amount of ISA (measured in square feet) contained within the property. ERUs for non-residential properties are billed based on ERU categories. Billing categories shall be established by the Council and an ERU multiplier will be assigned to each billing category. This method allows for the non-residential property user fees to be based upon the amount of ISA within the property as compared to the amount of ISA of the average residential property.

Chapter 4: Billing and Collection

A stormwater user fee shall be imposed on each and every property, lot, parcel of land, building or premises that contains ISA. All stormwater user fees shall be calculated monthly.

Charges for stormwater service shall be billed by and through Winona Lake Utilities on the monthly utility bill. Billing and collection for the stormwater utility in accordance with the Town of Winona Lake's current sewer utility billing and collection policies

- For sewer users normally receiving monthly utility bills for Town services, the stormwater utility fee shall be included in the monthly bill rendered to the established customer. This could be an owner or tenant.
- For properties not receiving monthly utility bills for Town services, the bill or statement for the stormwater utility user fee shall be sent to the property owner as identified by property tax records.

Chapter 5: Appeals Process

Non-residential property owners may petition the Town of Winona Lake's Town Council through a request submitted to the utility office for a stormwater user fee billing adjustment if the property classification assigned to the property is inaccurate, if sufficient cause exists to believe the property's ERUs were determined erroneously, or if alteration to the property has been made that might be expected to have changed the property's ERU determination. One appeal will be allowed per property owner or per property alteration. The petitioner must not be delinquent and must file the petition within ninety (90) days of receiving the stormwater user fee bill in question to have fees in that bill subject to adjustment (i.e. bills prior to 90 days before the filing of a petition are not subject to adjustment). The petitioner shall state in writing why it is believed an adjustment is justified and shall include any supporting evidence, clearly defined, with the petition.

The Town's appointed reviewer shall examine the petition and any submitted documentation, make a determination as to whether the petitioner is entitled to an adjustment of the ERU determination, and notify the petitioner in writing of the decision and the basis of the decision within sixty (60) days. The reviewer may grant, deny, or modify the adjustment requested in the petition. If it is determined that the petitioner is entitled to an adjustment of the ERU determination, the adjustments will be made in the form of a credit against future stormwater user fees.

The petitioner may appeal the reviewer's decision to the Town provided the Town has received written notice of the appeal from the petitioner within thirty (30) days of the reviewer's determination. The Town shall notify the petitioner of the time and place of the hearing on the appeal. The Town will make a determination as to whether the petitioner is entitled to an adjustment of the ERU determination and notify the petitioner in writing within thirty (30) days of the appeal hearing. The Town may grant, deny, or modify the adjustment requested in the petition. If it is determined that the petitioner is entitled to an adjustment of the ERU determination, the adjustments will be made in the form of a credit against future stormwater user fees.

Chapter 6: User Fee Credits

A reduction in the stormwater user fee, or credit, may be available to users based on specific qualifying conditions that mitigate the effects of increased stormwater runoff and stormwater pollution from a property and for qualifying educational activities. If it is determined that a user fee credit is to be granted, the adjustments will be made in the form of a credit against future stormwater user fees. Final approval of all credits will be at the discretion of the Town Council.

Credit procedures outlined in this chapter are not intended to be all-inclusive. Upon approval, stormwater user fee credits may be allowed for circumstances not described in this chapter.

6.1 Education Credits

Education credits are available to all public and private schools, colleges, or universities. In order for a school or school system to receive a stormwater user fee education credit, the school must implement an educational program that educates and informs the students on the importance of preserving and restoring the source and integrity of water resources (stormwater, ground water and/or surface waters).

To qualify for the credit, the educational program must be approved annually by the Council or designated representative and an annual report of educational activities must be submitted.

The maximum credit for any single property shall not exceed 25% credit for any one property. The Council will make the final decision on the total credit awarded.

6.2 Conservation Area Credits

Conservation area credits are available to non-residential properties that preserve undeveloped, sensitive areas such as forested lands, wetlands, and floodplains. Credit will also be considered on a case-by-case basis for other types of undeveloped lands. The conservation area must be located within a permanent conservation easement and recorded with the property.

Applications for conservation area credits shall be submitted with the detailed technical information listed below before the application will be considered complete. Incomplete applications will not be reviewed.

- Site plans at an appropriate scale and showing the site, topographic details, effective limits of conservation area, and the surrounding area
- Supporting documentation, including but not limited to the following, as applicable:

- Forested area delineation showing the boundaries of the area to be preserved
- Wetlands delineation showing the boundaries of the wetland
- Floodplain delineation (FEMA Flood map)
- Conservation easement documentation

The maximum conservation area credit shall be twenty-five percent (25%) of the original stormwater user fee determined in accordance with this manual for a non-residential property.

6.3 Maximum Credit

The maximum aggregate stormwater user fee credit for any individual property is twenty-five percent (25%) of the original stormwater user fee determined in accordance with this manual, regardless of how many individual credits for which the property qualifies.

6.4 Application Process

For credit review, the property owner must submit a written request to the town utility office. Requests will be reviewed by the Council or a designated representative. The application process does not relieve the property owner of payment of stormwater user fees during the review process. The Council will give written notification of the credit determination within sixty (60) days. The Council reserves the right to review for accuracy all plans, materials, and documentation related to the request.

Appeals of credit determination shall follow the same procedures as outlined in Chapter 5 of this manual.

6.5 Credit Expiration and Termination

Stormwater User Fee Credits will expire when a property changes ownership. New property owners will need to apply in order to be eligible for the credit.

Upon written notice, the Stormwater Utility may revoke a credit for good reason including, but not limited to, delinquency, failure to meet credit conditions, or failure to meet minimum maintenance requirements.

Appeals of credit revocation shall follow the same procedures as outlined in Chapter 5 of this manual.