TOWN OF DYER, LAKE COUNTY, INDIANA
ORDINANCE NO.: 2002-20

AN ORDINANCE AMENDING DYER TOWN ORDINANCE NO. 2002-17, BEING AN ORDINANCE ESTABLISHING A STORM WATER UTILITY USER FEE FOR THE TOWN OF DYER AND ADOPTING STORM WATER SERVICE USER FEE RATES AND POLICIES FOR THE TOWN OF DYER, INDIANA, AND REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the Town Council of the Town of Dyer, Lake County, Indiana, adopted Ordinance No. 2002-17 on or about July 16, 2002, which ordinance established a Storm Water Utility User Fee and Storm Water Service User Fee Rates and Policies for the Town of Dyer, Indiana; and

WHEREAS, the Town Council of the Town of Dyer, Lake County, Indiana, has determined that certain revisions to said Town Ordinance No. 2002-17 are necessary in order to clarify certain provisions of said ordinance; and

WHEREAS, in order to avoid confusion regarding the revisions being made to Town Ordinance No. 2002-17, the Town Council of the Town of Dyer, Lake County, Indiana, has determined to re-adopt the entire provisions of said Ordinance No. 2002-17, with all of the revisions made thereto, in this Amendatory Ordinance No. 2002-20.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DYER, LAKE COUNTY, INDIANA, AS FOLLOWS:

That Ordinance No. 2002-17 shall be amended and revised, as follows:

AN ORDINANCE ESTABLISHING A STORM WATER UTILITY USER FEE FOR THE TOWN OF DYER, INDIANA, ADOPTING STORM WATER SERVICE USER FEE RATES AND POLICIES FOR THE TOWN OF DYER, INDIANA, AND ESTABLISHING THE STORM WATER OPERATION AND MAINTENANCE FUND FOR THE TOWN OF DYER, LAKE COUNTY, INDIANA.

WHEREAS, the Town Council of the Town of Dyer, Lake County, Indiana, adopted Ordinance No. 91-5 on or about February 12, 1991, thereby creating and
establishing a Department of Storm Water Management for the Town of Dyer, Indiana; and

WHEREAS, pursuant to said Ordinance No. 91-5, the Department of Storm Water Management for the Town of Dyer, Indiana, is charged with the responsibility of providing for the collection, disposal, and drainage of storm and service water and the relieving of sanitary sewers of such water in the Storm Water Management District; and

WHEREAS, said Ordinance No. 91-5 created a special taxing district which includes all of the territory within the corporate boundaries of the Town of Dyer, Lake County, Indiana; and

WHEREAS, Indiana Code § 8-1.5-5-7, as amended, provides authority to the Department of Storm Water Management for the Town of Dyer, Indiana, after approval by the Town Council of the Town of Dyer, Indiana, to assess and collect user fees from all of the property located within said District; and

WHEREAS, the Department of Storm Water Management has conducted investigation into the needs of the Town of Dyer, Indiana, and has listed and ranked by priority the Storm Water projects determined to be necessary to maintain and approve the handling of surface water and storm water in the Town of Dyer, Indiana; and

WHEREAS, Indiana Code § 8-1.5-5-6, as amended, enables the Board of Directors of the Department of Storm Water Management of the Town of Dyer, Indiana, to:

1. Make findings and determinations;

2. Install, maintain, and operate a storm water collection and disposal system;

3. Make all necessary or desirable improvements of the grounds and premises under its control;

4. Recommend to the Town Council reasonable and just rates in charges for services provided by the Department of Storm Water Management; and
WHEREAS, the Board of Directors of the Department of Storm Water Management has determined that it is necessary for regular funding to be provided to properly budget and support the operation, repair and maintenance of the storm water collection system; and

WHEREAS, the Board of Directors of the Department of Storm Water Management has determined that it is necessary for the public health and welfare, and to provide for public utility and benefit to the Town of Dyer, Lake County, Indiana, to construct, reconstruct, repair, and install storm and service storm water sewers in order to improve storm and surface water drainage within the Town of Dyer, Indiana; and

WHEREAS, on the basis of reviewing rate structures established by other municipalities within the State of Indiana, and the Cost of Services Study prepared by Bonar Group Engineering, the Board of Directors of the Department of Storm Water Management has determined that a system of user fees based on the equivalent impervious surface area of all of the individual parcels of real property located within the Storm Water Management District is a fair and non-discriminatory basis for imposing such user fees.

WHEREAS, the Board of Directors of the Department of Storm Water Management has determined that every parcel of real property located within the Storm Water Management District contributes storm water to Dyer’s storm water system.
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DYER, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: Definitions. Whenever used in this Ordinance, the meaning of the following words and terms shall be as defined in this Section, namely:

ABATEMENT Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a storm water drainage system.

AGRICULTURAL PROPERTY A parcel of land or lot having an area in excess of five (5) acres and upon which crops have been grown for harvest within the past twelve (12) months.

APARTMENT/CONDOMINIUM PROPERTY A lot or parcel of land on which is situated a building containing five (5) or more single-family dwelling units, or on which two (2) or more buildings each containing multiple single-family dwelling units are situated.

APPROVED PLANS Plans approved by the Town of Dyer Department of Storm Water Management according to a permits and plan review which will govern all improvements made within the Town that require storm water facilities or changes or alterations to existing storm water facilities.

BEST MANAGEMENT PRACTICES ("BMP") Structural and/or non-structural controls that temporarily store storm water runoff to reduce flooding and provide other benefits.

BOARD Board of Directors of the Town of Dyer Department of Storm Water Management established under Section 9-80, et seq., of the Dyer Town Code.

CODE Dyer Town Code.
COUNTY
REGULATED DRAIN Part of the storm water conveyance system under the jurisdiction of the Lake County Drainage Board, including certain ditches, tiles, and sewers.

DESIGN STORM A rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate of a BMP.

DETENTION The temporary storage of storm water runoff in a basin, pond or other structure to control the peak discharge rates by holding the storm water for a period of time and which provides some gravity settling of particulates.

DIRECT DISCHARGE Storm water runoff from a lot or parcel of real property contiguous to Plum Creek, Hart Ditch or Dyer Ditch, or any laterals to either Plum Creek, Hart Ditch or Dyer Ditch that are regulated by the Lake County Drainage Board and enters either such ditch or lateral without crossing other properties or entering the Public Storm Water Facilities or Storm Water System.

DIRECTOR A person appointed by the Dyer Town Council to undertake the tasks and responsibilities set forth by this Ordinance, who shall serve at the discretion of the Dyer Town Council.

DRAIN Any sewer, tile, ditch, stream or other storm water conveyance channel or conduit

DSM Dyer Department of Storm Water Management.

EQUIVALENT IMPERVIOUS AREA The square foot sum of all land cover types multiplied by the corresponding runoff coefficient for each land cover type, as identified as follows:

<table>
<thead>
<tr>
<th>Land Cover</th>
<th>Runoff Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt and concrete drives, walks, and parking</td>
<td>0.90</td>
</tr>
<tr>
<td>Rooftops</td>
<td>0.90</td>
</tr>
</tbody>
</table>
Grass, lawns, parks, golf courses, cemeteries  0.15
Unimproved land, woods, agricultural  0.20
Gravel drives and parking  0.55
Ponds and lakes  0.90

EQUIVALENT RESIDENTIAL UNIT (ERU)  
A unit value equal to the average amount of equivalent impervious area of a residential property within the Town of Dyer and established at 4,343 square feet. It is also the basis for calculating the proper assessment of storm water charges to all users of the Dyer Storm Water System.

EXEMPT DRAIN  
Plum Creek, Hart Ditch or Dyer Ditch, or any laterals to either Plum Creek, Hart Ditch or Dyer Ditch that are regulated by the Lake County Drainage Board.

IMPERVIOUS AREA  
Real property that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop, and compacted gravel, such that the natural infiltration of water into the soil is prevented.

INFLTRATION  
A complex process of allowing storm water runoff to penetrate the ground surface and flow through the upper soil surface.

LOT/PARCEL  
A part or portion of land having a legal description that is formally set forth in a conveyance instrument.

NON-RESIDENTIAL PROPERTY  
All properties not encompassed within the definition of Residential Property and/or Vacant Residential Property shall be defined as Non-Residential Property. Non-Residential Property shall include, but not necessarily be limited to:

* - Agricultural property;
* - Apartment and Condominium property;
* - Mobile Home Parks;
* - Commercial property;
* - Industrial property;
* - Institutional property;
* - Governmental property;
* - Churches;
* - Schools;
* - Federal, State and Local Government owned property; and
* - any other property not mentioned herein and not specifically defined as either Residential Property or Vacant Residential Property.

NPDES National Pollutant Discharge Elimination System. Regulations for storm water discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124, as amended.

NPDES PERMIT Permit required to be obtained by the Town of Dyer pursuant to Section 402 of the Clean Water Act, as amended.

PEAK DISCHARGE The maximum rate of flow of water passing a given point during or after a rainfall event.

PERVIOUS AREA Real property that has a runoff coefficient of less than 0.90.

PRIVATE STORM WATER FACILITIES Various storm water and drainage works not under the control or ownership of the Town, County, State and/or Federal Government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move, hold or regulate storm water.

PUBLIC STORM WATER FACILITIES The various storm water and drainage works under the control and/or ownership of the Town, County State or Federal Government which may include inlets, conduits, pipes, pumping stations, manholes,
structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move, hold or regulate storm water.

**RESIDENTIAL PROPERTY**
For the purpose of this Ordinance, Residential Property refers to a lot or parcel of real property on which a building or mobile home is situated, which building contains a group of rooms forming a single inhabitable dwelling unit with facilities that are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one (1) individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU. A Residential Property having a land area in excess of five (5) acres shall be assigned one (1) ERU for the first five (5) acres, and the remaining acres in excess of five (5) acres shall be calculated according to its land cover type and size and additional ERUs shall be billed accordingly.

**RETENTION**
The holding of storm water runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

**RETROFIT**
To install or improve a Private Storm Water Facility using BMP.

**RUNOFF COEFFICIENT**
Ratio of peak flow from a drainage area (in cubic feet per second) and the product of rainfall intensity (in inches per hour) over a given land area (in acres). A measure of how much storm water runoff is produced in response to the rainfall.

**STORM SEWER**
A sewer designed or intended to convey only storm water, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial
wastes other than unpolluted cooling water. The portion of a sewer intended to carry storm water only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

**STORM WATER**

The chemical compound of hydrogen and oxygen which is produced from atmospheric clouds as rain, snow, sleet, and hail.

**STORM WATER UTILITY USER FEE**

A charge imposed on users of the Town’s Public Storm Water Facilities and Storm Water System.

**STORM WATER SYSTEM**

All constructed facilities, structures and natural watercourses under the ownership, and/or control of the Town and/or the DSM, used for collecting and conducting storm water to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Lake County Drainage Board.

**STORM WATER UTILITY CUSTOMER/USER**

The owner of a Lot or Parcel of Residential, Non-Residential, or Vacant Residential Property.

**SUBDIVISION GROUP**

All of the parcels of land within a platted residential development.

**VACANT RESIDENTIAL PROPERTY**

A lot or parcel of real property on which there does not exist a building or mobile home and which has a residential zoning classification. A vacant residential property in excess of five (5) acres in size shall be assigned a 1/3 ERU for the first five (5) acres, thereafter the remaining acreage shall be calculated according to
its land cover type and additional ERUs shall be billed accordingly.

SECTION TWO: Storm Water Utility User Fee. A Storm Water Utility User Fee shall be imposed on each and every lot and parcel of real property within the Town of Dyer, Lake County, Indiana, which charge shall be assessed against the owner thereof, who shall be considered the Storm Water Utility Customer/User for the purposes of this Ordinance. This user fee is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future Storm Water System for the Town of Dyer, Indiana.

SECTION THREE: Storm Water Utility User Fee Establishment Procedures. The storm water utility user fee shall be Six Dollars ($6.00) per ERU per calendar month. Any billings for storm water service outside this time shall be on a per diem basis. This storm water utility user fee rate is designed to recover and be able to pay the cost of rendering storm water service to the users of the Storm Water System, and shall be the basis for assessment of the Town’s Storm Water Utility User Fee. This rate is established so as 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. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the DSM.

SECTION FOUR: User Fee Structure. For the purposes stated herein, there is hereby assessed a storm water utility user fee to each Storm Water Utility Customer/User within the corporate limits of the Town of Dyer, Lake County, Indiana, in an amount as determined below. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the Storm Water System of the Town of Dyer, Lake County, Indiana, such charge shall be based upon the quantity of equivalent impervious area situated thereon. All properties having pervious or impervious area within the Town of Dyer, Lake County, Indiana, will be assigned an equivalent residential unit (ERU), or a multiple thereof.

1. Residential Properties: A monthly flat user fee for storm water service rendered to Residential Property located within the Town of Dyer shall be charged to each account, according to the service address. All Residential Properties are hereby assigned one (1) ERU. This flat rate shall apply to all Residential Properties as defined herein, except that any Residential Property
having land area in excess of five (5) acres shall be assigned one (1) ERU for the first five (5) acres, and the remaining acres in excess of five (5) acres shall be calculated according to its land cover type and size and additional ERUs shall be billed accordingly.

2. **Non-Residential Properties:** Non-residential properties located within the Town of Dyer will be assigned an ERU based upon said properties’ individually measured pervious and impervious area (in square feet) divided by 4,343 square feet (one ERU). This division will be calculated to the first decimal place (nearest tenth of one ERU).

3. **Vacant Residential Property:** Vacant Residential Property located within the Town of Dyer shall be assigned one-third (1/3) of one (1) ERU (.33 ERU) except that any Vacant Residential Property in excess of 5 acres shall be assigned one-third (1/3) of one (1) ERU for the first five (5) acres, thereafter the remaining acres will be calculated based on the land cover type and additional ERUs will be billed accordingly.

**SECTION FIVE: Billings and Terms of Payment.**

A. **Billings.** All storm water service bills shall be rendered on a monthly basis, along with the Storm Water Utility User’s charges for other Town utility services.

B. **Terms of Payment.** The Storm Water Utility User Fee shall be due on the payment date set out for the Town utility bill. It shall be a violation of this Ordinance to fail to pay a storm water service bill when due. All bills for storm water services not paid on or before the due date, which due date shall be approximately fifteen (15) days after the bill is rendered, shall be subject to a collection or deferred payment charge equal to ten percent (10%) of the outstanding balance.

C. **Collection.** Delinquent Storm Water Utility User Fees may be collected in a civil action along with other delinquent town utility charges by the Town, and the Town shall be permitted to collect its reasonable attorney’s fees and Court costs.

**SECTION SIX: Credit Policy and Procedure**
A. **Credit Availability** - Credit will be available to all properties except individual Residential Properties for various forms and levels of abatement, as approved by the DSM in accordance with the Town of Dyer Storm Water Service Credit Application and Appeal of ERU Calculations Instruction Manual.

1. **Maintenance Requirements** – Credit may only be allowed for lots and parcels of real property where structural controls are maintained in fully functional condition and according to maintenance criteria and design standards required by the DSM.

2. **Existing Structure Credits** – Credit may be allowed for previously constructed abatement features or storm water controls. The amount of credit granted will be determined by the methods of design of the structure and as approved by the DSM.

3. **Direct Discharge Credit** – Credit may be granted on the basis of location of a given property in relation to the Dyer Ditch, Hart Ditch, or Plum Creek and other legal public drains under the control and jurisdiction of the Lake County Drainage Board, if such property directly discharges its storm water to such drain in conformance with all maintenance criteria and design standards as applicable.

4. **Voluntary Controls** – Voluntary controls and/or upgrades of existing private storm water facilities through retrofiting that exceed the Town’s standard storm water abatement design criteria may be considered for credit on a case-by-case basis considering the impact of the controls on the Town’s Storm Water System, as determined by the DSM.

5. **Industrial NPDES Permit Credits** – No credit shall be allowed for industries in compliance with federal laws and regulations regarding industrial storm water discharge permits.

6. **Pollution Reduction** – No credit shall be allowed for voluntary efforts to reduce the amount of pollutants in a user’s storm water runoff or for improvements to the quality of a user’s storm water discharge.

7. **Regional Basins** – Credit will not be granted to properties draining into ponds or basins maintained or owned by the Town. Credit
may only be considered for privately owned and maintained regional controls.

8. **Percent Discounted Credits for Private Storm water Facilities** – Discounts and credits shall be computed on an ERU basis. A maximum credit equal to 80% of the gross ERUs originally assigned may be granted for the construction and maintenance of private storm water facilities considering the potential of each such facility to reduce peak and/or volume storm water flow and direct discharge capabilities.

The administrative costs involved with operation of the DSM shall be shared by all Storm Water Utility Customer/Users, including future costs incurred to meet quality-based NPDES Permit requirements which provide community-wide benefits, and thus cannot be credited. The administrative cost component of the storm water utility user fee charges is approximately twenty percent (20%) of the overall DSM operation costs. Discounts and credits shall be cumulative; however, in no case shall the total amount of discounts and credits exceed eighty percent (80%) of the Storm Water Utility Customer/User’s gross storm water utility user fee. The formula for determining the applicable credit percentage for individual parcels shall be specifically set out by the DSM.

9. **Federal, State, Town, County and Private Roadways** – Streets, roads and highways shall be given 100% credit as they form an integral part of the Storm Water System. The surface water control system incorporated in design of roadways are areas engineered to convey all design runoff without street flooding. Primary elements of the drainage system yield community-wide benefits and are installed to service the general public’s interests.

10. **Subdivision Group Credit** – A Subdivision Group comprised of Residential Properties and/or Vacant Residential Properties may be eligible for a Subdivision Group Credit.

**B. CREDIT PROCEDURES**

1. **Timing of Applications/Determinations** – An application for credit shall be made on forms provided by the DSM and the Town Clerk-Treasurer and shall be accompanied by the appropriate application fee in the sum of One Hundred Dollars ($100.00). It is the intent of the Town that
all applications will be reviewed and credits and discounts determined within forty five (45) days after submittal of a complete and correct application package. Any credit issued or approved will be effective on the 1st billing cycle for that property following completion of construction, or the date of the application. However, in the discretion of the DSM, and as determined by the DSM, a credit issued or approved may be applied retroactively to the first billing of service charges under this Ordinance.

2. **Appeals** – Appeals of credit or discount determinations shall be considered and reviewed consistent with the procedures set out below for reconsideration of ERU determinations.

3. **Payment required pending appeal determination** – An application for credit, or an appeal of a determination thereon, shall not constitute a valid reason for non-payment of the originally assessed storm water service charge by the Storm Water Utility Customer/User.

**SECTION SEVEN: APPEALS OF ERU DETERMINATIONS** – If a Storm Water Utility Customer/User determines that the ERU multiple assigned to said user’s real property is incorrect for any reason, said Storm Water Utility Customer/User shall have the right to appeal the ERU determination and thus the rate assessed in the following manner:

A. The Storm Water Utility Customer/User shall obtain and complete a Petition to Appeal Storm Water Rate form (“Petition”), which shall be returned to the Town of Dyer Clerk-Treasurer with verifiable documentation supporting the appeal.

B. The Director shall investigate the appeal and, upon review thereof, shall render a written determination to the Board and the Storm Water Utility Customer/User that either the original ERU determination and assessed rate should be affirmed or the Storm Water Utility User Fee should be adjusted in accordance with the Petition.

C. If a Petition to Appeal is denied, said determination shall be forwarded to the Storm Water Utility Customer/User by certified mail, return receipt requested. The Storm Water Utility Customer/User shall then have thirty (30) days from the date of receipt of said determination to request a reconsideration by the Board. Any additional facts concerning the appeal shall be submitted in writing to the DSM, along with a copy of the original Petition.
and supporting documents, to the Board. The Director shall submit a written report of the determination in the case, along with any documents used in denying the appeal.

D. Thereafter, the Board shall review all documentation and, if requested in writing by the Storm Water Utility Customer/User, conduct a hearing to determine and resolve the appeal. Such hearing will be scheduled by the DSM and the Storm Water Utility Customer/User will be notified by certified mail of the date of such hearing, which notice shall be received by the Storm Water Utility Customer/User at least seven (7) days prior to the date of such hearing. A written opinion shall be rendered within forty five (45) days after the hearing or submission of documentation if no hearing is conducted. The written opinion of the Board shall constitute the final DSM determination. The hearing shall be electronically recorded and if requested by the Storm Water Utility Customer/User, a transcript of the hearing shall be provided to the Storm Water Utility Customer/User. The Storm Water Utility Customer/User will be charged at a cost per page as determined by the Board, in accordance with applicable law as amended from time to time.

E. A Storm Water Utility Customer/User aggrieved by the final Board determination shall have the right to judicial review of such determination in accordance with applicable Indiana law.

F. If the Director recommends the Storm Water Utility User Fee be reduced, or reduction is ordered by the Director, the Board or any Court of competent jurisdiction, the Storm Water Utility Customer/User shall be credited accordingly for any overpayment made from the date of the Petition.

G. Dispute or appeal of an ERU determination or storm water service rate shall not be a valid reason for non-payment of the originally assessed storm water utility user fee by the Storm Water Utility Customer/User.

SECTION EIGHT: Storm Water Fund. That there is hereby established for the Town of Dyer, Lake County, Indiana, a “Dyer Storm Water Operation and Maintenance Fund,” which shall be a non-reverting fund. All revenues and fees collected for storm water service, including but not limited to, Storm Water Utility User Fees, credit application fees, and interest earnings on any unused funds, shall be deposited in the “Dyer Storm Water Operation and Maintenance Fund.” Disbursements from this fund will be authorized by the Board. Such disbursements will be used for the operation, maintenance and improvement of

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the Town of Dyer’s Storm Water System in accordance with applicable Indiana
law. Monies from this fund shall not revert to any other Town utilities or Town
fund and may not be transferred for any other purpose, except as permitted by
applicable Indiana law. The fund shall exist in perpetuity or until such time as
this Ordinance has been repealed, at which time any monies held in said fund
shall be transferred to the Town of Dyer’s general fund after payment of any and
all fees, expenses or charges that may then be owing for the operation,
maintenance and improvement of the Town of Dyer’s Storm Water System.

Commencing in the first quarter of 2007, the Board, in cooperation with the
Town of Dyer Clerk-Treasurer, shall on a biennial basis retain the services of a
Certified Public Accountant to perform an independent financial management
report regarding the DSM and the Storm Water Utility. Such report shall include
an evaluation of the rates and charges collected by the DSM, including the Storm
Water Utility User Fee, expenditures by the Board, anticipated future revenues,
and the overall financial condition of the DSM and the Storm Water Utility. The
report is intended to provide information to the Board and the Town of Dyer
officials in their role as managers of the Storm Water Utility. The cost of such
report shall be paid by the DSM from the Dyer Storm Water Operation and
Maintenance Fund.

SECTION NINE: Lien on Premises. Each Storm Water Utility User Fee
charged pursuant to this Ordinance is hereby made a lien upon the Residential,
Non-Residential and Vacant Residential Property to which the same is charged,
and, if the same is not paid within ninety (90) days after it shall be due and
payable, it may, in the discretion of the Board, be certified to the Auditor of Lake
County, who shall place the same on the tax duplicate of said County with the
interest and penalties allowed by law to be collected as other taxes are collected.

SECTION TEN: Severability. If any section, clause, provision or
portion of this Ordinance shall be held to be invalid or unconstitutional by any
Court of competent jurisdiction, such decision shall not affect any other section,
clause, provision or portion of this Ordinance.

SECTION ELEVEN: Repeal Conflicting Ordinances. All existing Dyer
Town Ordinances, or parts thereof, in conflict with the provisions of this
Ordinance, are hereby deemed null, void, and of no legal effect, and are
specifically repealed.
SECTION TWELVE: Passage. This Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of Dyer, Lake County, Indiana.

ALL OF WHICH IS PASSED AND ADOPTED THIS _____ DAY OF ______________, 200___, BY THE TOWN COUNCIL OF THE TOWN OF DYER, LAKE COUNTY, INDIANA.

NAYS

Robert C. Block, President

Paul Hayes, Vice President

James H. Thomas, Member

Glen L. Eberly, Member

Patricia L. Hunter, Member

AYES

Robert C. Block, President

Paul Hayes, Vice President

James H. Thomas, Member

Glen L. Eberly, Member

Patricia L. Hunter, Member

TOWN COUNCIL
TOWN OF DYER, LAKE COUNTY, INDIANA

ATTEST:

Thomas G. Hoffman, I.A.M.C.
Clerk-Treasurer