

## **RESOLUTION NO. 2012-27**

### **A RESOLUTION TO PROVIDE FOR CREDITS FOR THE RATES AND CHARGES OF THE MUNCIE SANITARY DISTRICT FOR THE USERS OF THE DISTRICT'S STORMWATER SYSTEM**

**WHEREAS**, the Board of Sanitary Commissioners of the Muncie Sanitary District, of Muncie Indiana (the "Board") has heretofore established rates and charges for the purpose of having users pay for the activities required to maintain and improve the storm water systems within the Muncie Sanitary District (the "MSD"), and

**WHEREAS**, the existing rates and charges for property that is drained by the stormwater system of the MSD have been established by the Board's Resolution 2012-2 as that Resolution currently exists or may from time to time be amended, and

**WHEREAS**, the MSD believes that it is just and equitable to encourage the retention and reduction of storm water runoff and to encourage the education of the public about the need to retain, reduce and filter the discharge of storm water into the water courses and bodies of water within and adjacent to the boundaries of the MSD, and

**WHEREAS**, The Board wishes to establish storm water credits which will encourage the implementation by nonresidential property owners of programs and procedures to improve the quality or the quantity of storm water discharge from their properties and storm water credits to encourage both public and private educational institutions to provide educational programs on storm water management topics, and

**WHEREAS**, The credits shall represent a percentage amount by which the stormwater user fees on nonresidential property may be reduced by the implementation on such programs and procedures.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SANITARY COMMISSIONERS OF THE MUNCIE SANITARY DISTRICT:**

Section 1. Stormwater credits shall be given to nonresidential property owners for the following:

(A) A Stormwater Quality Credit shall be given to a nonresidential property which employs programs or procedures to mitigate the quality of the stormwater runoff from their property by removal of a minimum of 80% of the total suspended solids (TSS) in that runoff as would be present after the implementation of the then current Best Management Practices (BMP) for the reduction of TSS in stormwater runoff.

(B) A Stormwater Quantity Credit shall be given to a nonresidential property which employs the controls of runoff associated with the volume and rate of discharge. Two types of qualities credits shall be given to the property owner: (1) A standard quantity credit shall be

given to property owners who can provide evidence certified by a qualified professional that the post-developed 50 year stormwater runoff does not exceed the pre-developed 5 year stormwater runoff delivery. (2) An advanced quantity credit shall be given to property owners that can provide evidence certified by a qualified professional that the post-developed 100 year stormwater runoff does not exceed the pre-developed 5 year stormwater runoff.

(C) An Educational Supplemental Credit shall be given to any school, public or private, accredited by the State of Indiana that offers and education curriculum containing stormwater management topics, activities, contest or other such services or events as a public service or outreach event. A nonresidential property shall only be eligible for the education supplemental credit only if it has also been given a Stormwater Quality Credit or a Stormwater Quantity Credit and the Educational Credit shall be considered supplemental to the other credit. An Educational Supplemental Credit shall be property specific to each school in which the qualifying educational activity takes place and shall not extend to a district in which the school is located except that more than one school in any school district may individually qualify for the Educational Supplemental Credit.

Section 2. No credit shall be given by the MSD unless first applied for by the property owner. The application procedure shall include submission of such information by the nonresidential property owner as from time to time may be deemed by the MSD, in its sole judgment, to be necessary to determine that the property qualifies for the credit. Once a credit is granted the MSD shall require that an Annual Report of the condition of the property be submitted for review by the property owner with sufficient information to insure that the property continues to be qualified to receive the credit. The MSD shall make available to the public information and forms which the MSD shall, from time to time and in its sole judgment, require to be completed by a stormwater credit applicant.

Section 3. The MSD shall, from time to time and in its sole judgment, establish and application fee, which fee shall offset the actual cost to the MSD of the time and expense necessary for processing the application and a review fee which shall offset all cost to the MSD of the actual review of the information required to determine if a property will qualify for a credit. No application shall be accepted by the MSD unless accompanied by the payment of both the application fee and the review fee and no credit shall be applied to the property until all such fees have first been paid in full by an applicant.

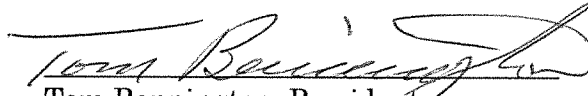
Section 4. Any applicant who has been denied a stormwater credit by the MSD may appeal that decision to the Board. Such an appeal shall set out the reasons why the applicant feels the application has been wrongfully denied. All appeals must be taken by an applicant within sixty (60) days of the applicant's receipt of the denial by the MSD. The decision of the Board shall be final as to any denial of a stormwater credit.


Section 5. Attached to this Resolution as Exhibit A are the forms that shall be used by the Stormwater Management Department of the MSD in the administration of the Stormwater Credits as provided for herein as these forms currently exist or may from time to time be amended. The Exhibit A Forms include the Stormwater Credit Manual, the Stormwater Credit Application, the Indemnification Agreement, the Maintenance Agreement, the Right of Entry Agreement and the Annual Report.

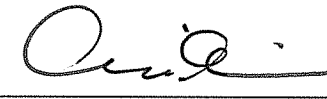
Section 6. This Resolution shall be in effect from and after date of passage and shall continue in effect unless amended or repealed by the Board.

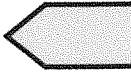
**THIS RESOLUTION PASSED AND ADOPTED** by the Board of Sanitary Commissioners of the Muncie Sanitary District, Muncie Indiana this 1st day of October, 2012.

BOARD OF SANITARY COMMISSIONERS  
OF THE MUNCIE SANITARY DISTRICT,  
MUNCIE, INDINA

  
Tom Bennington, President

  
Steven Murphy, Vice-President

  
Michael R Cline, P.E., Member



# EXHIBIT A