

# CITY OF SEYMOUR, INDIANA STORMWATER UTILITY

## POLICY AND PROCEDURES MANUAL

**Prepared for:**

City of Seymour  
Stormwater Utility

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Adopted and Approved by the Board of Public Works and Safety of the City of Seymour, Indiana  
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## **Chapter 1: Introduction**

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

The City of Seymour intends to operate its Stormwater Utility under provisions of IC 36-9-23. The Stormwater Utility will be responsible for the operation, maintenance and management of the City's storm sewer system and will fund stormwater management activities by charging user fees to the owner or tenant of each property containing ISA within the corporate limits of the City of Seymour.

The City of Seymour has previously adopted Chapter 156: Subdivision Control (§ 156.01 to § 156.99) and Chapter 158: Stormwater Management and Construction Site Regulations (§ 158.01 to § 158.31) as required by Phase II of the National Pollutant Discharge Elimination System (NPDES) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM's) Rule 13 (327 IAC 1513) and the IDEM's Rule 5 (327 IAC 155). The Stormwater Management and Construction Site Regulations Ordinance 20, 2007 is maintained as a separate document and regulates the following:

1. Construction activities disturbing more than one acre of land,
2. Discharges of prohibited non-stormwater flows into the stormwater conveyance system,
3. Stormwater drainage improvements related to development of lands located within the City of Seymour,
4. Drainage control systems installed during new construction,
5. Grading of lots and other parcels of land.
6. The design, construction, and maintenance of stormwater drainage/quality facilities and systems, and
7. Inspection, maintenance, record keeping, and reporting of the above.



## Chapter 2: Definitions and Acronyms

### 2.1 Definitions

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

As-Built Plans – a drawing or drawings accurately indicating the location and design details of all improvements installed in relation to development of a property or site.

Best Management Practice (BMP) – schedule of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Board of Public Works and Safety (Board) – the City of Seymour Board of Public Works and Safety in Seymour, Indiana.

Business – the purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or 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.

Credit – a reduction in the stormwater user fee for a stormwater user, based upon the attainment of criteria specified in Chapter 6 of this manual.

Detention Facility – a facility that collects and stores stormwater runoff thereby reducing the rate at which runoff is discharged from the property.

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

Easement – a grant by the property owner of the use of part of the owner's land by another for a specified purpose.

Equivalent Residential Unit (ERU) – the average amount of impervious surface area for a single-family residential property located within the corporate limits of the City of Seymour. The ERU for the City is 2,840 square feet and shall be used in calculating user fees for non-residential properties.

Home-Based Business Property – a residential property in which business is conducted on the property. A business or profession that is clearly subordinate to a residential use, operated by occupants of the residence on the premises.

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, roadways, parking lots and other areas used for vehicular traffic are considered ISA. Undisturbed land, tilled agricultural land, ponds, lawns and fields are not considered ISA for ISA calculations.

Infiltration – passage or movement of water into the soil.

Low-Impact Development – systems and practices that mimic a site's pre-development condition by using design techniques to infiltrate, filter, store, evaporate, detain, and reuse stormwater runoff on the site where it is generated. Low-impact development practices result in less surface runoff and less pollution to streams, rivers, lakes, and other waterways.

Multi-Family Property – a lot or parcel on which a building is situated containing two (2) to four (4) residential units shall be billed as a single ERU and bills shall be sent to the owner of the property. A multi-family property containing five (5) or more units shall be classified and billed as non-residential property.

Mobile Home - a structure transportable in one or more sections manufactured prior to June 15, 1976, which is the effective date of the Manufactured Home Construction and Safety Act of 1974. In the traveling mode, it is eight (8) body feet or more in width at its narrowest dimension. When erected on site, it contains 320 or more square feet, is anchored in accordance with Rule 410 IAC 6-6-11 or anchored to a permanent foundation and is connected to the required utilities.

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.

Non-Residential Property – all properties not categorized as Residential Properties or combined residential/business 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 centers
- Federal, state, and local government property
- Home-based business properties which require an improvement location permit in accordance with §157.096 of the Seymour Zoning Code
- Hospitals and medical centers
- Industrial property
- Multi-family properties which contain five (5) or more units
- Mobile home parks
- Retirement centers
- Schools and colleges
- Common areas of residential developments including but not limited to, private streets, parking lots, recreational areas, office areas, maintenance areas, and all other areas not occupied by residential units

Pervious Surface Area – the horizontal surface area of property covered with materials that include, but are not limited to, undisturbed land, tilled agricultural land, ponds, lawns (grass and landscaped areas), and fields, such that the infiltration of stormwater is allowed or encouraged.

Post-Development Conditions – the condition of a site which has been developed.

Pre-Development Conditions – the condition of a site prior to land altering activities.

Private Stormwater Facilities – facilities designed to transport, move or regulate stormwater that are not subject to the control and/or not under the ownership of the local, state or federal government.

Property Owner – the individual, partnership, corporation, or other legal entity holding the deed or record of title to the property. A contract purchaser whose contract has been recorded shall be considered a property owner.

Public Stormwater Facilities – facilities designed to transport, move or regulate stormwater that are subject to the control and/or under the ownership of the local, state or federal government. This shall include facilities in the right-of-way.

Residential Property – a lot or parcel on which a building or mobile home is situated in which a single family resides including home-based business properties allowed without a permit as defined in §157.096 of the Seymour Zoning Code. A Multi-Family Property consisting of four (4) or fewer residential units in a single building shall also qualify as a single Residential Property.

Retention Facility – a facility that collects stormwater runoff without releasing it. The stormwater infiltrates into the ground or evaporates.

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

Sediment – solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

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.

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 subject to the control of and/or under the ownership of the City of Seymour 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 City of Seymour that benefit Stormwater Utility customers and allow the City 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; public stormwater system maintenance and cleaning; capital improvement projects for flood control; stormwater quality education; erosion and sediment control; post-construction stormwater quality and illicit discharge detection and elimination.

Stormwater Quality – a measurement of pollutant loadings from stormwater runoff. An increase in stormwater quality is a reduction of the amount of pollutants in the stormwater runoff.

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 City of Seymour corporation limits and containing impervious surface area.

## **2.2 Acronyms**

BMP        Best Management Practice  
EPA        United States Environmental Protection Agency

ERU	Equivalent Residential Unit
FEMA	Federal Emergency Management Agency
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources
ISA	Impervious Surface Area
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
TSS	Total Suspended Solids
USDA	United States Department of Agriculture



## **Chapter 3: Stormwater User Fee Determination**

### **3.1 ERU Determination and Impervious Surface Measurements**

A sample set of residential properties was selected to calculate the average impervious surface area (ISA) for residential properties in Seymour. ISA measurements were determined using aerial photography, submitted construction plans, and field measurements (measurements completed by Wessler Engineering in August 2013).

A random sample of residential properties was selected within the corporate limits of Seymour. A total of 100 residential properties were measured for their ISA. The average residential ISA was calculated as 2,840 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 Seymour were measured, the average ISA would fall between 2,652 and 3,024 square feet. The ERU for the City of Seymour is 2,840 square feet, and shall be used in calculating user fees for non-residential properties.

Public streets and sidewalks parallel to public streets within the right-of-way 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 for the property to determine the stormwater user fee.

When improvements are made to non-residential properties, the property owner/developer shall provide the Planning and Zoning Department the ISA measurements (in square feet) for the completed project in order for that property to be accurately billed.

### **3.2 Stormwater User Fees**

Stormwater user fees shall be charged according to the total ISA on the property. The user fee for one (1) ERU shall be established by ordinance. This user fee may be changed from time to time by the City Council by ordinance.

Stormwater user fees do not relieve any property owner from compliance with the City of Seymour and/or Jackson County ordinances or other applicable state and federal laws and regulations.

### **3.3 Residential vs. Non-Residential Properties**

The monthly user fee for residential properties (including multi-family properties and home-based business properties that are defined as residential properties in the definitions section of this manual) will be the uniform stormwater user fee for one (1) ERU. This acknowledges that all properties of the City of Seymour place demands on the storm sewer system and benefit from 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 (including multi-family properties and home-based business properties that are defined as non-residential properties in 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 determined using an ERU multiplier, which is calculated by dividing the total ISA within the property by the base ERU of 2,840 square feet. 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. The ERU multiplier shall be rounded to one decimal place and the minimum ERU shall be one (1.0). The ERU multiplier is then multiplied by the current fee for one (1) ERU to determine the actual user fee in dollars.

EXAMPLE 1: A non-residential property has 2,000 square feet of ISA. Therefore:

*(2,000 square feet ISA) / (2,840 square feet per ERU) = 0.704 ERU < 1 → rounded to 1.0 ERU.*

EXAMPLE 2: A non-residential property has 10,000 square feet of ISA. Therefore:

*(10,000 square feet ISA) / (2,840 square feet per ERU) = 3.521 ERU > 1 → rounded to 3.5 ERU.*

## **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 impervious surface area (ISA). All stormwater user fees shall be calculated monthly.

Charges for stormwater service shall be billed by and through Seymour Utilities on the monthly utility bill. Billing and collection for the stormwater utility in accordance with the City of Seymour's current water and sewer utility billing and collection policies as described in Chapter 50: Water and Sewers, Rates and Charges (§ 50.195 to § 50.216).

- For sewer users normally receiving monthly utility bills for City services, the stormwater utility fee shall be included in the monthly bill rendered to the established customer.
- For properties not receiving monthly utility bills for City 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 City of Seymour Board of Public Works and Safety through a request submitted to the Utility Director's 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 Board'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 Board provided the Board has received written notice of the appeal from the petitioner within thirty (30) days of the reviewer's determination. The Board shall notify the petitioner of the time and place of the hearing on the appeal. The hearing shall be recorded by voice recording. The Board 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 Board 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.

Appeals of user fee credit determination and credit revocation shall follow these same procedures except the petition must be received by the Board within sixty (60) days of the receipt of the credit determination or revocation letter.



## Chapter 6: Stormwater User Fee Credits

### 6.1 Available Credits

A reduction in the stormwater user fee, or credit, may be available to users based on specific qualifying conditions defined in this chapter 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 Board of Public Works and Safety (Board).

#### 6.1.1 Education Credits

Eligible Users:	Public/private school properties
Credit Type:	Annual, expires June 30
Maximum Credit:	50%
Application Fee:	\$25.00
Renewal Fee:	\$25.00

Education credits are available to all public and private schools or school systems. 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).

The educational program may include educational posters, take-home materials, classroom lessons, field trips, etc. Programs may be developed by the Indiana Department of Environmental Management (IDEM), the Indiana Department of Natural Resources (IDNR), the United States Environmental Protection Agency (EPA) the United States Geological Survey (USGS), or a school official. Some resources and example materials can be found at:

- IDEM Classroom Resources (<http://www.in.gov/idem/nps/3459.htm>)
- IDNR Project WET (<http://www.in.gov/dnr/fishwild/7546.htm>)
- EPA NPDES Stormwater Outreach Materials and Reference Documents (<http://cfpub.epa.gov/npdes/stormwatermonth.cfm#materials>)
- EPA Teacher Resources and Lesson Plans (<http://www.epa.gov/students/teachers.html>)
- EPA Water Science and Technology for Students and Educators (<http://water.epa.gov/learn/resources/>)
- USGS Education Resources (<http://education.usgs.gov/>)

To qualify for the credit, the educational program must be approved by the Seymour Utilities Director (or designated representative). The program may be taught in grades Kindergarten (K) through twelve (12).

The maximum credit for a school or school system shall be fifty percent (50%) of the original stormwater user fee determined in accordance with this manual for the corresponding property or properties, and will be tiered based on the proportion of grade levels taught as compared to the total number of grade levels within the school, as described below. The Board will make the final decision on the total credit awarded.

- A. Tier One Education Credit: A twenty percent (20%) Tier One Education Credit is available to a school or school system for an approved educational program which educates 50% to 74% of the grade levels within the school or school system.
- B. Tier Two Education Credit: A fifty percent (50%) Tier Two Education Credit is available to a school or school system for an approved educational program which educates 75% to 100% of the grade levels within the school or school system.

EXAMPLE 1: An approved educational program is completed for two (2) of four (4) grades levels in a school. Therefore:

*(50% of grade levels) = 20% total education credit.*

EXAMPLE 2: An approved educational program is completed for all grade levels in a school. Therefore:

*(100% of grade levels) = 50% total education credit.*

For the first year of the Stormwater Utility, on or before January 1, 2014, the qualifying school shall certify with the Utilities Director (or designated representative) the programs that were taught in the previous year, and the intended extent to which the programs will be taught during the remainder of the year. In future years, the certification must occur on or before July 1, annually. A certification letter will be forwarded to the Seymour Utilities by the Utilities Director (or designated representative) so that appropriate billing adjustments may be made.

### **6.1.2 Low-Impact Development Credits**

Eligible Users: Non-residential properties with low-impact development facilities  
Credit Type: On-going, no renewal required  
Maximum Credit: 50%  
Application Fee: \$150.00  
Renewal Fee: N/A

Low-impact development credits are available to non-residential properties that implement low-impact practices which eliminate stormwater runoff from the site for all storms up to and including the 10-year, 24-hour storm and encourage infiltration (where soils are appropriate for infiltration practices) or reuse of captured stormwater. Credit will also be considered on a case-by-case basis for other types of stormwater facilities or control devices which reduce stormwater runoff to the municipal stormwater conveyance system.

Low-impact development facilities should minimize site disturbance, preserve and recreate natural landscape features, reduce impervious surfaces, increase drainage flow paths, increase or enhance off-line stormwater storage, encourage detention and infiltration, and utilize native, drought-tolerant plants. General guidelines for infiltration and runoff reduction are available through the EPA and in IDEM's *Indiana Storm Water Quality Manual*.

The maximum low-impact development credit shall be fifty percent (50%) of the original stormwater user fee determined in accordance with this manual for a non-residential property. The total credit shall be based on the amount of impervious surface area (ISA) that flows to the low-impact facility as compared to the total ISA within the property, rounded to the nearest whole percent.

EXAMPLE 1: A non-residential property with 10,000 square feet of ISA installs a rain garden which handles stormwater runoff flows from a parking lot with an area of 2,000 square feet (20% of the ISA on the property). Therefore:

*(20% of total ISA) x (50% maximum credit) = 10% total low-impact development credit.*

EXAMPLE 2: A non-residential property installs rain gardens and cisterns which handle the stormwater runoff flows from 100% of the ISA on the property. Therefore:

*(100% of total ISA) x (50% maximum credit) = 50% total low-impact development credit.*

Applications for low-impact development credits shall be submitted with the detailed technical information listed below before the application will be considered complete. Incomplete applications will not be reviewed.

- As-built plans (signed and sealed by a licensed surveyor or professional engineer, registered in the State of Indiana) at an appropriate scale and showing the site, topographic details, 100-year flood elevation, overland flow paths, drainage flow arrows, stormwater facilities, and the surrounding area
- Maps delineating drainage areas and watersheds, indicating which impervious areas flow to the low-impact development facilities
- Calculations (signed and sealed by a licensed surveyor or professional engineer, registered in the State of Indiana) to verify that the drainage system has adequate capacity to meet the design criteria for the credit which the owner is requesting
- Proposed maintenance schedule that describes in detail the property owner's maintenance activities for the stormwater facility

For new facilities, design plans (signed and sealed by a licensed surveyor or professional engineer, registered in the State of Indiana) at an appropriate scale and showing the site, topographic details, 100-year flood elevation, overland flow paths, drainage flow arrows, stormwater facilities, and the surrounding area may be submitted for credit consideration. The property owner must submit as-built plans following construction in order to qualify for the credit.

### 6.1.3 Open Space Credits

Eligible Users:	Non-residential properties with significant open space
Credit Type:	On-going, no renewal required
Maximum Credit:	50%
Application Fee:	\$25.00
Renewal Fee:	N/A

Open space credits are available to non-residential properties that manage stormwater without connection to a piped stormwater conveyance system. Facilities may include, but are not limited to camping areas, golf courses, parks, and sports fields (soccer, football, etc.). The property must have at least seventy percent (70%) pervious area (less than 30% impervious) as compared to total area of the entire parcel (or adjacent parcels with the same property owner). All ISA on the parcel(s) must flow to a pervious area where infiltration into the ground can occur and may not be connected to a piped stormwater conveyance system. Direct release to streams is discouraged by § 158.17(5) Policy on Stormwater Quantity - Direct Release Provisions (Ord. 20, 2007) and will not be eligible for the open space credit.

The maximum open space credit shall be fifty percent (50%) of the original stormwater user fee determined in accordance with this manual for a non-residential property. The entire parcel must comply with the requirements of this credit in order to qualify. The Board will make the final decision on the total credit awarded.

EXAMPLE 1: A non-residential property used for soccer fields has 85% grass/lawn (pervious) area and 15% paved parking (impervious) area. The parking area is graded to the grass (pervious) area where stormwater runoff then infiltrates into the ground. The entire parcel meets the open space credit requirements; therefore:

*(100% of parcel) x (50% maximum credit) = 50% total open space credit.*

Applications for open space 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, drainage flow arrows, impervious areas, pervious areas, total parcel(s) area, and stormwater facilities

#### 6.1.4 Conservation Area Credits

Eligible Users:	Non-residential properties with preserved, undeveloped areas
Credit Type:	On-going, no renewal required
Maximum Credit:	25%
Application Fee:	\$25.00
Renewal Fee:	N/A

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 undeveloped lands. The conservation area must be located within a permanent conservation easement and recorded with the property.

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. The total credit shall be based on the amount of area preserved as compared to the total area of the property, rounded to the nearest whole percent.

EXAMPLE 1: A 2.0-acre non-residential property preserves 0.5 acres of an existing, undisturbed wetland area within a conservation easement. Therefore:

$$(0.5 \text{ acre preserved} / 2.0 \text{ acres total}) \times (25\% \text{ maximum credit}) = \underline{6\% \text{ total conservation area credit.}}$$

EXAMPLE 2: A 2.0-acre non-residential property preserves 1.0 acre of an existing, undisturbed forested area within a conservation easement. Therefore:

$$(1.0 \text{ acre preserved} / 2.0 \text{ acres total}) \times (25\% \text{ maximum credit}) = \underline{13\% \text{ total conservation area credit.}}$$

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 (USDA Forest Inventory and Analysis map)
  - Wetlands delineation (approved by the U.S. Army Corps of Engineers through a Jurisdictional Determination)
  - Floodplain delineation (FEMA Flood map)
- Conservation easement documentation

### 6.1.5 Over-Detention Credit

Eligible Users: Non-residential properties with detention facilities  
 Credit Type: On-going, no renewal required  
 Maximum Credit: 50%  
 Application Fee: \$150.00  
 Renewal Fee: N/A

Over-detention credits are available to non-residential properties that detain stormwater runoff prior to discharging from the property. Detention must exceed the stormwater quantity control requirements in § 158.17 Policy on Stormwater Quantity (Ord. 20, 2007) in order to qualify for an over-detention credit. The City Engineer will review all plans and calculations for all stormwater control facilities for acceptance prior to the property owner initiating the credit process.

The maximum over-detention credit shall be fifty percent (50%) of the monthly original stormwater user fee determined in accordance with this manual for a non-residential property. The total over-detention credit shall be based on the peak rate reduction (PRR) and the amount of impervious surface area (ISA) that flows to the detention facility for which the credit would be applied as compared to the total ISA within the property, rounded to the nearest whole percent.

The peak rate reduction (PRR) shall be the minimum of:

$$PRR_2 = \frac{(Pre\text{-}development\ 2\text{-}year\ Peak\ Rate) - (Post\text{-}development\ 2\text{-}year\ Peak\ Rate)}{(Pre\text{-}development\ 2\text{-}year\ Peak\ Rate)} \times (50\%)$$

$$PRR_{10} = \frac{(Pre\text{-}development\ 10\text{-}year\ Peak\ Rate) - (Post\text{-}development\ 10\text{-}year\ Peak\ Rate)}{(Pre\text{-}development\ 10\text{-}year\ Peak\ Rate)} \times (50\%)$$

$$PRR_{100} = \frac{(Pre\text{-}development\ 100\text{-}year\ Peak\ Rate) - (Post\text{-}development\ 100\text{-}year\ Peak\ Rate)}{(Pre\text{-}development\ 100\text{-}year\ Peak\ Rate)} \times (50\%)$$

**EXAMPLE 1:** A non-residential property with 20,000 square feet of ISA installs a detention facility which receives stormwater runoff flows from a building and parking lot with a total of 10,000 square feet of ISA. The peak runoff rates are noted in the table below.

Design Storm	Pre-Development Peak Rate	Post-development Peak Rate (with detention)	PRR
2-year	13 cfs	8 cfs	19%
10-year	20 cfs	13 cfs	27%
100-year	29 cfs	20 cfs	16%

The minimum peak rate reduction for this example is PRR<sub>100</sub>, or 16%. Therefore:

$$(10,000 \text{ sq ft ISA to facility} / 20,000 \text{ sq ft total ISA}) \times (16\% \text{ PRR}_{100}) = \underline{8\% \text{ total over-detention credit.}}$$

**EXAMPLE 2:** A non-residential property installs a detention facility which receives stormwater runoff flows from 100% of the ISA (50,000 square feet) on the property. The peak runoff rates are noted in the table below.

Design Storm	Pre-Development Peak Rate	Post-development Peak Rate (with detention)	PRR
2-year	23 cfs	19 cfs	9%
10-year	36 cfs	31 cfs	7%
100-year	52 cfs	44 cfs	8%

The minimum peak rate reduction for this example is PRR<sub>10</sub>, or 7%. Therefore:

$$(50,000 \text{ sq ft ISA to facility} / 50,000 \text{ sq ft total ISA}) \times (7\% \text{ PRR}_{10}) = \underline{7\% \text{ total over-detention credit.}}$$

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

- As-built plans (signed and sealed by a licensed surveyor or professional engineer, registered in the State of Indiana) at an appropriate scale and showing the site, topographic details, 100-year flood elevation, overland flow paths, drainage flow arrows, stormwater facilities, effective limits of stormwater detention facilities, outlet size and location, emergency spillway configuration, and the surrounding area
- Maps delineating drainage areas and watersheds, indicating which impervious areas flow to the detention facilities
- Calculations (signed and sealed by a licensed surveyor or professional engineer, registered in the State of Indiana) including:
  - pre-developed and post-developed runoff rates for the two (2), ten (10), and one-hundred (100) year design storms
  - results of routing the stormwater runoff for the two (2), ten (10), and one-hundred (100) year design storms through the facility or control
  - total storage volume
  - principal outlet size and type
  - emergency spillway size, type, and configuration
- Floodplain and floodway information for the site, including 100-year flood elevation
- Proposed maintenance schedule that describes in detail the property owner's maintenance activities for the stormwater facility

For new facilities, design plans (signed and sealed by a licensed surveyor or professional engineer, registered in the State of Indiana) at an appropriate scale and showing the site, topographic details, 100-year flood elevation, overland flow paths, drainage flow arrows, stormwater facilities, and the surrounding area may be submitted for credit consideration. The property owner must submit as-built plans following construction in order to qualify for the credit.

### **6.1.6 One-Time Credits**

Eligible Users: Residential and Non-Residential Properties  
Credit Type: One-time  
Maximum Credit: Varies  
Application Fee: \$5.00 for Residential Properties; \$20.00 for Non-Residential Properties  
Renewal Fee: N/A

One-time credits may be issued for unique and special services provided to the City by a non-residential stormwater user. The user shall present the proposed service to the Stormwater Utility for consideration, review, and approval. A credit amount shall be determined and agreed upon per each service. The agreed dollar amount shall be credited on a future utility bill one time after the service is complete. One-time services may include, but are not limited to, a stream clean-up activity, developing a stormwater brochure, printing and distributing educational information, or developing a stormwater education video. If such activities or services can be quantified and can provide a stormwater runoff quantity reduction or stormwater quality benefit, it may be considered for stormwater user fee credits.

Additionally, one-time credits may be issued to residential stormwater users for the installation of low-impact development facilities on a residential property. The user shall present the proposed practice to the Stormwater Utility for consideration, review, and approval. A credit amount shall be determined and agreed upon to partially or completely reimburse the user for the installation. The agreed dollar amount shall be credited on a future utility bill one time after the installation, service, or activity is complete. One-time low-impact development facilities may include, but are not limited to, rain barrels or rain gardens. If such facilities can be quantified and can provide a stormwater runoff quantity reduction or stormwater quality benefit, it may be considered for stormwater user fee credits.

Applications for one-time credits shall be submitted with the detailed description of activity or service and justification of benefit to the Utilities Director for review.

### **6.2 Maximum Credit**

The maximum aggregate stormwater user fee credit for any individual property is fifty percent (50%) of the original stormwater user fee determined in accordance with this manual, regardless of how many individual credits for which the property qualifies.

### **6.3 Application Process**

For credit review, the property owner must submit the General Application accompanied by the application review fee and all required documentation to the Clerk-Treasurer. Credit applications will be reviewed by the Utilities Director or his designated representative. The application process does not relieve the property owner of payment of stormwater user fees during the review process.

The Board will give written notification of the credit determination within sixty (60) days upon receipt of a complete credit application package. The written notification shall state the conditions of the issuance of the user fee credit and effective date of the credit. Any applicant who does not submit a complete application package will be notified in writing of deficiencies. Deficiencies shall be submitted within ninety (90) days of notification of deficiencies, or the applicant will be required to file a new application. If all deficiencies are submitted within ninety (90) days and application for credits are approved, credits will take effect on the initial application date.

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

### **6.4 Credit Expiration, Termination, and Renewals**

Stormwater User Fee Credits will expire at the end of their renewal period or 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 failure to meet credit conditions or failure to meet minimum maintenance requirements.

The Board and Stormwater Utility staff reserves the right to review for accuracy all plans, materials, and documentation related to the application. If, after review, the application or documentation is found to be inaccurate, the applicant will be notified in writing and given thirty (30) days to correct the deficiency. The applicant must provide written documentation to the Board within thirty (30) days of the original notice that the deficiency has been corrected. If, in the opinion of the Board, the deficiency is not satisfactorily corrected, the user fee credit currently applied to the property will be terminated effective the following billing cycle.

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



# **APPENDIX A**

## **STORMWATER USER FEE CREDIT FORMS**



# City of Seymour

## Application for Stormwater User Fee Credit – General Application

Check One: <input type="checkbox"/> Initial Application <input type="checkbox"/> Reapplication <input type="checkbox"/> Renewal (Education Credits Only)			
Owner or Owner's Representative (Contact):		Utility Account Number:	Property Parcel Number:
Property/Service Address:			
Contact Phone Number:		Contact Email:	
Contact Mailing Address (if different than property address):			
<b>Credit for Consideration (check all that apply):</b>			
<input type="checkbox"/> Education Credit <ul style="list-style-type: none"> <li>• Attach:                         <ul style="list-style-type: none"> <li><input type="checkbox"/> Education Program Application</li> <li><input type="checkbox"/> Prior Education Credit Approval Letter (Renewal Only)</li> <li><input type="checkbox"/> \$25 Application Fee</li> </ul> </li> </ul>		<input type="checkbox"/> Conservation Area Credit <ul style="list-style-type: none"> <li>• Attach:                         <ul style="list-style-type: none"> <li><input type="checkbox"/> Site Plan</li> <li><input type="checkbox"/> Supporting Documentation</li> <li><input type="checkbox"/> Conservation Easement Documentation</li> <li><input type="checkbox"/> \$25 Application Fee</li> </ul> </li> <li>• Total Parcel Area: _____ ft<sup>2</sup></li> <li>• Total Conservation Area: _____ ft<sup>2</sup></li> </ul>	
<input type="checkbox"/> Low-Impact Development Credit <ul style="list-style-type: none"> <li>• Attach:                         <ul style="list-style-type: none"> <li><input type="checkbox"/> As-Built Plans (signed and sealed)</li> <li><input type="checkbox"/> Drainage Area &amp; Watershed Maps</li> <li><input type="checkbox"/> Calculations (signed and sealed)</li> <li><input type="checkbox"/> Right-of-Entry Agreement</li> <li><input type="checkbox"/> Indemnification Agreement</li> <li><input type="checkbox"/> \$150 Application Fee</li> </ul> </li> </ul>		<input type="checkbox"/> Over Detention Credit <ul style="list-style-type: none"> <li>• Attach:                         <ul style="list-style-type: none"> <li><input type="checkbox"/> As-Built Plans (signed and sealed)</li> <li><input type="checkbox"/> Drainage Area &amp; Watershed Maps</li> <li><input type="checkbox"/> Calculations (signed and sealed)</li> <li><input type="checkbox"/> Floodplain &amp; Floodway Information</li> <li><input type="checkbox"/> Proposed Maintenance Schedule</li> <li><input type="checkbox"/> Right-of-Entry Agreement</li> <li><input type="checkbox"/> Indemnification Agreement</li> <li><input type="checkbox"/> \$150 Application Fee</li> </ul> </li> </ul>	
<input type="checkbox"/> Open Space Credit <ul style="list-style-type: none"> <li>• Attach:                         <ul style="list-style-type: none"> <li><input type="checkbox"/> Site Plan</li> <li><input type="checkbox"/> \$25 Application Fee</li> </ul> </li> <li>• Total Parcel Area: _____ ft<sup>2</sup></li> <li>• Total Impervious Area: _____ ft<sup>2</sup></li> </ul>		<input type="checkbox"/> One-Time Credit <ul style="list-style-type: none"> <li>• Attach:                         <ul style="list-style-type: none"> <li><input type="checkbox"/> Description of activity or service</li> <li><input type="checkbox"/> Supporting documentation to quantify benefit to Stormwater Utility</li> <li><input type="checkbox"/> \$5 Application Fee (Residential)</li> <li><input type="checkbox"/> \$20 Application Fee (Non-Residential)</li> </ul> </li> </ul>	
<b>SIGNATURE:</b>			
<i>Under penalty of perjury, I swear or affirm that the information on this form is true and correct as to every material matter.</i>			
Owner's Signature	Print Name	Title	Date

**Instructions to Applicants:**

1. Fill out this form completely. A separate application must be made for each separate parcel. One application can be made for multiple stormwater facilities to be inspected on the same parcel.
2. Applicants are encouraged to review the credit manual, which can be found on the City's website, to ensure that they have all the required information necessary to submit their application credits.
3. Mail the completed form, appropriate attachments, and a check for the appropriate amount to:

Clerk-Treasurer's Office  
301-309 N. Chestnut St.  
Seymour, IN 47274





# City of Seymour

## Right-of-Entry Agreement

I/We, \_\_\_\_\_, owner(s) of the real property commonly known as \_\_\_\_\_ (hereafter "property"), in the City of Seymour, Jackson County, Indiana, in consideration of possible credit against stormwater user fees due for the property payable to the City of Seymour, Indiana, do hereby grant and freely give without coercion the right of access and entry to said property at reasonable times to the City of Seymour, its employees, agents, representatives, contractors and subcontractors, for the purpose of performing necessary inspections of onsite stormwater management controls and site activities related to stormwater runoff management on the property.

The undersigned hereby affirm/affirms that he/she/they is/are the owner(s) of the above-referenced property and has/have authority to enter into this Agreement and grant Right-of-Entry.

The undersigned agree/agrees and warrant/warrants to waive, and to hold harmless the City of Seymour, its employees, agents, representatives, contractors and subcontractors from any and all claims or actions, legal or equitable, arising from, out of, or related to the inspection activities on the property performed by the City of Seymour, its employees, agents, representatives, contractors and subcontractors pursuant to this Right-of-Entry Agreement.

The City of Seymour, in consideration of the rights granted to it herein, the sufficiency and receipt of which are hereby acknowledged, agrees to limit the inspection activities to visual inspections and review of relevant records necessary to verify stormwater credit eligibility.

I/We have not received, nor shall I/We receive, any compensation for this Right-of-Entry Agreement.

For the consideration and purposes set forth herein, I/We set my/our hand/hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner:  
\_\_\_\_\_

Owner:  
\_\_\_\_\_

Printed: \_\_\_\_\_

Printed: \_\_\_\_\_

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF JACKSON    )

Before me, the undersigned, a Notary Public in and for the said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, Owner/Owners and acknowledged the execution of the foregoing Right-of-Entry Agreement as his/her/their voluntary act and deed.

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_, Notary Public  
\_\_\_\_\_  
Resident of \_\_\_\_\_ County

City of Seymour:  
  
\_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF JACKSON    )

Before me, the undersigned, a Notary Public in and for the said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, Owner/Owners and acknowledged the execution of the foregoing Right-of-Entry Agreement as his/her/their voluntary act and deed.

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_, Notary Public  
\_\_\_\_\_  
Resident of \_\_\_\_\_ County

# City of Seymour

## Indemnification Agreement

In consideration for permission to construct or install a stormwater improvement / best management practice (BMP) to their property, \_\_\_\_\_  
("Owners") herby agree to and acknowledge the following:

1. Owners shall construct or install a stormwater improvement / BMP in substantial compliance with Chapter 158: Stormwater Management and Construction Site Regulations (Ord. 20, 2007) City of Seymour, Indiana, on the following described real estate and premises situated in the City of Seymour, Jackson County, Indiana, to wit:

See legal description(s) attached as Exhibit A.

2. After completion of the construction or installation by Owners and approval by the City, the stormwater improvement / BMP shall remain a privately owned and maintained stormwater improvement / BMP, shall not be accepted by the City, and shall not become a part of the maintenance program of the Seymour Stormwater Utility. All maintenance responsibility and liability shall be and remain with the Owners, their personal representatives, heirs, grantees, successors, and assigns.
3. Owners, their personal representatives, heirs, grantees, successors, and assigns shall indemnify and hold harmless the City of Seymour, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorney's fees) arising out of or resulting from the construction, installation, maintenance, or operation of the stormwater improvement / BMP.
4. This Agreement shall run with the real estate described above and shall be binding upon Owners, their personal representatives, heirs, grantees, successors, and assigns so long as the stormwater improvement / BMP or any part of it shall be used by them. At such time as the stormwater improvement / BMP shall cease to be so used, this Agreement shall immediately terminate, and this instrument shall be of no further force and effect.
5. Owners warrant that they are the owners in fee simple of the above-described real estate, are lawfully seized thereof, and have the legal authority to execute this Agreement, and affirm that no unauthorized alterations of this document have taken place.

IN WITNESS WHEREOF, Owners and the City have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

