

ORDINANCE NO. 869

AN ORDINANCE OF THE TOWN OF YORKTOWN, INDIANA  
AMENDING STORMWATER UTILITY RATES

WHEREAS, the Town of Yorktown, Indiana ("Town") operates a stormwater utility system for the benefit of its residents and businesses; and

WHEREAS, the Town Council finds it necessary to amend the current stormwater utility rates to ensure adequate funding for the operation, maintenance, and improvement of the stormwater system; and

WHEREAS, Indiana law provides that just and equitable fees must be sufficient to pay all expenses incidental to the operation of utility works, including maintenance costs, operating charges, repairs, and provide adequate money for improving and replacing the works (See Ind. Code § 36-9-23-25; and

WHEREAS, the Town Council has the authority to establish and amend utility rates and charges through the proper ordinance amendment procedures; and

WHEREAS, proper notice of public hearing on this proposed ordinance has been published at least ten days before the date of the hearing; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Yorktown, Indiana, as follows:

SECTION 1. AMENDMENT OF STORMWATER RATES

The stormwater utility rates for the Town of Yorktown are hereby amended to establish a rate of Seven Dollars (\$7.00) per Equivalent Residential Unit (ERU) per month.

SECTION 2. DEFINITION

For purposes of this ordinance, "Equivalent Residential Unit" or "ERU" shall mean the standard unit of measurement used to determine stormwater utility fees based on the average impervious surface area of a typical single-family residential property.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect upon proper publication as required by law and in accordance with Indiana statutory requirements for municipal ordinances.

SECTION 4. FINDINGS

The Town Council finds that the rates established herein are just and equitable as contemplated by Indiana law, and that fees established after notice and hearing are presumed to be just and equitable.

SECTION 5. 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 holding shall not affect any other section, clause, provision, or portion of this ordinance.

PASSED AND ADOPTED by the Town Council of the Town of Yorktown, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

TOWN OF YORKTOWN, INDIANA

By: \_\_\_\_\_  
Jason Gasaway, President  
Town Council

ATTEST:

\_\_\_\_\_  
Lance Turner, Clerk-Treasurer