

Bond Case Briefs

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STORMWATER FEES - INDIANA

Mint Management, LLC v. City of Richmond

Court of Appeals of Indiana - February 15, 2017 - N.E.3d - 2017 WL 606236

Landowners filed claims for declaratory judgment on the issue of whether they were required to pay the city's fee for financing its stormwater system when the stormwater runoff from their parcels did not enter the system. Following consolidation, the Superior Court granted city's motion for summary judgment. Landowners appealed.

The Court of Appeals held that stormwater ordinance required all landowners in city to pay stormwater fee even if a parcel did not drain into stormwater system.

City's stormwater ordinance, which stated that a stormwater fee was to be imposed on every parcel of land within city that directly or indirectly contributed to city's stormwater system, required all landowners in city to pay the fee, even if stormwater runoff from a parcel did not drain into stormwater system. The enabling statute providing for municipal stormwater management authorized city ordinances to assess a fee against all real estate parcels in city without distinctions or exceptions, and all property within city's stormwater district contributed to that district even if its stormwater did not drain into the district's sewer system.