

# Petition to Appeal Stormwater Assessment

Form 4-07

For Real Estate within the Greater Elkhart County Municipal Separate Storm Sewer (MS4) Area:  
Elkhart County (unincorporated areas), City of Elkhart, City of Goshen, and Town of Bristol (Indiana)

## Instructions

Complete and submit this form to:

MS4 Operator  
Elkhart County SWCD  
17746-B CR 34  
Goshen, IN 46528

**Filing Deadline:** To be timely for any current year stormwater user fee assessment, this petition must be filed no later than the date on which the user fees shall be due and payable. Any petition filed after this deadline will result in the petition being reviewed for the following assessment year.

### Instructions:

1. Please print or type.
2. The petitioner must complete all sections of this petition.
3. The petition must be signed by the petitioner or an authorized representative. A representative must attach a notarized power of attorney **unless** the representative is a duly authorized employee or corporate officer of the property owner.

**Multiple Parcels:** Petitioners wishing to appeal more than one parcel must file a separate petition form for each parcel.

### Appeals Process:

1. The Elkhart County MS4 Operator shall refer the petition to the Advisory Board for the Greater Elkhart County MS4.
2. The Advisory Board shall investigate the user's claim and render a written determination that either the original Equivalent Residential Unit (ERU) determination and assessment should be affirmed or that the user's rate should be adjusted and how much the adjustment should be.
3. The determination made by the Advisory Board shall be forwarded to the user by certified mail, return receipt requested. The user shall have 15 days from date of receipt to request reconsideration if dissatisfied with the decision from the Advisory Board. Any additional facts concerning the dispute shall be reduced to writing and submitted, along with a copy of the original petition and supporting documents, to the Elkhart County MS4 Operator.
4. The Elkhart County MS4 Operator shall refer the matter to the stormwater board of the respective entity who has jurisdiction over the property.

**As a result of filing this petition, the user fee may increase, may decrease, or may remain the same.**

**Failure to follow instructions:** If a petitioner does not comply with the instructions for completing this petition, the MS4 Operator will notify the petitioner of any defect in the completion of the form and will return the form to the petitioner. The petitioner will then have 30 days from the date of notice of defect to correctly complete the form and resubmit it to the MS4 Operator. If the resubmitted form does not comply with the instructions for completing the form, the Advisory Board of the Greater Elkhart County MS4 will deny the petition.

**Section 1: Property and Petitioner Information**

Address of Property		City	Zip code
Parcel Number or Key Number		Township	
Name of Property Owner		Phone Number (    )	E-mail
Mailing Address of Property Owner		City	Zip code
Name of Authorized Representative (if different)		Phone Number (    )	E-mail
Address of Authorized Representative		City	Zip code

**Section 2: Grounds for Appeal**

<b>Number of Equivalent Residential Units (ERUs) assigned to the property described in Section 1</b>	
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<input type="checkbox"/>	The petitioner contends that the property is residential and should be assigned the appropriate number of ERUs based upon _____ (number of) dwellings existing on the parcel. (The annual fee for 1 ERU is \$15.)
<input type="checkbox"/>	The petitioner contends that the property is non-residential with a different number of ERUs than assigned. The petitioner contends that the following figures are accurate:  <b>Square feet of impervious surface</b> _____  <b>ERUs (number above divided by 2800 square feet):</b> _____
<input type="checkbox"/>	Other. Explain: _____ _____ _____

**The requested change is justified for the following reasons:**

*(Include calculations to justify the petitioner's contention of square footage of impervious surface, and attach any supporting documents.)*

**Do you have a property tax appeal currently pending with respect to this real estate parcel?**

**Yes**

**No**

**Section 3: Signatures**

**Signature of petitioner or duly authorized officer**

**Date**

**Printed or typed name of petitioner or duly authorized officer**

**Title**