

## ARTICLE IV: STORM WATER UTILITY

### § 16.13 FINDINGS AND DETERMINATIONS.

(a) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm sewer system ("the system"). This Article IV is adopted in the further exercise of such authority and for the same purposes.

(b) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this Article IV.

(c) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system cost, the topography of the city and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected volume of storm water runoff from the various parcels of land within the city during a standard rainfall event. For the purposes of this Article IV, a standard rainfall event is defined as the one-year storm of one-day duration. In addition, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected pollutant loading from the various parcels of land within the city.

(d) Assigning costs and making charges based upon expected typical storm water runoff volume and pollutant loading cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this Article IV establish a reasonable and practical methodology for making such charges.

(Ord. [2015-28](#), passed 11-2-2015)

### § 16.14 CONNECTION PERMITS.

(a) *Permit.* A permit must be obtained to connect to the storm sewer system. The fee for such permit will be as detailed in Article VI, Chapter 11. Permits can only be issued to licensed installers.

(Ord. [2015-28](#), passed 11-2-2015)

### § 16.15 RATES AND CHARGES.

(a) *Residential equivalent factor.* Rates and charges for the use and availability of the system will be determined through the use of a "residential equivalent factor" ("REF"). A REF has been developed for the storm water runoff volume (Volume REF), the storm water runoff pollutant loading (Quality REF) and a composite that is used for the final utility fee calculation (Utility REF). For the purposes of this Article IV, the **VOLUME REF** is defined as the ratio of the average volume of surface water runoff coming from one acre of land subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the city during a standard rainfall event. The **QUALITY REF** is defined as the ratio of the pollutant loading (measured as total suspended solids) coming from land subjected to a particular use, to the pollutant loading coming from land subjected to typical single-family residential use within the city. The **UTILITY REF** is defined as the ratio of the sum of the volume and quality portions of the total annual storm water drainage utility fee for a given land use classification (as computed using the Volume REF and the Quality REF for that land use classification), to the sum of the volume and quality portions of the total annual storm water drainage utility fee for the single-family residential land use classification (as computed using the Volume REF and the Quality REF for the single family residential land use classification).

The Utility REF for each of the land use classifications will be revised at such time in the future when there is a shift in the percentage of utility expenditures related to storm water runoff volume and storm water runoff quality treatment. The revision will be determined by the Director of Public Works, who will notify the City Council of the action.

(b) *Storm water drainage charges.* In determining charges the City Council will by resolution establish a basic system rate to be charged against one acre of land having a Utility REF of one. The charge to be made against each parcel of land will then be determined by multiplying the Utility REF for the parcel's land use classification times the parcel's acreage times the basic system rate. The Volume, Quality and Utility REF's for the following land uses within the city and the billing classifications for such land uses are as follows:

<i>Classification</i>	<i>Land Uses</i>	<i>Volume REF</i>	<i>Quality REF</i>	<i>Utility REF</i>
1	Cemeteries, parks, golf courses	0.41	0.50	0.43
2	Single-family and duplex residential	1.00	1.00	1.00
3	Public and private schools and institutional uses	1.36	3.05	1.67
4	Multiple-family residential and place(s) of assembly for worship	2.18	3.21	2.37
5	Commercial and industrial	3.79	6.10	4.22

For the purposes of calculating storm water drainage charges, all developed single-family and duplex parcels will be considered to have an acreage of one-third acre per unit. Double bungalows or duplexes will be considered to be two units.

(Ord. [2015-28](#), passed 11-2-2015)

#### **§ 16.16 OTHER LAND USES.**

Other land uses not listed in the foregoing table will be classified by the Director of Public Works by assigning them to classes most nearly like the listed uses, from the standpoint of runoff volume for the standard rainfall event and the pollutant loading. An appeal from the Director of Public Work's determination of the property classification may be made to the City Council.

(Ord. [2015-28](#), passed 11-2-2015)

#### **§ 16.17 ADJUSTMENT OF CHARGES.**

The City Council may by resolution adopt policies providing for the adjustment of charges or credits to charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, which data demonstrates a runoff volume for the standard rainfall event or a pollutant loading substantially different from that being used for the parcel or parcels. Such adjustment or credit will be made by the Director of Public Works and will not be made effective retroactively. An appeal from the Director of Public Work's determination may be made to the City Council.

(Ord. [2015-28](#), passed 11-2-2015)

#### **§ 16.18 EXEMPTIONS.**

Public rights-of-way are exempt from storm water drainage charges.

(Ord. [2015-28](#), passed 11-2-2015)

### **§ 16.19 PAYMENT OF CHARGE.**

Storm water bills will be mailed, to the designated billing address for the fee title owner of the real property served by the storm water drainage utility or the owner's duly authorized property manager and will specify the charges.

(Ord. [2015-28](#), passed 11-2-2015)

### **§ 16.20 DELINQUENT ACCOUNTS.**

(a) *Payment options.* Owners must pay the total amount set forth in the bill on or before the due date listed on the bill. Failure to make payment by the due date listed on the bill will result in a late fee assessment of 5% of the total amount due and owing.

(b) *Delinquent storm water accounts.* Accounts will be considered delinquent when any portion of the balance due exceeds 30 days past due and no arrangements for payment have been agreed to by both the Utilities Division and the owner or the owner's duly authorized property manager. It will be the duty of the Utility Division to endeavor to promptly collect delinquent accounts.

(c) *Assessment of delinquent accounts.* All delinquent accounts will be certified to the City Assessor who will prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment will include the amount of the delinquent account and the administrative charge due under subdivision (d), together with interest thereon at the maximum lawful rate. This assessment roll will be delivered to the City Council for adoption on or before October first of each year.

(d) *Administrative assessment charge.* An administrative charge of \$25 will be due upon the mailing or electronic transmittal of the notice of the proposed assessment.

(e) *Security deposit.* The provisions of § 11.07 relating to the requirement, use and release of a security will apply to delinquent storm water accounts.

(Ord. [2015-28](#), passed 11-2-2015)

### **§ 16.21 RECALCULATION OF CHARGES.**

If a property owner or person responsible for paying the storm water drainage charge questions the correctness of such a charge, such person may have the determination of the charge recomputed by written request to the Director of Public Works. Such request will be made within 30 days of the mailing or electronic transmittal of the billing in question.

(Ord. [2015-28](#), passed 11-2-2015)