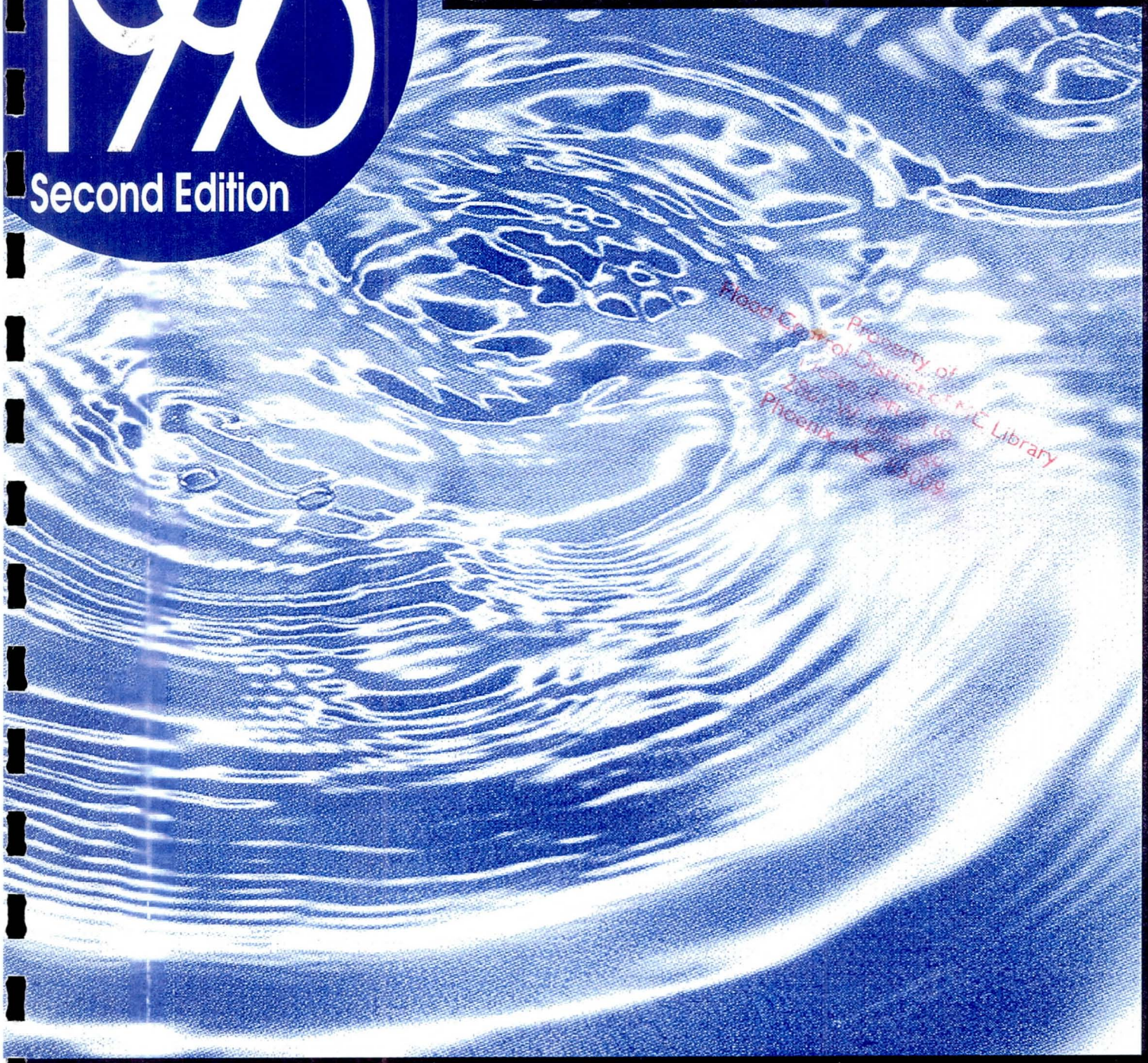
NAFSMA

1996 Survey of Local Stormwater Utilities

Second Edition



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compiled and published by
the National Association of Flood and
Stormwater Management Agencies

ABOUT NAFSMA

The National Association of Flood and Stormwater Management Agencies (NAFSMA) is an organization of public agencies whose function is the protection of lives, property and economic activity from the adverse impacts of storm and flood waters. The mission of the Association is to advocate public policy, encourage technologies and conduct education programs which facilitate and enhance the achievement of the public service functions of its members.

Since its founding in 1978, NAFSMA has represented state and local public agencies nationwide. It is an association committed to improving and ensuring the continuation of water resource projects and programs of interest to flood and stormwater management agencies.

NAFSMA achieves these goals through . . .

. . . EDUCATION

NAFSMA works to inform and educate congressional and federal policy makers of the importance of flood prevention, stormwater management, disaster relief assistance and related issues.

. . . PRESENTATIONS

NAFSMA presents information and material supportive of the membership's positions to Congress and administrative agencies. The association has been instrumental in the reauthorization efforts for the *Clean Water Act*, *Water Resources Development Act*, and other critical pieces of legislation.

. . . COALITIONS

NAFSMA frequently works with other public interest groups and national trade associations located in Washington who share our interests. It serves as the liaison to these organizations to ensure the interests of the membership are well represented.

1996 NAFSMA MEMBERSHIP

Municipality of Anchorage, AK

Flood Control District of Maricopa County, AZ

Pima County Transportation, AZ

City of Tuscon Dept. of Transportation, AZ

Los Angeles County Dept. of Public Works, CA

Kern County Water Agency, CA

Coachella Valley Water District, CA

Fresno Metropolitan Flood Control District, CA

Alameda County Public Works Agency, CA

City of Los Angeles, CA

Contra Costa County Flood Control & Water Conservation District, CA

Riverside County Flood Control, CA

City of Sacramento, CA

Sacramento County, CA

California Department of Water Resources, CA

Monterey County Water Resources Agency, CA

San Bernardino County Flood Control Dist., CA

San Diego County Flood Control District, CA

Santa Clara Valley Water District, CA

Santa Anna Department of Public Works, CA

County of Orange, EMA/Public Works, CA

San Joaquin County Flood Control, CA

City of Stockton Municipal Utilities Dept., CA

Vallejo Sanitation & Flood Control District, CA

Denver Urban Drainage & Flood Control District, CO

City of Fort Collins Stormwater Utility, CO

Sarasota County, FL

City of Tampa, FL

City of Savannah, GA

Water Reclamation Dist. of Greater Chicago, IL

Illinois DOT - Div. of Water Resources, IL

Fort Wayne City Utilities, IN

City of Great Bend, KS

Louisville & Jefferson County MSD, KY

Bassett Creek Water Management Comm., MN

City of Rochester, MN

Board of Mississippi Levee Commissioners, MS

City of Charlotte, NC

City of Durham, NC

City of Greensboro, NC

Clark County Regional Flood Control Dist., NY

NY State DEC - Flood Protection Bureau, NY

City of New York, NY

City of Cincinnati, OH

City of Columbus, OH

City of Forest Park, OH

City of Tulsa, OK

City of Portland, OR

City of Knoxville, TN

City of Richmond, VA

City of Bellevue, WA

Skagit County Public Works, WA

King County Surface Water Management Division, WA

City of Seattle, WA

City of Tacoma, WA

Pierce County Storm Drain & Surface Water Management, WA

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INTRODUCTION

1.

1.1 SIGNIFICANT FINDINGS

Based on results of a recent survey conducted by the National Association of Flood and Stormwater Management Agencies, it is estimated that 38 percent of stormwater management agencies have established utilities to fund their programs while an additional 5 percent are in the process of establishing stromwater utilities.

The average annual fee charged by these stormwater utilities is approximately $30.00 with an average service population of 690,000. Estimated average annual revenue for these utilities is $7.5 million with approximately 39 percent going toward maintenance and 24 percent toward stormwater quality. The structure of the utilities varies, though a significant number (50 percent) operate out of an existing public works department.

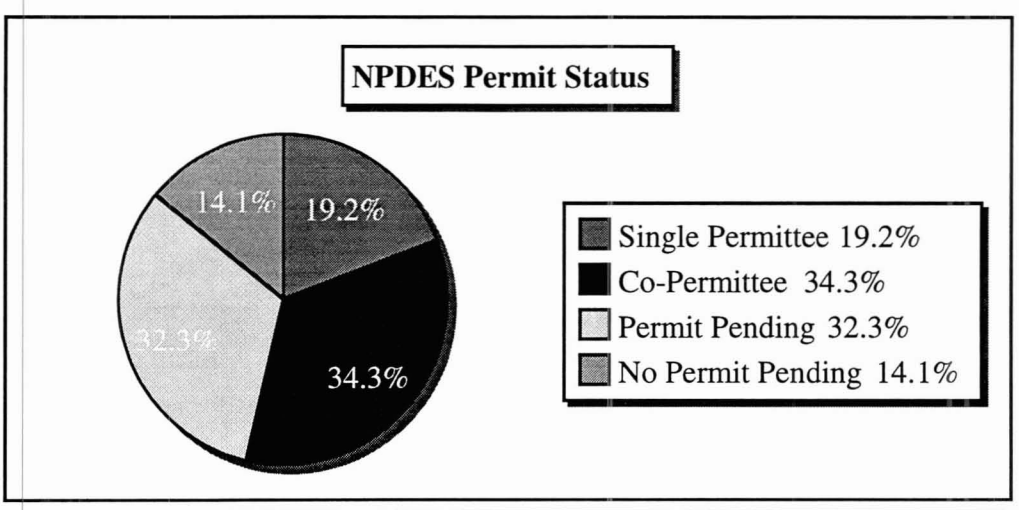
1.2 SCOPE OF SURVEY

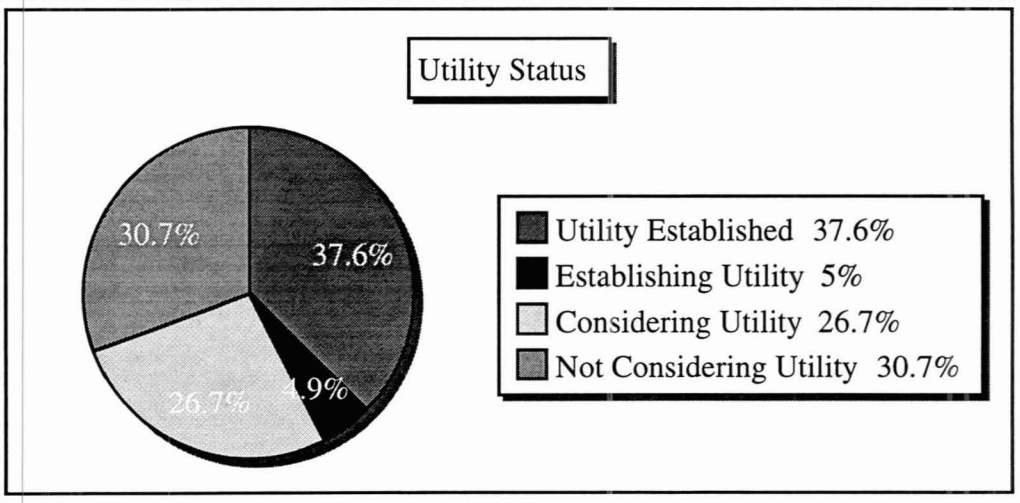
On March 29, 1996, NAFSMA's municipal utility questionnaires were mailed to officials in more than 230 jurisdictions. The NAFSMA National Office received 101 completed questionnaires. The findings of this report are based on responses from these jurisdictions. One agency requested that it be left out of the agency listing, though it was included in the statistical analysis.

1.3 DATA ANALYSIS AND STATISTICAL FINDINGS

Statistical Data for Stormwater Management Agencies

Survey Item	Number of Agencies	Percent of Total
NPDES Permit Status		
Single Permittee	19	19.2
Co-Permittee	34	34.3
Permit Pending	32	32.3
No Permit Pending	14	14.1
Utility Status		
Utility Established	38	37.6
Establishing Utility	5	5.0
Considering Utility	27	26.7
Not Considering Utility	31	30.7





Statistical Data for Existing Utilities

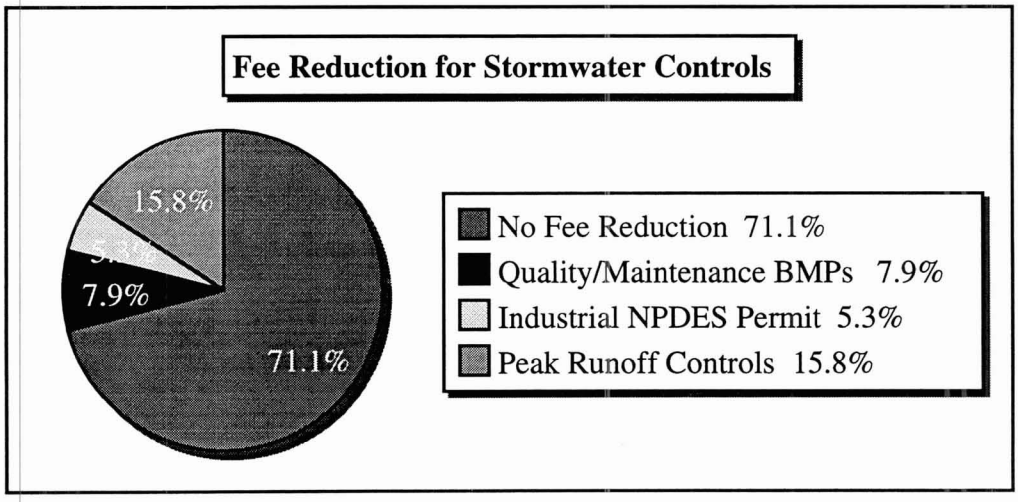
General Utility Information

Agency	Service Population	Annual Fee	Annual Revenue
City of Concord	113,000	26	1,413,000
City of Fremont	185,000	14	1,200,000
Contra Costa County		16	1,634,300
City of Modesto	180,000	39	4,200,000
Riverside County	1,250,000	4	1,838,100
City of Sacramento	385,000	132	24,019,000
Sacramento County	650,000	26	8,500,000
City of San Diego	1,300,000		5,000,000
City of Stockton	250,000	25	4,000,000
San Joaquin County	50,000	25	400,000
Vallejo Sanitation...	100,000	11	1,000,000
Metro-Dade County	1,000,000	24	15,000,000
Hillsborough County	850,000	12	3,500,000
City of Des Moines, Iowa	200,000	4	6,700,000
City of Wichita	310,000	15	4,000,000
Louisville & Jefferson County	685,000	34	14,546,000
St. Paul Public Works	260,000	50	8,500,000
Charlotte Storm Water Svcs.	500,000	35	13,370,000
City of Durham	140,000	39	5,000,000
City of Greensboro	195,000	29	5,700,000
Cincinnati Stormwater Mgt...	358,170	25	5,700,000
City of Columbus	650,000	20	12,000,000
City of Forest Park	18,500	36	510,000
City of Oklahoma City		33	5,000,000
City of Tulsa	375,000	33	10,000,000
City of Portland	460,000	63	15,383,000
Chattanooga Stormwater Mgt.	150,000	3	
City of Arlington, Texas	280,000	16	2,200,000
City of Austin	500,000	3	13,600,000
City of Dallas	1,000,000	3	17,300,000
City of Garland, Texas	190,000	2	2,700,000
City of Lubbock, Texas	200,000	21	1,800,000
City of Chesapeake	187,204		

Agency	Service Population	Annual Fee	Annual Revenue
Norfolk DPW	260,000	54	6,336,075
City of Seattle	500,000	85	
Spokane County	120,000	10	1,000,000
City of Tacoma	185,000	106	11,470,000

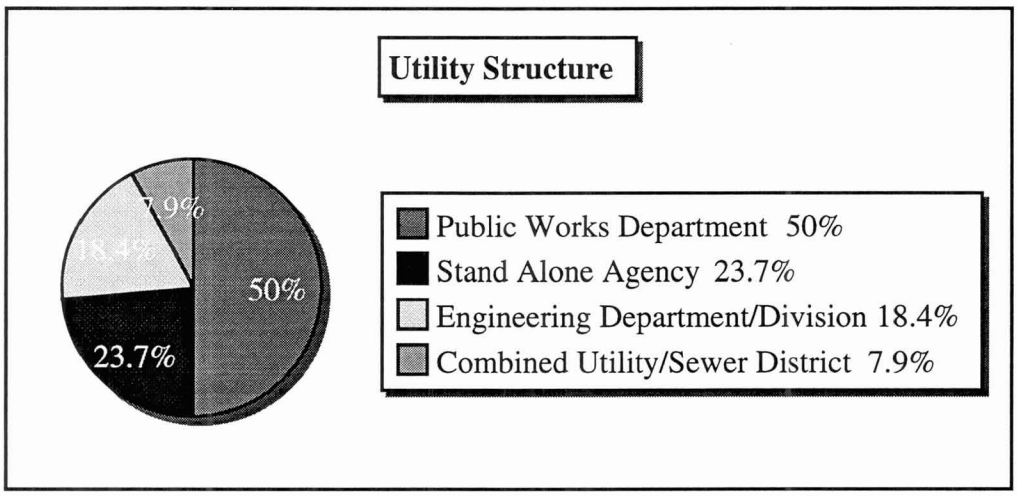
Survey Item	Average	Maximum	Minimum
General Utility Information			
Annual Fee	$30.08	$131.76	$2.40
Service Population	692,000	8,000,000	18,500
Annual Revenue	$7,525,000	$35,000,000	$400,000
Funding Allocation			
Maintenance	38.9%	90.0%	2.0%
Stormwater Quality	23.6%	80.0%	1.0%

Survey Item	Number of Utilities	Percent of Utilities
Fee Reduction for Stormwater Controls	11	28.9
Peak Runoff Controls	6	15.8
Implementation of Quality/Maint. BMPs	3	7.9
Industrial NPDES Permit	2	5.3
No Fee Reduction	27	71.1



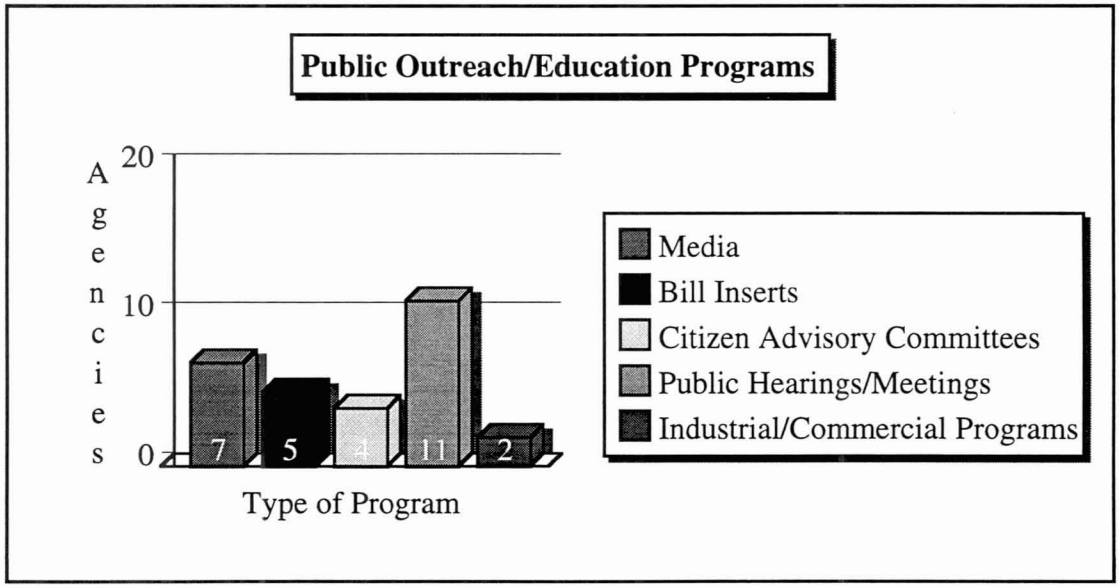
Utility Structure

Survey Item	Number of Utilities	Percent of Utilities
Public Works Department	19	50.0
Stand Alone Agency	9	23.7
Engineering Department/Division	7	18.4
Combined Utility/Sewer District	3	7.9



Public Outreach/Education Programs: 21 Agencies, 55.3% of Utilities.

Survey Item	Number of Utilities	Percent of Utilities
Media (newspapers, television, etc.)	7	33.3
Bill Inserts	5	23.8
Citizen Advisory Committees	4	19.0
Public Hearings/Meetings	11	52.4
Industrial/Commercial Programs	2	9.5



Agencies with Established Stormwater Utilities

2.

2.1 AGENCIES WITH ESTABLISHED UTILITIES

City of Concord
Pat MacDonald
Stormwater Program Manager
1957 Parkside Drive
Concord, CA 94520
Tel: 510/671-3076 **Population:** 113,000
Fax: 510/798-9692 **EPA Region:** IX

City of Fremont / Environmental Services
Norman Dean Ploss / Forest L. Frasieur
Environmental Services Engineer / Engineering Specialist
39550 Liberty Street
Fremont, CA 94538
Tel: 501/494-4693 **Population:** 185,000
Fax: 510/494-4752 **EPA Region:** IX

Contra Costa Co.
Melissa Morton
Senior Civil Engineer
255 Glacier Drive
Martinez, CA 94553
Tel: 510/313-2285 **Population:**
Fax: 510/313-2333 **EPA Region:** IX

City of Modesto
Garner Reynolds
Junior Civil Engineer
1221 Sutter Ave.
Modesto, CA 95351
Tel: 209/571-5120 **Population:** 180,000
Fax: 209/525-9311 **EPA Region:** IX

Riverside County Flood Control and Water
Donald Greywood
Chief of Operations and Maintenance
1995 Market Street
Riverside, CA 92501
Tel: 909/275-1280 **Population:** 1,250,000
Fax: 909/788-9965 **EPA Region:** IX

City of Sacramento
Michelle Basurto
Adminstration Anslyst
5770 Freeport Boulevard, Suite #100
Sacramento, CA 95822
Tel: 916/433-6386 **Population:** 385,000
Fax: 916/433-6652 **EPA Region:** IX

Sacramento County Water Resource Div.
Craig Crouch
Principal Civil Engineer
829 - 7th Street, Room #301
Sacramento, CA 95765
Tel: 916/440-8231 **Population:** 650,000
Fax: 916/552-8693 **EPA Region:** IX

City of San Diego
Robert Cain
NPDES Program Administrator
1010 Second Ave., Suite 1200
San Diego, CA 92101
Tel: 619/533-3773 **Population:** 1,300,000
Fax: 619/533-3071 **EPA Region:** IX

City of Stockton
Glen Birdzell
Deputy Director Municipal Utilities
2500 Navy Dr.
Stockton, CA 95206
Tel: 209/937-8734 **Population:** 250,000
Fax: 209/937-8708 **EPA Region:** IX

San Joaquin County
Charles Kelley
Associate Civil Engineer
1810 East Hazelton Avenue
Stockton, CA 95205
Tel: 209/468-3055 **Population:** 50,000
Fax: 209/468-2999 **EPA Region:** IX

Vallejo Sanitation & Flood Control District
Jack Betourne
Pollution Control Supervisor
450 Ryder Street
Vallejo, CA 94590
Tel: 707/644-8949 **Population:** 100,000
Fax: 707/644-8975 **EPA Region:** IX

Metro-Dade County, DERM
Dorian K. Valdes, P.E.
Chief of the Water Management Division
33 S.W., 2nd Avenue, Suite #500
Miami, FL 33130
Tel: 305/372-6656 **Population:** 1,000,000
Fax: 305/372-6631 **EPA Region:** IV

Hillsborough County
Elie G. Araj, P.E.
Environmental Team Leader
601 E. Kennedy Blvd., 23rd Floor
Tampa, FL 33602
Tel: 813/272-5912x3610 **Population:** 850,000
Fax: 813/272-6458 **EPA Region:** IV

City of Des Moines, Iowa
Roger Schletzbaum
Storm Water Utility Administrator
400 E. 1st Street
Des Moines, IA 50309-1891
Tel: 515/283-4598 **Population:** 200,000
Fax: 515/283-4112 **EPA Region:** VII

City of Wichita - Storm Water Mgmt.
Suzanne Loomis
Acting Storm Water Engineer
455 N. Main, 8th Floor
Wichita, KS 67202
Tel: 316/268-4498 **Population:** 310,000
Fax: 316/268-4114 **EPA Region:** VII

Louisville & Jefferson Co. MSD
Robert Smith, PE
Chief Stormwater Management Engineer
700 West Liberty St.
Louisville, KY 40203-1913
Tel: 502/540-6206 **Population:** 685,000
Fax: 502/540-6562 **EPA Region:** IV

St. Paul Public Works
Mike Kassan
Civil Engineer III
1000 City Hall Annex
St. Paul, MN 55102
Tel: 612/266-6249 **Population:** 260,000
Fax: 612/298-5621 **EPA Region:** V

Charlotte Storm Water Services
Kia Whittlesey
Water Quality Engineer
600 E. Fouth Street
Charlotte, NC 28202
Tel: 704/336-3622 **Population:** 500,000
Fax: 704/336-6586 **EPA Region:** IV

City of Durham Engineering Department
Sue Burke
Assistant City Bengineer
101 City Hall Plaza
Durham, NC 27701
Tel: 919/560-4326 **Population:** 140,000
Fax: 919/560-4316 **EPA Region:** IV

City of Greensboro Stormwater Services
Grant Duffield
Stormwater Program Analyst
PO Box 3136
Greensboro, NC 27402-3136
Tel: 910/373-2123 **Population:** 195,000
Fax: 910/373-2988 **EPA Region:** IV

Cincinnati Stormwater Management Utility
Robert Jansen
Sewers Chief Engineer
705 Central Ave., Room 400
Cincinnati, OH 45202
Tel: 513/352-2405 **Population:** 358,170
Fax: 513/352-2407 **EPA Region:** V

City of Columbus
Michael Martin, PE
Stormwater Program Mgr.
910 Dublin Road, Room 3008
Columbus, OH 43212
Tel: 614/645-6311 **Population:** 650,000
Fax: 614/645-3801 **EPA Region:** V

City of Forest Park
David Buesking
Director of Public Works
1201 W. Kemper
Forest Park, OH 45240
Tel: 513/595-5258 **Population:** 18,500
Fax: 513/595-5285 **EPA Region:** V

City of Oklahoma City
Otis Shockley
NPDES Coordinator
420 W. Main
Oklahoma City, OK 73102
Tel: 405/297-2179 **Population:**
Fax: 405/297-2117 **EPA Region:** VI

City of Tulsa, Public Works Department
Dale Reynolds
Manager, Project Administration
2317 S. Jackson Avenue
Tulsa, OK 74102
Tel: 918/596-9236 **Population:** 375,000
Fax: 918/596-9708 **EPA Region:** VI

Bureau of Environmental Services - City of Portland
Cathryn Collis
Manager - Surface Water Management
1120 S.W. 5th Avenue, Room #400
Protland, OR 97204
Tel: 503/823-7115 **Population:** 460,000
Fax: 503/832-6995 **EPA Region:** X

Stormwater Management
Tom Scott
Manager
1001 Lindsay Street
Chattanooga, TN 37402
Tel: 423/757-5392 **Population:** 150,000
Fax: 423/757-0041 **EPA Region:** IV

City of Arlington
Robert Barker
Assistant City Engineer
PO Box 231
Arlington, TX 76010
Tel: 817/459-6550 **Population:** 280,000
Fax: 817/459-6585 **EPA Region:** VI

Drainage Utility
Franklin C. Houston
Division Manager
P.O. Box #1088
Austin, TX 78767
Tel: 512/499-7102 **Population:** 500,000
Fax: 512/499-7116 **EPA Region:** VI

Public Works & Transportation Dept.
Larry McDaniel, P.E., R.S.
Program Manager, Stormwater Qual. Div.
2721 Municipal St., Room 12
Dallas, TX 75215
Tel: 214/670-8559 **Population:** 1,000,000
Fax: 214/670-8047 **EPA Region:** VI

City of Garland Engineering Infrasturcture
Philip R. Welsch
Storm Water Quality Coordinator
P.O. Box 469002
Garland, TX 75046-9002
Tel: 214/205-2189 **Population:** 190,000
Fax: 214/205-2823 **EPA Region:** VI

City of Lubbock
Larry D. Hertel, P.E.
City Engineer
P.O. Box 2000
Lubbock, TX 79457
Tel: 806/767-3160 **Population:** 200,000
Fax: 806/762-3623 **EPA Region:** VI

City of Chesapeake
Pat Lundgren
Adminstrative Assistant
300 Cedar Road
Chesapeake, VA 23320
Tel: 757/382-6101 **Population:** 187,204
Fax: 757/382-6310 **EPA Region:** III

Norfolk Dept. of Public Works
James E. Daman
Stormwater Engineer
2233 McKann Ave.
Norfolk, VA 23509
Tel: 804/441-2408 **Population:** 260,000
Fax: 804/441-2402 **EPA Region:** III

Surface Water Management Division
Richard Rice
Billing Supervisor
700 5th Avenue
Seattle, WA 98104
Tel: 206/296-8335 **Population:** 500,000
Fax: 206/296-0192 **EPA Region:** X

Spokane County
Brenda Sims
Stormwater Utility Manager
1026 W, Broadway
Spokane, WA 99260
Tel: 509/456-3600 **Population:** 120,000
Fax: 509/324-3478 **EPA Region:** X

City of Tacoma Public Works
John Stetson
Division Manager, Utility Svcs. Engnring
747 Market St.
Tacoma, WA 98402
Tel: 206/591-5588 **Population:** 185,000
Fax: 206/502-2107 **EPA Region:** X

2.2 AGENCIES WITH ESTABLISHED UTILITIES

City of Concord
Pat MacDonald
Stormwater Program Manager
1957 Parkside Drive
Concord, CA 94520

Tel: 510/671-3076
Fax: 510/798-9692

Population: 113,000
EPA Region: IX

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$26.00**.

Calculation of Fee

One ERU = 3400 sq. ft. of impervious which is the standard for a single family house

Collection of Fee

The fee is put on the property tax bill as a separate item and collected along with the property tax.

Multiplying Factors for Business & Industry

The ERU values for all other land use (except single family) shall be determined by dividing the average impervious area for that land use by 3400 sq. ft.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$1,413,000**.

Approximately **41** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: Concord created the Stormwater Enterprise to keep revenue separated from the General Fund. The Stormwater Enterprise is under the Engineering and Trans. Department.

City of Concord . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Newpaper coverage, public hearings, community forums, and council study sessions

☐ Resistance was encountered from governing boards or city councils.

City of Fremont / Environmental Services
Forest L. Frasieur
Environmental Services Engineer / Engineering Specialist
39550 Liberty Street
Fremont, CA 94538

Tel: 501/494-4693
Fax: 510/494-4752

Population: 185,000
EPA Region: IX

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$13.50**.

Calculation of Fee

Based on land use and area (size) from base rate of $13.50 per single family residence up to 1/4 acre-cost is what program actually costs.

Collection of Fee

With property tax bill by Alameda County

Multiplying Factors for Business & Industry

From base fee for residential land use increase of 2x (rational formula increase 'C' factor .4 to .8) and 4x for area (1/4 acre to 1 acre) for $108 per acre

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$1,200,000**.

Approximately **13** percent of the funds are used for maintenance.

Approximately **17** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: Environmental services division is part of "Development and Environmental Services Department". (Which replaced public works which was added to Recreation Department.)

City of Fremont / Environmental Services . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Stenciling Storm Drain inlts and strong industrial/commercial program.

☐ Resistance was encountered from governing boards or city councils.

Contra Costa Co.
Melissa Morton
Senior Civil Engineer
255 Glacier Drive
Martinez, CA 94553

Tel: 510/313-2285
Fax: 510/313-2333

Population:
EPA Region: IX

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$16.20**.

Calculation of Fee

ERU = 3300 Sq. ft. of impervious surface. We use average impervious surface area per land use.

Collection of Fee

Through our property taxes by the flood control district who has authority to collect fees.

Multiplying Factors for Business & Industry

9 ERUs=office; 12 ERUs=Industrial and commercial; 10 ERUs=Mobile home park

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$1,634,300**.

Approximately **28** percent of the funds are used for maintenance.

Approximately **72** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other:

Contra Costa Co. . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

City of Modesto
Garner Reynolds
Junior Civil Engineer
1221 Sutter Ave.
Modesto, CA 95351

Tel: 209/571-5120
Fax: 209/525-9311

Population: 180,000
EPA Region: IX

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$38.76**.

Calculation of Fee

Use & lot size

Collection of Fee

Billed monthly & collected with water & sewer bill

Multiplying Factors for Business & Industry

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$4,200,000**.

Approximately **90** percent of the funds are used for maintenance.

Approximately **10** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☒ stand alone agency.

Other:

City of Modesto . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Riverside County Flood Control and Water Conservation
Donald Greywood
Chief of Operations and Maintenance
1995 Market Street
Riverside, CA 92501

Tel: 909/275-1280
Fax: 909/788-9965

Population: 1,250,000
EPA Region: IX

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$4.00**.

Calculation of Fee

The Amount of benefit assesment imposed on any parcel of property reltes to the stormwater runoff generated from that parcel. This is dependent on impervious area/land use.

Collection of Fee

Through the Tax Associaion property bill.

Multiplying Factors for Business & Industry

The Districk uses a single-family residnetial parcel of 7,200 sq. ft. (1/6 acre) in size with a runoff factor of 0.40 as its standard Benefit assesment Unit (BAU). Using a runoff factor of 0.80 for commerical/industrial land use the BAUs=(parcel area) x12 BAU/acre.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$1,838,100**.

Approximately **0** percent of the funds are used for maintenance.

Approximately **100** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☒ stand alone agency.

Other:

Riverside County Flood Control and . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

A brochure insert with the actual billing explaining the method and prupose of the assesment. A public hearing prior to adoption.

☐ Resistance was encountered from governing boards or city councils.

City of Sacramento
Mike Stamper
Adminstration Anslyst
5770 Freeport Boulevard, Suite #100
Sacramento, CA 95822

Tel: 916/433-6386
Fax: 916/433-6652

Population: 385,000
EPA Region: IX

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$131.76**.

Calculation of Fee

Residential - number of rooms
Commercial - gross surface area of parcel

Collection of Fee

Fees are billed monthly along with other utility charges.

Multiplying Factors for Business & Industry

Square footage of gross surface area

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$24,019,000**.

Approximately **61** percent of the funds are used for maintenance.

Approximately **3.5** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☒ stand alone agency.

Other:

City of Sacramento . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Sacramento County Water Resource Div.
Craig Crouch
Principal Civil Engineer
829 - 7th Street, Room #301
Sacramento, CA 95765

Tel: 916/440-8231
Fax: 916/552-8693

Population: 650,000
EPA Region: IX

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$25.68**.

Calculation of Fee

Flat rate for single family residential; impervious area (imputed) for all others.

Collection of Fee

With other utilities on the county bimonthly bill.

Multiplying Factors for Business & Industry

See attached ordinance, paragraph 15.10.040 (Levy of charge....)

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$8,500,000**.

Approximately **40** percent of the funds are used for maintenance.

Approximately **25** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other:
- Flyers in individual utility bills
- A dozen community meetings

Sacramento County Water Resource Div. . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

The utility accomplished a shift in funding from benefit assessment to the utility bill -- it was not a new charge to customers. However, public agencies successfully lobbied to be exempted from utility charge, as they were exempt from the old assessment

City of San Diego
Robert Cain
NPDES Program Administrator
1010 Second Ave., Suite 1200
San Diego, CA 92101

Tel: 619/533-3773
Fax: 619/533-3071

Population: 1,300,000
EPA Region: IX

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is.

Calculation of Fee

84 cents/mo single family dwelling
5.4 cents/HCF/mo water usage all others

Collection of Fee

part of bi-monthly water/sewer bill

Multiplying Factors for Business & Industry

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$5,000,000**.

Approximately **80** percent of the funds are used for maintenance.

Approximately **20** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other:

City of San Diego . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

City of Stockton
Glen Birdzell
Deputy Director Municipal Utilities
2500 Navy Dr.
Stockton, CA 95206

Tel: 209/937-8734
Fax: 209/937-8708

Population: 250,000
EPA Region: IX

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$25.20**.

Calculation of Fee

Based on impervious area for 2347 sq. ft.

Collection of Fee

Billed monthly

Multiplying Factors for Business & Industry

two methods:
1)79 percent gross parcels sqft divided by 2347 sq. ft.
2)Actual impervious area divided by 2347 sq. ft.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$4,000,000**.

Approximately **48** percent of the funds are used for maintenance.

Approximately **0** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☒ stand alone agency.

Other:

City of Stockton . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

TV ads

☒ Resistance was encountered from governing boards or city councils.

Explained liability for not complying with law

San Joaquin County
Charles Kelley
Associate Civil Engineer
1810 East Hazelton Avenue
Stockton, CA 95205

Tel: 209/468-3055
Fax: 209/468-2999

Population: 50,000
EPA Region: IX

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$25.00**.

Calculation of Fee

Flat rate per residential unit

Collection of Fee

County service area was formed to encompass permit area collected with property tax

Multiplying Factors for Business & Industry

Impervious area calculationusing single family equivalency

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$400,000**.

Approximately **20** percent of the funds are used for maintenance.

Approximately **80** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other:

San Joaquin County . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☒ Resistance was encountered from governing boards or city councils.

General dislike of mandated programs that are unfunded.

Vallejo Sanitation & Flood Control District
Jack Betourne
Pollution Control Supervisor
450 Ryder Street
Vallejo, CA 94590

Tel: 707/644-8949
Fax: 707/644-8975

Population: 100,000
EPA Region: IX

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$10.92.**

Calculation of Fee

Annual budget requirements divided by total equivalent dwelling units (EDUs).

Collection of Fee

Bi-Monthly billing in conjunction with their sewer bill.

Multiplying Factors for Business & Industry

They are billed in multiples of EDUs.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$1,000,000.**

Approximately **40** percent of the funds are used for maintenance.

Approximately **4.5** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: We are a POTW and a flood control agency.

Vallejo Sanitation & Flood Control . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Metro-Dade County, DERM
Mr. Herb Balfour
Chief of the Water Management Division
33 S.W., 2nd Avenue, Suite #500
Miami, FL 33130

Tel: 305/372-6656
Fax: 305/372-6631

Population: 1,000,000
EPA Region: IV

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$24.00**.

Calculation of Fee

1 ERE = 1548 sq. ft. Non-residential accounts are charged by impervious area, Residential - 1 ERU.

Collection of Fee

Through Water and Sewer billing and a 2nd billing system where accounts have no waer and sewer services.

Multiplying Factors for Business & Industry

Answered in first part of (1).

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$15,000,000**.

Approximately **35** percent of the funds are used for maintenance.

Approximately **8** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☒ stand alone agency.

Other: The utility resides in the Department of Environmental Resources Management of Dade County. Chapter 24-61.

Metro-Dade County, DERM . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Hillsborough County
Tommy Denton, P.E.
Environmental Team Leader
601 E. Kennedy Blvd., 23rd Floor
Tampa, FL 33602

Tel: 813/272-5912x3610
Fax: 813/272-6458

Population: 850,000
EPA Region: IV

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$12**.

Calculation of Fee

Flat fee for residential single family. Other residential, such as apartments, $6/dwelling unit.

Collection of Fee

Tax Roll

Multiplying Factors for Business & Industry

$0.01/1.5sq.ft. impervious area.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$3,500,000**.

Approximately **0** percent of the funds are used for maintenance.

Approximately **11** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: Part of the engineering and construction services department.

Hillsborough County . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Neighborhood meetings. Support by "Environmental" agencies and organizations.

☐ Resistance was encountered from governing boards or city councils.

City of Des Moines, Iowa
Roger Schletzbaum
Storm Water Utility Administrator
400 E. 1st Street
Des Moines, IA 50309-1891

Tel: 515/283-4598
Fax: 515/283-4112

Population: 200,000
EPA Region: VII

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$4.00**.

Calculation of Fee

1ERU=2349 square feet of impervius area, $3 (4) * # of ERU = monthly bill, ERU= Equivalent residental unit

Collection of Fee

On the monthly water bill as a separate charge.

Multiplying Factors for Business & Industry

Non-residential properties are billed a multiple of the equivalent residential unit based on impervious area.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$6,700,000**.

Approximately **30** percent of the funds are used for maintenance.

Approximately **3** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other:

City of Des Moines, Iowa . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

News articles, telephone bank to respond to questions, mailings towater account holders

☒ Resistance was encountered from governing boards or city councils.

Explaining in detail the use of funds. Providing for previous active ongoing assessments

City of Wichita - Storm Water Mgmt.
Suzanne Loomis
Acting Storm Water Engineer
455 N. Main, 8th Floor
Wichita, KS 67202

Tel: 316/268-4498
Fax: 316/268-4114

Population: 310,000
EPA Region: VII

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$14.52**.

Calculation of Fee

Avg. Impervious Area for Residential Single Family Home=2,139 sq.ft. 1 ERU = 2139 sqft 1 ERU $1.21/mo.

Collection of Fee

Additional line on water & san. sewer bill. Their existing utility handles collections & we pay them for their services.

Multiplying Factors for Business & Industry

Fees based on actual amount of imperbious area. 1 ERU = 2139 sqft of imp. area. 1 ERU = $1.21/mo.

☒ Business or Industy Incentives for Stormwater Quality Controls

Only poperties w/50 ERUs or more are eligible: Detention (above new development requirements) 0-40% credit, Retention (no runoff from site) 80% credit.

III. Funding Allocation & Utility Structure

The annual revenues generated total **$4,000,000**.

Approximately **50** percent of the funds are used for maintenance.

Approximately **50** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other:

City of Wichita - Storm Water Mgmt. . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:
Hearings, presentations, media contact

☐ Resistance was encountered from governing boards or city councils.

Louisville & Jefferson Co. MSD
Robert Smith, PE
Chief Stormwater Management Engineer
700 West Liberty St.
Louisville, KY 40203-1913

Tel: 502/540-6206
Fax: 502/540-6562

Population: 685,000
EPA Region: IV

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$34.32**.

Calculation of Fee

Single Family=1ESU=$2.86/month flat rate
all others, $2.86/ESU/month where 1 ESU=2,500sq. ft. impervious area

Collection of Fee

bi-monthly on water bill. MSD pays water company for billing services.

Multiplying Factors for Business & Industry

1 ESU=2500sq. ft. impervious area. We measure impervious area, divide by 2500 and bill at $2.86/ES/mo

☐ Business or Industy Incentives for Stormwater Quality Controls

We give discount for on-site detention for control of peak flow not for quality improvements

III. Funding Allocation & Utility Structure

The annual revenues generated total **$14,546,000**.

Approximately **35** percent of the funds are used for maintenance.

Approximately **11** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: Stormwater and wastewater utility combined

Louisville & Jefferson Co. MSD . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Meetings with major customers and with neighborhood groups.

☐ Resistance was encountered from governing boards or city councils.

St. Paul Public Works
Mike Kassan
Civil Engineer III
1000 City Hall Annex
St. Paul, MN 55102

Tel: 612/266-6249
Fax: 612/298-5621

Population: 260,000
EPA Region: V

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☐ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$50.00**.

Calculation of Fee

Peak runoff rate for 100 yr. storm. One & two family homes are assumed to have a 7500 sq. ft. lot. For other land uses lot size is a factor in computing the charges.

Collection of Fee

Billed annually by separate bill. If not paid, the charge is added to the customer's property tax.

Multiplying Factors for Business & Industry

Area and land use

☒ Business or Industy Incentives for Stormwater Quality Controls

Credits if ponding limits 5 year or 100 year storm peak discharge to 1.64 CFS/Acre.

III. Funding Allocation & Utility Structure

The annual revenues generated total **$8,500,000**.

Approximately **2** percent of the funds are used for maintenance.

Approximately **1** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other:

St. Paul Public Works . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Charlotte Storm Water Services
Kia Whittlesey
Water Quality Engineer
600 E. Fouth Street
Charlotte, NC 28202

Tel: 704/336-3622
Fax: 704/336-6586

Population: 500,000
EPA Region: IV

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$35.04**.

Calculation of Fee

$2 to $3 per month was determined to be a monthly charge our citizens could accept. .48 cents/month goes to administrative costs. .32cents/month goes to the county's maintenance of major creeks and floodplains.

Collection of Fee

Storm water is included on the Water & Waster Water service bill that goes out monthly.

Multiplying Factors for Business & Industry

$.011206/square foot of hard surface per year plus $.48 per ;month fixed administrative costs.

☒ Business or Industy Incentives for Stormwater Quality Controls

Credit is available to businesses and industries that have storm water structures. Credit is given as follows: Up to 25% for reducing peak runoff from a 2/yr., 6-hr. storm, up to 50% for reducing peak runoff froma 10/yr, 6hr. storm and up to 25% for pollution reduction of

III. Funding Allocation & Utility Structure

The annual revenues generated total **$13,370,000**.

Approximately **78** percent of the funds are used for maintenance.

Approximately **6** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other:

Charlotte Storm Water Services . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

A drainage advisory committee was established.
A marketing company conducted a random survey.

☐ Resistance was encountered from governing boards or city councils.

Resistance was minimal. We had been talking to Council about storm drainage problems on private property for more than 3 years prior to the Utility. Water quality regulations provided enough additional concern at a time when we were not willing to increase taxes for our Council to support the Utility.

City of Durham Engineering Department
Sue Burke
Assistant City Bengineer
101 City Hall Plaza
Durham, NC 27701

Tel: 919/560-4326
Fax: 919/560-4316

Population: 140,000
EPA Region: IV

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$39.00**.

Calculation of Fee

Total impervious area, It IA>2000 ft 2, charge is $2.17/mo. ($26.04/yr.) If IA>2000 Ft 2, charge is $3.25/mo. (or $34.00/yr.)

Collection of Fee

Added to utility bill. If a property does not have water or sewer service, a separate stormwater only bill is sent quarterly.

Multiplying Factors for Business & Industry

Not usre I understand the question. Business, industry, other residential charge on impervious area basis, rate = $3.25/ERU 1 ERU=2400 ft 2

☒ Business or Industy Incentives for Stormwater Quality Controls

Up to 25% credit available for water quality measures. Credit available also for maintenance and quantity measures.

III. Funding Allocation & Utility Structure

The annual revenues generated total **$5,000,000**.

Approximately **15** percent of the funds are used for maintenance.

Approximately **25** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: Engineering Department - Storm Water Services Division

City of Durham Engineering Department . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

City of Greensboro Stormwater Services
Grant Duffield
Stormwater Program Analyst
PO Box 3136
Greensboro, NC 27402-3136

Tel: 910/373-2123
Fax: 910/373-2988

Population: 195,000
EPA Region: IV

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$29.28**.

Calculation of Fee

All residences pay for 1 ERU charge of $2.44 per month. 1 ERU=2,543 sq. feet of impervious suface.

Collection of Fee

Stormwater fees included with the city's utility billing system. Bills sent to customers at least one time per quarter.

Multiplying Factors for Business & Industry

Non-residential property is assessed based upon the number of ERUs calculated for the property's total impervious area. [see submission for formula]

☒ Business or Industy Incentives for Stormwater Quality Controls

Stormwater credit policy is available for customers who demonstrate structural & non structural water quantity/quality practices.

III. Funding Allocation & Utility Structure

The annual revenues generated total **$5,700,000**.

Approximately **N/A** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: Utility operated within the stormwater division of Greenboro's Environmental Services Department

City of Greensboro Stormwater Services . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Creation of a citizen advisory committee

☒ Resistance was encountered from governing boards or city councils.

The key to our success has been creating value with the community.

Cincinnati Stormwater Management Utility
Robert Jansen
Sewers Chief Engineer
705 Central Ave., Room 400
Cincinnati, OH 45202

Tel: 513/352-2405
Fax: 513/352-2407

Population: 358,170
EPA Region: V

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$25.32**.

Calculation of Fee

See attached

Collection of Fee

As of January, 1997, the stormwater bill will be part of the water bill.

Multiplying Factors for Business & Industry

See attached

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$5,700,000**.

Approximately **30** percent of the funds are used for maintenance.

Approximately **0** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: SMU is a division of the Metro Sewer District

Cincinnati Stormwater Management . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

SMU held public hearings explaining the program. Also, SMU went to all Cincinnati Community Councils and explained the program.

☐ Resistance was encountered from governing boards or city councils.

Presentations made to Community Council and made to the City Council. In fact, the neglect of the storm sewer system built up over the years brought about complaints and a request for the program.

City of Columbus
Michael Martin, PE
Stormwater Program Mgr.
910 Dublin Road, Room 3008
Columbus, OH 43212

Tel: 614/645-6311
Fax: 614/645-3801

Population: 650,000
EPA Region: V

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☐ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$19.68**.

Calculation of Fee

SFR=1ERV=2000 sq. ft. impervious area
$.0539/ERV/Day

Collection of Fee

On water/sewer bill, or separate, bill for others

Multiplying Factors for Business & Industry

1 ERV=2000 sq. ft. impervious area

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$12,000,000**.

Approximately **50** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: Part of sewer division, which is part of water, sewer, elect. dept.

City of Columbus . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Meetings with professional organizations most affected by fees: shopping center owners, warehouse owners, business groups, etc.

☒ Resistance was encountered from governing boards or city councils.

No better option was suggested. We badly needed a funding source.

City of Forest Park
David Buesking
Director of Public Works
1201 W. Kemper
Forest Park, OH 45240

Tel: 513/595-5258
Fax: 513/595-5285

Population: 18,500
EPA Region: V

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$36**.

Calculation of Fee

Av. lot being 10,000 sqft

Collection of Fee

Annually-return envelopes
30-60 days average turn around to collect 95% of residential revenue Commercial Bills mailed quarterly. Failure to pay=lien against prop.

Multiplying Factors for Business & Industry

See enclosed statement with factors involved for land classifications on back of statement

☒ Business or Industy Incentives for Stormwater Quality Controls

Detention Basin credits.

III. Funding Allocation & Utility Structure

The annual revenues generated total **$510,000**.

Approximately **20** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other: Combined departments-public works/stormwater utility
Public works in house operation, stormwater mainly contractual

City of Forest Park . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Public hearings and mailed brochures answering common questions
See enclosures.

☐ Resistance was encountered from governing boards or city councils.

City of Oklahoma City
Otis Shockley
NPDES Coordinator
420 W. Main
Oklahoma City, OK 73102

Tel: 405/297-2179
Fax: 405/297-2117

Population:
EPA Region: VI

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$32.76**.

Calculation of Fee

Water Meter Size.

Collection of Fee

Line item on the water and garbage monthly utility billing.

Multiplying Factors for Business & Industry

Monthly Charge - Meter Size: 5/8"= $2.56, 3/4" = 2.58, 1" = 2.95, 1 1/2 = 9.28, 2" = 12.58, 3" = 23.87, 4" = 39.12, 6" = 75.88, 8" = 125.93, 10" = 192.23, 16" = 299.04

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$5,000,000**.

Approximately **20** percent of the funds are used for maintenance.

Approximately **80** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☒ stand alone agency.

Other:

City of Oklahoma City . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Direct mail and meetings with City Council

☒ Resistance was encountered from governing boards or city councils.

Resistance was focused on unfunded EPA mandate, consultations with legal department and EPA representatives, informed officials of substantial federal fines if eminent MS4 was not implemented and funded.

City of Tulsa, Public Works Department
Dale Reynolds
Manager, Project Administration
2317 S. Jackson Avenue
Tulsa, OK 74102

Tel: 918/596-9236
Fax: 918/596-9708

Population: 375,000
EPA Region: VI

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$33.12**.

Calculation of Fee

Set fee for all single family residences.

Collection of Fee

On monthly bill with all other city utilities (water, sewer, refuse). If no other utilities on property, a separate bill is mailed.

Multiplying Factors for Business & Industry

Charges $2.76 per month for each 2,650 sq. ft. of impervious area.

☒ Business or Industy Incentives for Stormwater Quality Controls

Reduction in service fee for proper maintenance of stormwater detention facilities.

III. Funding Allocation & Utility Structure

The annual revenues generated total **$10,000,000**.

Approximately **64** percent of the funds are used for maintenance.

Approximately **15** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☒ stand alone agency.

Other: Financially it stands alone, but fuctionally integrated with rest of public works.

City of Tulsa, Public Works Department . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Education meetings with community and business leaders.

☐ Resistance was encountered from governing boards or city councils.

Minimal resistance from a few individuals.

Bureau of Environmental Services - City of Portland
Cathryn Collis
Manager - Surface Water Management
1120 S.W. 5th Avenue, Room #400
Protland, OR 97204

Tel: 503/823-7115
Fax: 503/832-6995

Population: 460,000
EPA Region: X

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$63.07**.

Calculation of Fee

$2.19 per thousand square feet of impervious area per moth times 2.4 thousand sqaure feet (average) times 12 months

Collection of Fee

With water/sewer bills

Multiplying Factors for Business & Industry

Business and industrial customers pay an additional .27 cents/1,000 sq. ft. of impervious are, representing additional costs of service for those customers.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$15,383,000**.

Approximately **69** percent of the funds are used for maintenance.

Approximately **20** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☒ stand alone agency.

Other:

Bureau of Environmental Services - City of...

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Stormwater Management
Tom Scott
Manager
1001 Lindsay Street
Chattanooga, TN 37402

Tel: 423/757-5392
Fax: 423/757-0041

Population: 150,000
EPA Region: IV

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$2.50**.

Calculation of Fee

[(Lot sq.ft.)/2500]*(Intensity of development)*($2/mo)

Collection of Fee

annually/tax bill

Multiplying Factors for Business & Industry

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$0**.

Approximately **N/A** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other:

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

City of Arlington
Robert Barker
Assistant City Engineer
PO Box 231
Arlington, TX 76010

Tel: 817/459-6550
Fax: 817/459-6585

Population: 280,000
EPA Region: VI

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$15.60**.

Calculation of Fee

$1.30/mo.

Collection of Fee

It is a line item on the Arlington Utility bill. Other line items included are water, sewer and garbage.

Multiplying Factors for Business & Industry

These fees are based on impervious area, with eight ranges of fees.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$2,200,000**.

Approximately **20** percent of the funds are used for maintenance.

Approximately **25** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: The utility operates as part of the department of engineering services

City of Arlington . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Articles in the local paper

☒ Resistance was encountered from governing boards or city councils.

Council meetings

Drainage Utility
Franklin C. Houston
Division Manager
P.O. Box #1088
Austin, TX 78767

Tel: 512/499-7102
Fax: 512/499-7116

Population: 500,000
EPA Region: VI

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$3.30**.

Calculation of Fee

Uniform Rate

Collection of Fee

Comprehensive utility bill

Multiplying Factors for Business & Industry

Commercial figured per developed acre @ $35.62/acre

☒ Business or Industy Incentives for Stormwater Quality Controls

50% reduction on commerical for on-site detention

III. Funding Allocation & Utility Structure

The annual revenues generated total **$13,600,000**.

Approximately **32** percent of the funds are used for maintenance.

Approximately **41** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☒ stand alone agency.

Other:

Drainage Utility . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Public Works & Transportation Dept.
Larry McDaniel, P.E., R.S.
Program Manager, Stormwater Qual. Div.
2721 Municipal St., Room 12
Dallas, TX 75215

Tel: 214/670-8559
Fax: 214/670-8047

Population: 1,000,000
EPA Region: VI

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$2.65**.

Calculation of Fee

Residential: Five tier structure based on property size (see attached ordinance)

Collection of Fee

Billed monthly on water/wastewater bill & collected same as those utilities

Multiplying Factors for Business & Industry

Size of property (in 100 sq. feet) time runoff coefficient time rate (see attached)

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$17,300,000**.

Approximately **74** percent of the funds are used for maintenance.

Approximately **26** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☒ stand alone agency.

Other: Alone, in that it is a separate fund.

Public Works & Transportation Dept. . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

School Programs/presentations, major events booth with handouts.

☐ Resistance was encountered from governing boards or city councils.

City of Garland Engineering Infrasturcture
Philip R. Welsch
Storm Water Quality Coordinator
P.O. Box 469002
Garland, TX 75046-9002

Tel: 214/205-2189
Fax: 214/205-2823

Population: 190,000
EPA Region: VI

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$2.40**.

Calculation of Fee

$0.06 per 100 sq. ft. impervious area rounded for households to average lot sizes of 3,750/7.500/11500 SF. Other developed proprety is $0.06 per 100 sq. ft. for all impervious area.

Collection of Fee

Collected as part of water/sewer bill.

Multiplying Factors for Business & Industry

$0.06 per 100 sq. ft. for actual impervious area.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$2,700,000**.

Approximately **35** percent of the funds are used for maintenance.

Approximately **30** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other: Directed by director of engineering, sanitation; infrastructure, health and other directors.

City of Garland Engineering . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

City of Lubbock
Ms. Elda Smith
City Engineer
P.O. Box 2000
Lubbock, TX 79457

Tel: 806/767-3160
Fax: 806/762-3623

Population: 200,000
EPA Region: VI

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$20.52**.

Calculation of Fee

The overall average lot size within the City is determined to be 0.22 acres, based on $15.55 per impervious acre with an average of 50% impervious surface coverage, the residential rate is $1.71 per month.

Collection of Fee

The billing for the stormwater fee is attached to the customers' monthly water service bill.

Multiplying Factors for Business & Industry

Currently billing on interim fee structure due to problems with the existing billing system. We will be changing to a proposed fee based on impervious surface area when the new system is in place.

☒ Business or Industy Incentives for Stormwater Quality Controls

Credit criteria have been prepared, may be utilized when the permanent billing system is in place. Credit for: Detention/retention basins, vegetated filter strips, sweeping, Industrial NPDES Permit.

III. Funding Allocation & Utility Structure

The annual revenues generated total **$1,800,000**.

Approximately **N/A** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☒ stand alone agency.

Other:

City of Lubbock . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

The City Council appointed a Stormwater Advisory Committee to review funding needs and alternatives. The committee recommended that utility. Their work was very visible and had continual coverage by the media.

☐ Resistance was encountered from governing boards or city councils.

However, we are now encountering some resistance from business about changing from the interim billing system based on muber of waer meters, to impervious surface area. Ther is some discussion at this time of having a cap or a maximum fee charged against a single property.

City of Chesapeake
Pat Lundgren
Adminstrative Assistant
300 Cedar Road
Chesapeake, VA 23320

Tel: 757/382-6101
Fax: 757/382-6310

Population: 187,204
EPA Region: III

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is.

Calculation of Fee

Collection of Fee

Multiplying Factors for Business & Industry

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total.

Approximately **N/A** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other:

City of Chesapeake . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Flyers; brochures; public information items such as pens, cup holders, etc.; Civic League presentation.

☐ Resistance was encountered from governing boards or city councils.

Norfolk Dept. of Public Works
James E. Daman
Stormwater Engineer
2233 McKann Ave.
Norfolk, VA 23509

Tel: 804/441-2408
Fax: 804/441-2402

Population: 260,000
EPA Region: III

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$54.00**.

Calculation of Fee

Daily rates (see attachment)

Collection of Fee

Public Service bill (utility bill)

Multiplying Factors for Business & Industry

Non-residential rates based on square footage of impervious area (see attachment)

☒ Business or Industy Incentives for Stormwater Quality Controls

Reduction of fee

III. Funding Allocation & Utility Structure

The annual revenues generated total **$6,336,075**.

Approximately **N/A** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other: Separate fund in the Department of Public Works.

Norfolk Dept. of Public Works . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Civic League presentation; presentation to City Council; presentation to business community; bill inserts; education programs with schools; partnership agreements with environmental groups.

☒ Resistance was encountered from governing boards or city councils.

Public education & education program.

Surface Water Management Division
Richard Rice
Billing Supervisor
700 5th Avenue
Seattle, WA 98104

Tel: 206/296-8335
Fax: 206/296-0192

Population: 500,000
EPA Region: X

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$85**.

Calculation of Fee

Flat fee for residents, based on assuptions of 1/4 acre per parcel with 25% impervious surface.

Collection of Fee

On the property tax statement, mailed annually.

Multiplying Factors for Business & Industry

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total.

Approximately **N/A** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other:

Surface Water Management Division . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Spokane County
Brenda Sims
Stormwater Utility Manager
1026 W, Broadway
Spokane, WA 99260

Tel: 509/456-3600
Fax: 509/324-3478

Population: 120,000
EPA Region: X

☒ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$10**.

Calculation of Fee

Flat rate (equivalnet residential unit-ER averages 3,160 sq. ft. impervious coverage).

Collection of Fee

On annual tax statement

Multiplying Factors for Business & Industry

Business/industry and other non-residential properties pay $10/yr/ERU (3160 sq. impervious)

☐ Business or Industy Incentives for Stormwater Quality Controls

Have considered reduction for industries with NPDES - stormwater-permits

III. Funding Allocation & Utility Structure

The annual revenues generated total **$1,000,000**.

Approximately **20** percent of the funds are used for maintenance.

Approximately **N/A** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other: Utility has separate fund but is part of Public Works Department.

Spokane County . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Use of citizens committee -- they worked on establishing the utility for 9 years. They facilitated watershed tours, public meetings, etc.

☒ Resistance was encountered from governing boards or city councils.

As county governing today (county commission) members change, we continue to get resistance. The best situation is toave board members go out and look at the stormwater problems.

City of Tacoma Public Works
John Stetson
Division Manager, Utility Svcs. Engnring
747 Market St.
Tacoma, WA 98402

Tel: 206/591-5588
Fax: 206/502-2107

Population: 185,000
EPA Region: X

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$106.44**.

Calculation of Fee

Monthly charge: fexed fee plus a variable fee based upon level of development (one of 5 levels-a function of impervious surface)

Collection of Fee

Every two months for residential, monthly for commercial, as part of city-wide billing for all utilities

Multiplying Factors for Business & Industry

Five levels of development (10%, 30%, 40%, 60%, 80%) at the higher end of percent impervious surface.

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$11,470,000**.

Approximately **16** percent of the funds are used for maintenance.

Approximately **1.5** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☐ stand alone agency.

Other: Utility is separate enterprise fund with revenue from rate expended only for utility purposes with no general fund contributions.

City of Tacoma Public Works . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Presentation to civil and community groups, media relations, mailers.

☐ Resistance was encountered from governing boards or city councils.

Agencies in the Process of Establishing Stormwater Utilities

3.

3.1 Directory Listing of Agencies Establishing Utilities

Santa Clara Valley Water District
Jason Christie
Program Manager
5750 Almaden Expressway
San Jose, CA 95118
Tel: 408/265-2607 **Population:** 1,600,000
Fax: 408/997-9247 **EPA Region:** IX

DC Department of Public Works
Kenneth Laden
Chief, Environmental Policy Division
2000 14th Street, NW, Sixth Floor
Washington, DC 20009
Tel: 202/939-8115 **Population:** 550,000
Fax: 202/939-7185 **EPA Region:** III

City of Jacksonville, Public Works Dept.
Dale R. Smith, P.E.
Manager, Drainage Design Section
220 East Bay Street
Jacksonville, FL 32202
Tel: 904/630-1344 **Population:** 700,000
Fax: 904/630-2905 **EPA Region:** IV

City of Winston-Salem
Terry Cornett
Stormwater Administrator
PO Box 2511
Winston-Salem, NC 27102
Tel: 910/748-3070 **Population:** 160,000
Fax: 910-727-2361 **EPA Region:** IV

City of Dayton
Donna Gorby-Lee
Environmental Compliance Coordinator
320 W. Monument
Dayton, OH 45402
Tel: 937/443-3725 **Population:** 183,189
Fax: 937/228-2833 **EPA Region:** V

3.2 AGENCIES IN THE PROCESS OF ESTABLISHING UTILITIES

Santa Clara Valley Water District
Jason Christie
Program Manager
5750 Almaden Expressway
San Jose, CA 95118

Tel: 408/265-2607
Fax: 408/997-9247

Population: 1,600,000
EPA Region: IX

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is.

Calculation of Fee

Collection of Fee

Multiplying Factors for Business & Industry

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total.

Approximately percent of the funds are used for maintenance.

Approximately percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other:

Santa Clara Valley Water District . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

DC Department of Public Works
Kenneth Laden
Chief, Environmental Policy Division
2000 14th Street, NW, Sixth Floor
Washington, DC 20009

Tel: 202/939-8115
Fax: 202/939-7185

Population: 550,000
EPA Region: III

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☐ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is .

Calculation of Fee

To be determined

Collection of Fee

As part of monthly water and sewer utility bills.

Multiplying Factors for Business & Industry

to be determined

☐ Business or Industy Incentives for Stormwater Quality Controls

To be determined

III. Funding Allocation & Utility Structure

The annual revenues generated total.

Approximately percent of the funds are used for maintenance.

Approximately percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☒ stand alone agency.

Other: DC is creating a separate water and sewer authority which will have responsibility for water distribution, storm water management, combined sewer system, and wastewater treatment operations.

DC Department of Public Works . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☒ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Some opposition from surrounding jurisdictions who wanted to obtain operating control over the District's treatment plant.

City of Jacksonville, Public Works Dept.
Dale R. Smith, P.E.
Manager, Drainage Design Section
220 East Bay Street
Jacksonville, FL 32202

Tel: 904/630-1344
Fax: 904/630-2905

Population: 700,000
EPA Region: IV

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☐ a single permittee ☒ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is.

Calculation of Fee

Collection of Fee

Multiplying Factors for Business & Industry

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total.

Approximately percent of the funds are used for maintenance.

Approximately percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other:

City of Jacksonville, Public Works Dept. . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

City of Winston-Salem
Terry Cornett
Stormwater Administrator
PO Box 2511
Winston-Salem, NC 27102

Tel: 910/748-3070
Fax: 910-727-2361

Population: 160,000
EPA Region: IV

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☒ Approved NPDES Permit ☐ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is **$30.00**.

Calculation of Fee

$2.50/mo. for 6000 sq. ft. of impervious area

Collection of Fee

Proposed as a separate item on the water and sewer bill

Multiplying Factors for Business & Industry

Proposed non-residential (business, industry) will be $220 per impervious acre per year. Equivalent to $30.00/6000 sq. ft. residential rate

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total **$2,650,000**.

Approximately **50** percent of the funds are used for maintenance.

Approximately **50** percent of the funds are used for stormwater quality.

The utility operates as a:

☒ part of the public works department.

☒ stand alone agency.

Other:

City of Winston-Salem . . .

IV. Public Outreach & Local Government

☒ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

Ad hoc committee and public meetings and hearing and a mailout to non-residential community

☐ Resistance was encountered from governing boards or city councils.

Only negative was the fact of a federal unfunded mandate

City of Dayton
Donna Gorby-Lee
Environmental Compliance Coordinator
320 W. Monument
Dayton, OH 45402

Tel: 937/443-3725
Fax: 937/228-2833

Population: 183,189
EPA Region: V

☐ *Copy of Existing Ordinance Appears in Appendix B*

I. NPDES Stormwater Permit Status

☐ Approved NPDES Permit ☒ NPDES Application Pending

☒ a single permittee ☐ a co-permittee

II. Calculation & Collection of Stormwater Fee

The average annual stormwater fee for the typical household is.

Calculation of Fee

Collection of Fee

Multiplying Factors for Business & Industry

☐ Business or Industy Incentives for Stormwater Quality Controls

III. Funding Allocation & Utility Structure

The annual revenues generated total.

Approximately percent of the funds are used for maintenance.

Approximately percent of the funds are used for stormwater quality.

The utility operates as a:

☐ part of the public works department.

☐ stand alone agency.

Other:

City of Dayton . . .

IV. Public Outreach & Local Government

☐ **yes** Public outreach or education efforts were conducted prior to implementing the utility.
☐ **no** Public outreach or education efforts were not conducted.

Effective outreach methods include:

☐ Resistance was encountered from governing boards or city councils.

Agencies Considering Establishing Stormwater Utilities

4.

AGENCIES CONSIDERING ESTABLISHING STORMWATER UTILITIES

City of Tempe Public Works
Tom Ankeny
Senior Civil Engineer
31 E. 5th Street
Tempe, AZ 85281
Tel: 602/350-8200 **Population:** 150,000
Fax: 602/350-8591 **EPA Region:** IX

City of Glendale
Farid Hentabli
Administrative Analyst
633 E. Broadway, Suite 205
Glendale, CA 91206
Tel: 808/548-3945 **Population:** 190,000
Fax: 818/242-7087 **EPA Region:** IX

City of Oxnard
Robert Montgomery
CUPA/Environmental/Safety Manager
6001 S. Perkins Road
Oxnard, CA 93033
Tel: 805/271-2206 **Population:** 150,000
Fax: 805/488-2036 **EPA Region:** IX

San Bernadino Co. Flood Control District
Naresh Varma
Public Works Engineer III/NPDES Coord.
825 E. Third Street, Room 127
San Bernadino, CA 92495
Tel: 909/387-2620 **Population:** 1,100,000
Fax: 909/387-2667 **EPA Region:** IX

City of Torrance
Gamal Abdalla
Associate Civil Engineer
3031 Torrance Boulevard
Torrance, CA 90509-2970
Tel: 310/618-2820 **Population:** 137,000
Fax: 310/618-2822 **EPA Region:** IX

Engineering Division
Bruce A. Thorson, P.E.
Stormwater and Subdivision Manager
P.O. Box 1575, Mail Code 1110
Colorado Springs, CO 80901-1575
Tel: 719/578-6212 **Population:** 325,000
Fax: 719/578-6161 **EPA Region:** VIII

City of Lakewood
Brian Schat
Storm Water Quality Coordinator
445 S. Allison Pkwy.
Lakewood, CO 80226
Tel: 303/987-7900 **Population:** 135,000
Fax: 303/987-7979 **EPA Region:** VIII

Escambia County - Public Works
Christopher A. Curb
Engineer
1190 W. Leonard Street, Suite #1
Pensacola, FL 32501
Tel: 904/436-9865 **Population:**
Fax: 904/436-9895 **EPA Region:** IV

City of Tampa Stormwater Mgt. Division
Michael Burwill
Stormwater Planner
306 E. Jackson AGN
Tampa, FL 35602
Tel: 813/274-7864 **Population:** 200,000
Fax: 813/274-8448 **EPA Region:** IV

DeKalb Co Roads and Drainage Division
David W. Pelton
Flood Management Coordinator
120 West Trinity Place, Room 209
Decatur, GA 30030
Tel: 404/371-2985 **Population:** 585,000
Fax: 404/371-2875 **EPA Region:** IV

Cobb Co. Water System, Stormwater Mgt.
Fred Mingledorff, PE
Division Manager
680 South Cobb Dr.
Marietta, GA 30060-3113
Tel: 770/419-6436 **Population:** 380,000
Fax: 770/419-6335 **EPA Region:** IV

City of Savannah
Billy Jones
Facilities Maintenance Director
PO Box 1027
Savannah, GA 31402
Tel: 912/651-6575 **Population:** 140,000
Fax: 912/651-6577 **EPA Region:** IV

City of Boise
Joan Meitl
Stormwater Program Coordinator
PO Box 500, 150 N. Capitol
Boise, ID 83701
Tel: 208/384-3900 **Population:** 140,000
Fax: 208/384-3905 **EPA Region:** X

City County Planning Commission
James Dinning
Staff Engineer & Assistant Director
1141 State St.
Bowling Green, KY 42101
Tel: 502/781-3076 **Population:** 85,000
Fax: 502/842-1282 **EPA Region:** IV

Jefferson Parish Environmental Devel.
Marnie Winter
Director
1221 Elmwood Park Blvd, Suite 703
Harahan, LA 70123
Tel: 504/736-6440 **Population:** 450,000
Fax: 504/736-6445 **EPA Region:** VI

Dept. of Public Works, Water Quality Mangement
William P. Stack, P.E.
Program Administrator
3001 Druid Park Drive - Rm #219
Baltimore, MD 21215
Tel: 410/396-0732 **Population:** 760,000
Fax: 410/523-9047 **EPA Region:** III

City of Rochester
Richard Freese
Director of Public Works/City Engineer
201 4th Street, SE, Room 108
Rochester, MN 55904
Tel: 507-287-7800 **Population:** 78,000
Fax: 507/281-6216 **EPA Region:** V

City of Raleigh
Mark Senior
Project Engineer
PO Box 590
Raleigh, NC 27502
Tel: 919/890-3030 **Population:** 291,000
Fax: 919/890-3832 **EPA Region:** IV

City of Albuquerque
Dan Hogan
Public Works Department/ Hydrology Div.
PO Box 1293
Albuquerque, NM 87103
Tel: 505/768-2778 **Population:** 400,000
Fax: 505/768-3629 **EPA Region:** VI

Metro Gov't of Nashville & Davidson Co.
Mark Macy
Assistant Director Public Works
720 S. Fifth Street
Nashville, TN 37206
Tel: 815/862-8760 **Population:** 500,000
Fax: 615/862-5568 **EPA Region:** IV

Harris Co. Flood Control District
Arthur Storey
Executive Director
9900 Northwest Freeway
Houston, TX 77092
Tel: 713/684-4010 **Population:** 3,000,000
Fax: 713/684-4102 **EPA Region:** VI

City of Alexandria
Warren Bell
City Engineer
PO Box 178 City Hall
Alexandria, VA 22313
Tel: 703/838-4327 **Population:** 115,000
Fax: 703/838-6438 **EPA Region:** III

Arlington Co. Public Works
Bill Frost
Senior Planner
2100 Clarendon Blvd., Ste. 717
Arlington, VA 22201
Tel: 703/358-3202 **Population:** 185,500
Fax: 703/358-3594 **EPA Region:** III

Fairfax Co. Dept of Public Works
Bill Henry
Chief, Stormwater Mgmt. Branch
12000 Government Center Parkway #449
Fairfax, VA 22030-0052
Tel: 703/324-5800 **Population:** 880,000
Fax: 703/324-4365 **EPA Region:** III

City of Roanoke
Greg Reed
Civil Engineer
215 Church Ave., Room 350
Roanoke, VA 24011

Tel: 540/853-2035 **Population:** 96,000
Fax: 540/853-1364 **EPA Region:** III

City of Spokane
Gerry Shropis
Capital Programs Engineer
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Tel: 509/625-6345 **Population:** 185,000
Fax: 509/625-6274 **EPA Region:** X

City Engineering
Michael Dailey
Principal Civil Engineer
210 Martin Luther King Blvd., Room 115
Madison, WI 53710

Tel: 608/266-4058 **Population:** 193,000
Fax: 608/264-9275 **EPA Region:** V

Agencies Not Considering Establishing Stormwater Utilities

5.

AGENCIES NOT CONSIDERING ESTABLISHING STORMWATER UTILITIES

City of Mesa
Peter Knudson
Supervising Engineer
PO Box 1466
Mesa, AZ 85211-1466
Tel: 602/644-2514 **Population:** 330,000
Fax: 602/644-3392 **EPA Region:** IX

Flood Control District of Maricopa Co.
Douglas Stoup
Environmental Program Manager
2801 W. Durango
Phoenix, AZ 85009
Tel: 602/506-8127 **Population:** 1,300,000
Fax: 602/506-4601 **EPA Region:** IX

Pima Co. Department of Transportation
Bill Sheldon
Special Projects Manager
201 N. Stone
Tucson, AZ 85701
Tel: 520/740-6433 **Population:** 780,000
Fax: 520/620-1933 **EPA Region:** IX

Los Angeles County Dept. of Public Works
Gary Hildebrand
Water Quality Section Head
900 S. Fermont Avenue
Alhambra, CA 91803
Tel: 818/458-5948 **Population:** 8,000,000
Fax: 818/458-3534 **EPA Region:** IX

Fresno Metro. Flood Control District
Doug Harrison
General Manager
5469 E. Olive
Fresno, CA 93727
Tel: 209/456-3292 **Population:** 600,000
Fax: 209/456-3794 **EPA Region:** IX

City of Garden Grove
Mel Araki
Civil Engineer
11222 Acacia Pkwy.
Garden Grove, CA 92646
Tel: 714/741-5181 **Population:** 170,000
Fax: 714/741-5205 **EPA Region:** IX

City of Irvine
Mike Loving
Senior Engineer
One Civic Center Plaza
Irvine, CA 92713
Tel: 714/724-6315 **Population:** 100,000
Fax: 714/724-6440 **EPA Region:** IX

City of Long Beach
Barbara Munoz
Senior Civil Engineer
333 W. Ocean Boulevard
Long Beach, CA 90802
Tel: 310/570-7454 **Population:** 450,000
Fax: 310/570-6012 **EPA Region:** IX

City of Riverside, Public Works
Delia Garrison
Associate Engineer
3900 Main St.
Riverside, CA 92807
Tel: 909/782-5689 **Population:** 250,000
Fax: 909/782-5622 **EPA Region:** IX

San Francisco Dept. of Public Works
Ann Carey
Rate Administrator
875 Stevenson Street, Room #455
San Francisco, CA 94103
Tel: 415/554-8409 **Population:** 750,000
Fax: 415/554-7800 **EPA Region:** IX

Orange Co. Flood Control District
H.I. Nakasone
Manager, Flood Program Division
PO Box 4048
Santa Ana, CA 92702-4048
Tel: 714/834-3719 **Population:** 2,600,000
Fax: 714/834-4572 **EPA Region:** IX

Public Works - City of Santa Ana
Ms. Souri Amirani
Senior Civil Engineer
101 W. 4th Street
Santa Ana, CA 92701
Tel: 714/647-5640 **Population:** 309,000
Fax: 714/647-5635 **EPA Region:** IX

Polk County Natural Resources and Drainage Division
Robert J. Kollinger
Professional Engineer
4177 Ben Durrance Road
Bartow, FL 33830
Tel: 941/534-7377 **Population:** 400,000
Fax: 941/534-7374 **EPA Region:** IV

Clayton County Trans. & Devel. Dept.
Mike Thomas
Land Development Engineer
7960 N. McDonough St.
Jonesboro, GA 30236
Tel: 770/477-3681 **Population:** 190,000
Fax: 720/473-5701 **EPA Region:** IV

Metro. Water Reclamation District
Leo DeVita
Chief Engineer
100 East Erie St.
Chicago, IL 60611
Tel: 312/751-7905 **Population:** 5,000,000
Fax: 312/751-5145 **EPA Region:** V

Department of Environmental Concerns
Jeff Daily
Chief Engineer
421 N. County Farm Road
Wheaton, IL 60187
Tel: 708/682-6946 **Population:** 750,000
Fax: 708/682-6948 **EPA Region:** V

City of Shreveport
Tom Dark
Director of Public Works
PO Box 31109
Shreveport, LA 71130
Tel: 318/673-6300 **Population:** 196,000
Fax: 318/673-6320 **EPA Region:** VI

Boston Water and Sewer Commission
Amy Keith
Project Manager
425 Summer St.
Boston, MA 02210
Tel: 617/330-9400 **Population:** 574,283
Fax: 617/261-4526 **EPA Region:** I

Detroit Water and Sewerage Department
Gary Jufita
Assstant Director - Wastewater Operations
735 Randolp
Detroit, MI 48226
Tel: 313/297-8402 **Population:** 3,000,000
Fax: 313/297-9323 **EPA Region:** V

Mineapolis Public Works
Jodi Polzin
Sewer Design Engineer
309 Second Ave. South, Room 300
Minneapolis, MN 55401-2268
Tel: 612/673-3626 **Population:** 370,000
Fax: 612/673-2048 **EPA Region:** V

City of Jackson, MS Public Works
Aaron Barnett, E.I.
Storm Water Engineer
200 S. President Street, P.O. Box 17
Jackson, MS 39205
Tel: 601/960-1168 **Population:** 195,000
Fax: 601/960-1174 **EPA Region:** IV

Clark Co. Regional Flood Control District
Kevin Eubanks
Assistant General Manager
301 E. Clark Ave., #301
Las Vegas, NV 89101
Tel: 702/455-3139 **Population:** 1,200,000
Fax: 702/455-3870 **EPA Region:** IX

Buffalo Sewer Authority
James Caruso
Associate Chemist / Industrial Waste Sect.
Foot of West Ferry St.
Buffalo, NY 14224
Tel: 716/883-1820 x250 **Population:** 600,000
Fax: 716/883-2789 **EPA Region:** II

New York City DEP
Vincent Sapienza
Chief, Program Development
96-05 Horace Harding Expressway
Corona, NY 11368
Tel: 718/595-4945 **Population:** 7,500,000
Fax: 718/595-4953 **EPA Region:** II

City of Philadelphia Water Dept.
Laureen Boles
Stormwater Program Manager
1101 Market Street, 4th floor
Philadelphia, PA 19107
Tel: 215/685-6254 **Population:** 1,500,000
Fax: 215/685-6207 **EPA Region:** III

City of Columbus, Dept. of Utilities
Dee Bennett
Operations Division Administrator
PO Box 147
Columbus, SC 29217
Tel: 803/733-8232 **Population:** 100,000
Fax: 803/733-8674 **EPA Region:** IV

City of Memphis, Public Works Division
Rodney E. Eder
Deputy Director
125 E. Main St.
Memphis, TN 38103
Tel: 901/576-7109 **Population:** 1,000,000
Fax: 901/576-7116 **EPA Region:** IV

City of Fort Worth, Environ. Dept.
Gene Rattan
Supervisor, Stormwater Qual
5000 M.L. King Freeway
Ft. Worth, TX 76119
Tel: 817/871-5463 **Population:** 450,000
Fax: 817/871-5464 **EPA Region:** VI

Salt Lake Co. Engineering Division
Terry Way
Program Manager
2001 South State St., #N3300
Salt Lake City, UT 84190
Tel: 801/468-2711 **Population:** 265,000
Fax: 801/468-2586 **EPA Region:** VIII

City of Richmond - Public Works
Diane Linderman
City Engineer
900 East Broad St., 6th floor
Richmond, VA 23219
Tel: 804/780-6930 **Population:** 200,000
Fax: 804/644-6411 **EPA Region:** III

Henrico Co. Dept of Public Works
Jeff Perry
Environmental Management Engineer
PO Box 27032
Richmond, VA 23273
Tel: 804/672-4539 **Population:** 230,000
Fax: 804/672-4545 **EPA Region:** III

SURVEY QUESTIONNAIRE

A.

NAFSMA SURVEY QUESTIONNAIRE ON MUNICIPAL STORMWATER UTILITIES

(Results from this survey will be used to compile a NAFSMA directory of municipal stormwater utility contacts)

Please return to NAFSMA by mail or fax (202/842-0621) to the attention of Susan Gilson **by Tuesday, April 22, 1996**. Thank you for your participation in this important effort.

Survey Completed By:_____

Title:_____

Agency:_____

Address:_____

City:_____State:_____Zip:_____

FAX (_____)_____ Phone(____)_____

Agency's Service Population:_____ EPA Region: _____

Does your agency have an approved NPDES stormwater permit? Y N

If NO, is there an application pending? Y N

If YES, Are you: _____(a) a single permittee or _____(b) a co-permittee

Does your community have a stormwater utility in place? Y N

If no, are you in the process of establishing a utility? Y N

Are you considering the possibility of establishing a stormwater utility? Y N

If you do have a utility structure in place, please answer the following questions.

1) **What is the annual stormwater fee for a typical household_____?**

How is the fee calculated?

_____

_____

How is it billed/collected?

_____

_____

_____

-Continued-

In establishing the stormwater fee, what multiplying factors are used for business and industry?

_____

_____

_____

Does your utility include incentives, such as a decreased user fee, for businesses or industries that implement stormwater quality controls? Y N

(Please list types of incentives)

_____

_____

_____

2) **What are the annual revenues generated? $_____**

3) **What percentage of the funds are used for maintenance? _____**

4) **What percentage of the funds are used for stormwater quality? _____**

5) **Does the utility operate as part of the public works department? Y N**

Does the utility stand alone? Y N

Other (please explain)

_____

_____

6) **Did your organization conduct a public outreach or education effort prior to implementing the utility? Y N**

If so, what aspects of the outreach did you find to be most effective?

_____

_____

_____

-Continued-

7) **Did your agency encounter any negative resistance from governing boards or city councils in enacting the utility? Y N**

If so, how were these overcome? (Please explain)

_____

_____

_____

8) **Could other localities contact you to discuss establishing a stormwater utility? Y N**

Although I prefer not to serve as a contact, I would recommend interested localities contact the following individual on our staff to discuss utility-related questions.

_____

_____

____ **Please include our agency's information in the NAFSMA Stormwater Utility Directory.**

____ **Please do not include our information in the Directory.**

If you have a utility in place, or in process, NAFSMA is requesting that you send or fax us a copy of the ordinance or resolution establishing the utility and setting the fees.

Thank you for your participation in this important survey. Please call NAFSMA Executive Director Susan Gilson at 202-218-4122 with questions concerning this survey.

LOCAL ORDINANCES

B.

B-1 Local Ordinances Provided

City of Concord
Pat MacDonald
Stormwater Program Manager
1957 Parkside Drive
Concord, CA 94520
Tel: 510/671-3076 **Population:** 113,000
Fax: 510/798-9692 **EPA Region:** IX

City of Fremont / Environmental Services
Norman Dean Ploss / Forest L. Frasieur
Environmental Services Engineer / Engineering Specialist
39550 Liberty Street
Fremont, CA 94538
Tel: 501/494-4693 **Population:** 185,000
Fax: 510/494-4752 **EPA Region:** IX

Contra Costa Co.
Melissa Morton
Senior Civil Engineer
255 Glacier Drive
Martinez, CA 94553
Tel: 510/313-2285 **Population:**
Fax: 510/313-2333 **EPA Region:** IX

Riverside County Flood Control and Water
Donald Greywood
Chief of Operations and Maintenance
1995 Market Street
Riverside, CA 92501
Tel: 909/275-1280 **Population:** 1,250,000
Fax: 909/788-9965 **EPA Region:** IX

City of Sacramento
Michelle Basurto
Adminstration Anslyst
5770 Freeport Boulevard, Suite #100
Sacramento, CA 95822
Tel: 916/433-6386 **Population:** 385,000
Fax: 916/433-6652 **EPA Region:** IX

Sacramento County Water Resource Div.
Craig Crouch
Principal Civil Engineer
829 - 7th Street, Room #301
Sacramento, CA 95765
Tel: 916/440-8231 **Population:** 650,000
Fax: 916/552-8693 **EPA Region:** IX

San Joaquin County
Charles Kelley
Associate Civil Engineer
1810 East Hazelton Avenue
Stockton, CA 95205
Tel: 209/468-3055 **Population:** 50,000
Fax: 209/468-2999 **EPA Region:** IX

Hillsborough County
Elie G. Araj, P.E.
Environmental Team Leader
601 E. Kennedy Blvd., 23rd Floor
Tampa, FL 33602
Tel: 813/272-5912x3610 **Population:** 850,000
Fax: 813/272-6458 **EPA Region:** IV

City of Savannah
Billy Jones
Facilities Maintenance Director
PO Box 1027
Savannah, GA 31402
Tel: 912/651-6575 **Population:** 140,000
Fax: 912/651-6577 **EPA Region:** IV

City of Wichita - Storm Water Mgmt.
Suzanne Loomis
Acting Storm Water Engineer
455 N. Main, 8th Floor
Wichita, KS 67202
Tel: 316/268-4498 **Population:** 310,000
Fax: 316/268-4114 **EPA Region:** VII

Louisville & Jefferson Co. MSD
Robert Smith, PE
Chief Stormwater Management Engineer
700 West Liberty St.
Louisville, KY 40203-1913
Tel: 502/540-6206 **Population:** 685,000
Fax: 502/540-6562 **EPA Region:** IV

Jefferson Parish Environmental Devel.
Marnie Winter
Director
1221 Elmwood Park Blvd, Suite 703
Harahan, LA 70123
Tel: 504/736-6440 **Population:** 450,000
Fax: 504/736-6445 **EPA Region:** VI

St. Paul Public Works
Mike Kassan
Civil Engineer III
1000 City Hall Annex
St. Paul, MN 55102
Tel: 612/266-6249 **Population:** 260,000
Fax: 612/298-5621 **EPA Region:** V

Charlotte Storm Water Services
Kia Whittlesey
Water Quality Engineer
600 E. Fouth Street
Charlotte, NC 28202
Tel: 704/336-3622 **Population:** 500,000
Fax: 704/336-6586 **EPA Region:** IV

City of Durham Engineering Department
Sue Burke
Assistant City Engineer
101 City Hall Plaza
Durham, NC 27701
Tel: 919/560-4326 **Population:** 140,000
Fax: 919/560-4316 **EPA Region:** IV

City of Greensboro Stormwater Services
Grant Duffield
Stormwater Program Analyst
PO Box 3136
Greensboro, NC 27402-3136
Tel: 910/373-2123 **Population:** 195,000
Fax: 910/373-2988 **EPA Region:** IV

Buffalo Sewer Authority
James Caruso
Associate Chemist / Industrial Waste Sect.
Foot of West Ferry St.
Buffalo, NY 14224
Tel: 716/883-1820 x250 **Population:** 600,000
Fax: 716/883-2789 **EPA Region:** II

Cincinnati Stormwater Management Utility
Robert Jansen
Sewers Chief Engineer
705 Central Ave., Room 400
Cincinnati, OH 45202
Tel: 513/352-2405 **Population:** 358,170
Fax: 513/352-2407 **EPA Region:** V

City of Columbus
Michael Martin, PE
Stormwater Program Mgr.
910 Dublin Road, Room 3008
Columbus, OH 43212
Tel: 614/645-6311 **Population:** 650,000
Fax: 614/645-3801 **EPA Region:** V

City of Forest Park
David Buesking
Director of Public Works
1201 W. Kemper
Forest Park, OH 45240
Tel: 513/595-5258 **Population:** 18,500
Fax: 513/595-5285 **EPA Region:** V

City of Tulsa, Public Works Department
Dale Reynolds
Manager, Project Administration
2317 S. Jackson Avenue
Tulsa, OK 74102
Tel: 918/596-9236 **Population:** 375,000
Fax: 918/596-9708 **EPA Region:** VI

City of Philadelphia Water Dept.
Laureen Boles
Stormwater Program Manager
1101 Market Street, 4th floor
Philadelphia, PA 19107
Tel: 215/685-6254 **Population:** 1,500,000
Fax: 215/685-6207 **EPA Region:** III

Stormwater Management
Tom Scott
Manager
1001 Lindsay Street
Chattanooga, TN 37402
Tel: 423/757-5392 **Population:** 150,000
Fax: 423/757-0041 **EPA Region:** IV

City of Arlington
Robert Barker
Assistant City Engineer
PO Box 231
Arlington, TX 76010
Tel: 817/459-6550 **Population:** 280,000
Fax: 817/459-6585 **EPA Region:** VI

Public Works & Transportation Dept.
Larry McDaniel, P.E., R.S.
Program Manager, Stormwater Qual. Div.
2721 Municipal St., Room 12
Dallas, TX 75215

Tel: 214/670-8559 **Population:** 1,000,000
Fax: 214/670-8047 **EPA Region:** VI

City of Garland Engineering Infrasturcture
Philip R. Welsch
Storm Water Quality Coordinator
P.O. Box 469002
Garland, TX 75046-9002

Tel: 214/205-2189 **Population:** 190,000
Fax: 214/205-2823 **EPA Region:** VI

City of Chesapeake
Pat Lundgren
Adminstrative Assistant
300 Cedar Road
Chesapeake, VA 23320

Tel: 757/382-6101 **Population:** 187,204
Fax: 757/382-6310 **EPA Region:** III

Norfolk Dept. of Public Works
James E. Daman
Stormwater Engineer
2233 McKann Ave.
Norfolk, VA 23509

Tel: 804/441-2408 **Population:** 260,000
Fax: 804/441-2402 **EPA Region:** III

Spokane County
Brenda Sims
Stormwater Utility Manager
1026 W, Broadway
Spokane, WA 99260

Tel: 509/456-3600 **Population:** 120,000
Fax: 509/324-3478 **EPA Region:** X

CITY OF CONCORD
STORM WATER MANAGEMENT

BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A Resolution of the City of Concord Authorizing the Contra Costa County Board of Supervisors to Direct the Contra Costa County Flood Control District to Establish an Annual Parcel Assessment for Drainage System Maintenance and the National Pollutant Discharge Elimination System Program.

RESOLUTION NO. 93-14

WHEREAS, under the Federal Water Pollution Control Act, (33 U.S.C. Section 1342(p), certain municipal storm water discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) Program; and

WHEREAS, the City of Concord is named in the Federal Register, Vol. 55, No. 222, dated November 16, 1990 as a medium sized city required to obtain a NPDES permit; and

WHEREAS, the San Francisco Regional Water Quality Control Board has required that Concord submit a Part II NPDES permit application by May 17, 1993; and

WHEREAS, the City of Concord in conjunction with other affected jurisdictions within Contra Costa County, is applying to the State Regional Water Quality Control Board for issuance of a Joint NPDES Permit and is developing a Storm Water Management Plan; and

WHEREAS, Assembly Bill 2768 (West's Water Code Appendix, Sections 63-12 and 63-12.8) authorizes the Contra Costa Flood Control and Water Conservation District (District) to establish storm water utility areas and to impose annual benefit assessments

for the purpose of carrying out the activities required under the NPDES Program; and

WHEREAS, it is the intent of the District to form a storm water utility area and impose an annual storm water parcel assessment to pay for the implementation of the NPDES Program and Storm Water Management Plan for each city so requesting; and

WHEREAS, before forming a storm water utility area and imposing an annual storm water parcel assessment within a city, the District must receive from the affected city a resolution authorizing such action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1. Pursuant to the provisions of West's Water Code Appendix, Section 63-12.8(d), the City of Concord hereby requests the District's governing body (Contra Costa

County Board of Supervisors) to direct the District to prepare the report, to schedule the public hearings and to take all other actions necessary to form a storm water utility area corresponding to the boundaries of the City of Concord, and to impose therein for fiscal year 1993-94 an annual parcel assessment to fund implementation of the NPDES Program and Storm Water Management Plan.

Section 2. The annual assessment to be imposed by the District within the storm water utility area shall be $26.00 per Equivalent Runoff Unit (ERU) for fiscal year 1993-94, and shall not exceed a maximum of $35.00 per ERU for subsequent fiscal years, if requested by the City of Concord.

Section 3. Should the City of Concord rescind this resolution prior to the District's imposition of the annual parcel assessment, the City of Concord shall be responsible for reimbursing the District upon demand for a proportionate share of the actual costs incurred by the District, but not to exceed $2.00 per parcel proposed for assessment within the storm water utility area.

Section 4. The Mayor is authorized to execute the storm water utility revenue collection and disbursement agreement.

PASSED AND ADOPTED by the City Council of the City of Concord on March 9, 1993 by the following vote:

AYES: Council members - B.Campbell, M.DeSaulnier, L.Mashore, N.Gore
NOES: Council members - None
ABSTAIN: Council members - None
ABSENT: Council members - C.Coll

I HEREBY CERTIFY that the foregoing Resolution No. 93-14 was duly and regularly adopted at a regular joint meeting of the City Council and Redevelopment Agency of the City of Concord on March 9, 1993.

_____

Lynnet Keihl, CMC

City Clerk

APPROVED AS TO FORM:

_____

Michael D. Martello
City Attorney

CITY OF FREMONT
STORM WATER MANAGEMENT AND DISCHARGE CONTROL

ORDINANCE NO. 2012

AN ORDINANCE OF THE CITY COUNCIL OF FREMONT AMENDING TITLE VIII (PLANNING AND ZONING) OF THE FREMONT MUNICIPAL CODE BY THE ADDITION OF CHAPTER 11 THERETO, ENTITLED "STORM WATER MANAGEMENT AND DISCHARGE CONTROL"

THE CITY COUNCIL OF THE CITY OF FREMONT HEREBY FINDS AS FOLLOWS:

1. The 1987 Amendments to the Federal Clean Water Act, as implemented by Environmental Protection Agency regulations adopted November 16, 1990, make necessary the adoption of plans and programs for storm water management meeting specified criteria.

2. Section 402(p) of the Clean Water Act (33 U.S.C. Sec. 1251 et seq.), as amended by the Water Quality Act of 1987, requires that all large and medium sized incorporated municipalities must:

(a) "effectively" prohibit non-storm water discharges into the storm drain system; and

(b) require controls to reduce the discharge of pollutants from storm water systems to waters of the United States to the maximum extent practicable ("MEP"); and

3. The City of Fremont seeks to comply with all of state and federal law.

4. In order to implement the federal regulatory requirements described above, the City of Fremont has entered into an "Agreement to Implement the Alameda County Urban Runoff Clean Water Program" dated

4. In order to implement the federal regulatory requirements described above, the City of Fremont has entered into an "Agreement to Implement the Alameda County Urban Runoff Clean Water Program" dated July 1991.

5. On October 16, 1991, the California Regional Water Quality Control Board, San Francisco Bay Region, issued Order No. 91-146, NPDES Permit No. CA 0029831, regulating, inter alia, storm water discharges by the City of Fremont.

6. The implementation of pollutant control measures described in the Plan in furtherance of these purposes is exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code as provided in categorical exemption classes 1, 4, 5, 7, 8, 9, and/or 21 of the CEQA Guidelines (Title 14, California Code of Regulations Sections 15301-15329).

7. This amendment to the Fremont Municipal Code has been duly processed with proper public notice and full environmental review.

8. The City Council has conducted legally noticed public hearings and has provided all interested parties an opportunity to be heard on these issues.

9. The City Council has carefully considered the proposed Storm Water Management Program and finds that it: (1) complies with the requirements of applicable federal and state law; (2) contributes to the comprehensiveness of the City of Fremont General Plan; and (3) provides an acceptable plan for the conservation of water resources within the City of Fremont and protection of the health, safety and general welfare of its citizens.

General Plan; and (3) provides an acceptable plan for the conservation of water resources within the City of Fremont and protection of the health, safety and general welfare of its citizens.

THE CITY COUNCIL OF THE CITY OF FREMONT THEREFORE HEREBY ORDAINS AS FOLLOWS:

Section 1:

Title VIII (Planning and Zoning) of the Fremont Municipal Code is hereby amended by the addition of Chapter 11 thereto, entitled "Storm Water Management and Discharge Control," to read as follows:

CHAPTER 11. STORM WATER MANAGEMENT AND DISCHARGE CONTROL

ARTICLE 1. TITLE, PURPOSE, AND GENERAL PROVISIONS

Sec. 8-111000. Title.

This chapter shall be known as the "City of Fremont Storm Water Management and Discharge Control Ordinance" and may be so cited.

Sec. 8-11101. Purpose and Intent.

The purpose of this chapter is to ensure the future health, safety, and general welfare of City of Fremont citizens by:

(a) Reducing to the maximum extent practicable non-storm water discharges to the city storm drain system.

(b) Controlling the discharge to the city storm drain system from spills, dumping or disposal of materials other than storm water.

(c) Reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. Sec. 1251, et. seq.)

Sec. 8-11102. Definitions.

(a) Any terms defined in the Federal Clan Water Act and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the storm water discharge permitting program issued by the Environmental Protection Agency on November 16, 1990, (as may from time to time be amended) as use in this ordinance shall have the same meaning as in that statute or regulations. Specifically, the definition of the following terms included in that statute or regulations are hereby incorporated by reference, as now applicable or as may hereafter be amended: discharge, illicit discharge, pollutant, and storm water. These terms presently are defined as follows:

(1) *Discharge:* (a) Any addition of any pollutant to navigable waters from any point source; or (b) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

(2) *Illicit discharge:* Any discharge to the city storm drain system that is not

composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.

(3) *Pollutant:* Dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water.

(4) *Storm water:* Storm water runoff, snow melt runoff, and surface runoff and drainage.

(b) When used in this chapter, the following words shall have the meanings ascribed to them in this section:

(1) *City* shall mean the City of Fremont.

(2) *City Manager* shall mean the city manager of the City of Fremont.

(3) *Authorized enforcement officer* shall mean the city manager or his/her designee.

(4) *Best management practices ("BMPs")* shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw indirectly to "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(5) *City Storm Drain System* includes but is not limited to those facilities within the city by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR Sec. 122.2.

(6) *Non-storm water discharge* shall mean any discharge that is not entirely composed of storm water.

(7) *Premises* shall mean any building, lot parcel, real estate, or land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Sec. 8-11103. Responsibility for administration.

This chapter shall be administered for the city by the city manager. Where storm drain facilities and/or watercourses have been accepted for maintenance by the Alameda County Flood Control and Water Conservation District (ACFCWCD) or other public agency legally responsible for certain watercourses, then the with such agency with respect to those watercourses for which they have accepted maintenance.

Sec. 8-11104. Taking.

The provisions of this chapter shall not operate to deprive any landowner of an economically

those watercourses for which they have accepted maintenance.

Sec. 8-11104. Taking.
The provisions of this chapter shall not operate to deprive any landowner of an economically viable use of his/her property or otherwise constitute an unconstitutional taking without compensation. If application of this chapter to a specific project would create an unlawful taking, the city my allow additional uses, but only to the extent necessary to avoid a taking. Such uses shall be consistent with an carry out the purposes of this ordinance as stated in section 8-11101 above.

ARTICLE 2. DISCHARGE REGULATIONS AND REQUIREMENTS

Sec. 8-11200. Discharge of pollutants
The discharge of non-storm water discharges to the city storm sewer system is prohibited. All discharges of material other than storm water must be in compliance with NPDES permit No. CA 0029831, issued by the California Regional Water Quality Control Board, San Francisco Bay Region, Order No. 91-146, on October 16, 1991, and any subsequent permit issued for the discharge on file with the city clerk of the City of Fremont.

Sec. 8-11201. Exceptions to discharge prohibition
The following discharges are exempt from the prohibition set forth in Sec. 8-11200 above.

(a) Any discharge regulated under a National Pollutant Discharge Elimination System (NPDES) permit issued to the discharger and administered by the State of California under authority of the United States Environmental Protection Agency is permissible, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

(b) Discharges form the following activities are permissible when properly managed: water line flushing and other discharges from potable water sources; landscape irrigation and land watering; irrigation water; diverted stream flows; rising ground waters; ground water infiltration into separate storm drains; uncontaminated pumped ground water; foundation and footing drains; water from crawl space pumps; air conditioning condensation; springs; individual residential car washings; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and flows from fire fighting.

Sec. 8-11203. Discharge in violation of permit; liability for violation.
Any discharge that would result in or contribute to a violation of NPDES Permit No. CA 0029831 (on file with the city clerk of the City of Fremont and more particularly referenced in Section 8-11200 hereof) and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited.

Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the city in any administrative or judicial enforcement action relating to such discharge.

Sec. 8-11204. Illicit discharge and illicit connections.
It is prohibited to establish, use, maintain, or continue illicit drainage connections to the city storm drain system. This prohibition is

Sec. 8-11204. Illicit discharge and illicit connections.

It is prohibited to establish, use, maintain, or continue illicit drainage connections to the city storm drain system. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

Sec. 8-11205. Reduction of pollutants in storm water.

Any person engaged in activities which may result in pollutants entering the city storm drain system shall undertake all practicable measures to reduce such pollutants. Examples of such activities include ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, commercial facilities, stores fronting city streets, etc. The following minimal requirements shall apply:

(a) Littering:

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the city, so that the same might be or become a pollutant, except in refuse containers or in lawfully established waste disposal facilities.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the city of Fremont in from of which there is a paved sidewalk shall maintain said

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the city of Fremont in from of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the disposal of garbage.

No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the city.

Notwithstanding any other provision of this section, the city manager may authorize the disposal of organic or non-organic waste as permitted by general law.

(b) Standard for parking lots and similar structures.

Persons owning or operating a parking lot, gas station pavement or similar structures having impermeable surfaces, shall clean such structures as frequently and thoroughly as practicable in a manner that does not result in discharge or pollutants to the city storm drain system.

(c) Best management practices for new developments and redevelopments; city manager regulations.

Any construction contractor performing work in the city shall endeavor, whenever possible, to provide permissible manual or other accepted local erosion control measures at the catch basin to retain any debris and dirt flowing into the city's storm drain system.

possible, to provide permissible manual or other accepted local erosion control measures at the catch basin to retain any debris and dirt flowing into the city's storm drain system.

The city manager may adopt regulations establishing controls on the volume and rate of storm water runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants.

(d) Notification of intent and compliance with general permits.
Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general storm water permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, San Francisco Bay Region, shall provide notice of intent, comply with, and undertake all other activities required by any general storm water permit applicable to such discharges.

Each discharger identified in an individual NPDES permit relating to storm water discharges shall comply with and undertake all activities required by such permit.

(e) Compliance with best management practices.
Where best management practices guidelines or requirements have been adopted by any federal, State of California, regional, and/or City of Fremont, for any activity, operation, or facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system, every activity, operation, or facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be prescribed by the city manager.

Sec. 8-11206. Watercourse protection.
Every person owning property through which a watercourse passes, or such person's lessee or tenant, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for said maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the city manager:

(a) Discharge into or connect any pipe or channel to a watercourse;

(b) Modify the natural flow of water in a watercourse;

(c) Carry out development within thirty feet of the center line of any creek or twenty feet of the top of a bank, whichever is greater;

(d) Deposit in, plant in, or remove any material

(c) Carry out development within thirty feet of the center line of any creek or twenty feet of the top of a bank, whichever is greater;

(d) Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;

(e) Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or

(f) Place any loose or unconsolidated material along the side of or within a watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by storm waters passing through such watercourse.

The city manager may adopt regulations to clarify and implement the requirements of this section.

ARTICLE 3. INSPECTION AND ENFORCEMENT

Sec. 8-11301. Authority to inspect.
Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever any authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the authorized enforcement officer may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter; provided that (1) if such building or premises be occupied, he/she shall first present proper credentials and request entry; and (2) if such building or premises be unoccupied, he/she shall first make a reasonable effort to locate the owner or inspect the same or perform any duty imposed upon the officer by this chapter; provided that (1) if such building or premises be occupied, he/she shall first present proper credentials and request entry; and (2) if such building or premises be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

Consent; search warrant: Any request for entry by the authorized enforcement officer shall include a statement that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate except as permitted for emergency or open space inspections. In the event the owner and/or occupant refuses entry after such request has been made, the authorized enforcement official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Emergency inspections: In any circumstance where there appears an immediate threat to the public health or safety, any authorized enforcement officer may enter any structure or premises without the consent of any person or court process.

Open space inspections: In any circumstances when it is necessary for the purposes of investigating or enforcing the provisions of this chapter, any authorized enforcement officer may enter open space areas without forcing entry. Said officer may enter such premises at any time to inspect the same, or to perform any duty imposed by law.

Routine or area inspections shall be based upon such reasonable selection processes consistent with general law as may be deemed necessary to carry out the objectives of this ordinance, including but not limited to random sampling

Routine or area inspections shall be based upon such reasonable selection processes consistent with general law as may be deemed necessary to carry out the objectives of this ordinance, including but not limited to random sampling and/or sampling in areas with evidence of storm water contamination, illicit discharges, discharge of non-storm water to the storm water system, or similar factors.

Sec. 8-11302. Authority to sample and establish sampling devices.

(a) With the consent of the owner or occupant or pursuant to a search warrant, any authorized enforcement officer may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the officer may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on site.

(b) Emergency or open space inspections and samplings may be conducted by any authorized enforcement officer without the consent of the owner or occupant and without a search warrant.

Sec. 8-11303. Personal Duty for training and procedures; notification of spills.

(a) All persons in charge of a facility or responsible for emergency response for a facility have a personal responsibility to train facility personnel and maintain notification procedures to assure immediate notification is provided to city of any suspected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge into the city storm drain system.

(b) As soon as any person in charge of a facility or responsible for emergency release of material, pollutants or waste creating a risk of discharge into the city storm drain system.

(b) As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge, or reason to know, of any suspected, confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or non-storm water discharges entering the city storm drain system, such person shall immediately take all necessary steps to ensure the discovery, containment and clean up of such release and shall immediately notify the city of the occurrence by telephoning (510) 745-2700 and confirming the notification by correspondence to City Manager, City of Fremont, 39100 Liberty Street, Fremont, CA 94538.

Sec. 8-11304. Authorization to test or monitor

(a) Whenever there is reasonable cause to believe that any facility is discharging pollutants or non-storm water discharges into the city storm drain system, any authorized enforcement officer is authorized to order testing or monitoring to confirm the unlawful discharge.

(b) Any authorized enforcement officer may order any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system undertake such monitoring activities and/or analyses and furnish such reports as the officer may specify. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake

specify. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses and/or reports ordered.

(c) In the event the owner or operator of a facility subject to a testing or monitoring order fails to conduct required monitoring, analyses and reports in the form required, the authorized enforcement officer may cause such testing, monitoring and analyses to be performed and the cost therefore, including the reasonable additional administrative costs incurred by city shall be the obligation of the owner or operator and may be recovered as provided in this chapter.

Sec. 8-11305. Violations constituting misdemeanors; alternative charge as infraction.

Unless otherwise specified by ordinance, the violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor. Notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, in the discretion of the authorized enforcement officer, be charged and prosecuted as an infraction.

Sec. 8-11306. Penalty for violation.

(a) Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.

(b) Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code Section 36901.

(b) Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code Section 36900.

Sec. 8-11307. Continuing violation.

Unless otherwise provided, a person, firm, corporation, or organization shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation, or organization and shall be punishable accordingly as herein provided.

Sec. 8-11308. Concealment.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

Sec. 8-11309. Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.

Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the Federal Clean Water Act and/or Porter-Cologne Act and may be subject to the sanctions of those Acts including civil and criminal penalty. Any enforcement action authorized under this article should also include notice to the violator of such potential liability.

Sec. 8-11310. Violations deemed a public nuisance; use of administrative hearings.

In addition to the civil and criminal remedies

Sec. 8-11310. Violations deemed a public nuisance; use of administrative hearings.

In addition to the civil and criminal remedies and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this chapter or orders of the authorized enforcement officer, is declared a threat to the public health, safety and welfare of the City of Fremont, and is declared and deemed a nuisance and may be abated by any authorized enforcement officer using the administrative notice and hearing procedures and remedies provided in this chapter.

Sec. 8-11311. Notice to abate violation.

Whenever the authorized enforcement officer determines there exists in the city a nuisance in violation of this chapter, he or she may:

(a) Send or hand deliver a written notice to abate the nuisance to the owner and operator in the manner and in the form as prescribed in this chapter.

(b) The notice shall state the proper street address and the assessor's parcel number of the subject property.

(c) The owner shall be provided thirty (30) calendar days to take corrective action to remedy the nuisance except in exigent circumstances when a shorter notice may be prescribed by the authorized enforcement officer.

(d) The notice shall specify the Fremont Municipal Code section of statute violated and state all the facts constituting the nuisance.

(e) The notice shall specify the corrective action required, including temporary corrective actions when appropriate.

nuisance.

(e) The notice shall specify the corrective action required, including temporary corrective actions when appropriate.

(f) The notice shall advise the property owner that failure to correct the nuisance will result in the city's abating the nuisance and collecting the charges by billing or by lien on the property.

(g) The notice shall advise the property owner and operator that only one notice every two years will be provided for recurring nuisances.

(h) The notice shall advise the owner and operator of the right to appeal the existence of the alleged nuisance pursuant to section 8-11314 within seven (7) calendar days if the owner seeks to challenge the existence of the nuisance.

(i) The notice shall advise the owner and operator he/she must either correct the nuisance or request a hearing in order to avoid city abatement and liability for costs of abatement.

(j) The authorized enforcement officer may, as necessary, cause at least one copy of the notice bearing title letters at least one (1") inch high reading "NOTICE TO ABATE NUISANCE" to be conspicuously posted on the property for thirty (30) calendar days beginning the date written notice is given to the owner.

(k) The notice shall advise the owner and operator that failure to appeal shall constitute a waiver of the right to administrative hearing to contest the existence of the nuisance.

Sec. 8-11312. Summary abatement; imminent

operator that failure to appeal shall constitute a waiver of the right to administrative hearing to contest the existence of the nuisance.

Sec. 8-11312. Summary abatement; imminent danger.

(a) Any nuisance which the authorized enforcement officer determines is imminently dangerous to the life, limb, health, or safety of the occupants of the property or to the public in general may be summarily abated in accordance with the procedures set forth in subsection (d) of this section.

(b) Actions taken to abate imminently dangerous property nuisances may include but are not limited to correction or removal of the condition creating the danger and/or the restriction from use of the property on which the dangerous condition exists or any other abatement action determined by the authorized enforcement officer to be necessary.

(c) Summary abatement actions taken by the authorized enforcement officer shall be fully documented prior to or contemporaneously with abatement. Documentation shall include photograph and/or drawings of the condition and a written statement by the authorized enforcement officer or other first hand witnesses as to the circumstance, condition, or occurrence constituting the nuisance.

(d) Whenever the authorized enforcement officer determines that summary abatement is justified by an imminently dangerous condition, circumstances, or occurrence, the authorized enforcement officer shall give immediate written notice to the property owner and personal notice to the occupant of the premises as to the nuisance. If the property owner fails to take prompt appropriate action to abate the nuisance the authorized enforcement officer may proceed to take abatement action authorized in this chapter to the extent necessary to remedy the immediate danger without further notice or right to a prior hearing.

(e) Once summary abatement action has been completed, the property owner may contest the need for a cost of abatement action in the manner provided in sections 8-11321 and 8-11322 within seven (7) calendar days after service of the cost report.

Sec. 8-11313. Abatement by city.

(a) In the event the property owner fails to abate within the prescribed time, and if no appeal has been filed with the city manager, the authorized enforcement officer shall abate the nuisance.

(b) Abatement shall be pursued by city personnel or private contractor retained by the city. The authorized enforcement officer or designee is hereby expressly authorized to enter upon said property for such purposes, to the extent permitted by law, and is authorized to obtain such court process as may be necessary to gain lawful entry.

(c) The actual costs of abatement, including administrative and incidental expenses, shall be the liability of the owner. "Incidental expenses" shall include but are not limited to personnel costs, both direct and indirect, costs incurred in inspecting the property, in documenting the nuisance, the actual expenses to the city in the

administrative and incidental expenses, shall be the liability of the owner. "Incidental expenses" shall include but are not limited to personnel costs, both direct and indirect, costs incurred in inspecting the property, in documenting the nuisance, the actual expenses to the city in the preparation of notices, preparation of specification and contracts for abatement and inspection of the work, and the costs of printing and mailing required hereunder, and legal expenses as provided in section 8-11326.

Sec. 8-11314. Appeal procedures; administrative hearing.

The property owner may appeal the nuisance determination of the authorized enforcement officer to the city manager by filing an appeal with the city clerk within seven (7) calendar days of the date of service of the notice to abate. The appeal shall identify the property and state the grounds for appeal together with all material facts in support thereof.

Sec. 8-11315. Service of notice of hearing.

(a) In the event the property owner appeals the nuisance determination, the city manager shall schedule an administrative hearing within five (5) days of receiving said appeal before a hearing officer designated by the city manager.

(b) Notice of said hearing shall be served personally or by first-class mail, postage prepaid. Such notice shall be addressed to the person in possession of such property as shown in the records of the authorized enforcement officer, and to the owner thereof at the last known address as the same appears on the last equalized assessment roll of the county and shall specify the time and place when and where the designated hearing officer will hear and decide upon issues which may be raised by the owner. Such notice shall be served not less than five (5) days, exclusive of Saturdays, Sundays, and holidays, prior to the time set for the hearing. Service shall be deemed complete at the time notice is personally served or deposited in the mail.

Sec. 8-11316. Waiver of hearing.

Failure of the owner to appear at the hearing after notice has been served personally or by first-class mail, postage prepaid, addressed to said owner at the address shown on the appeal shall be deemed a waiver of the hearing and an admission by said owner of the nuisance charged. In the event of such failure to appear, the city manager may order that the nuisance be abated by the authorized enforcement officer or his/her designee.

Sec. 8-11317. Administrative hearing by hearing officer.

(a) At the time and place set for hearing, the hearing officer designated by the city manager shall afford the appellant an opportunity for a hearing and shall consider all relevant evidence, and shall receive testimony from the authorized enforcement officer or his/her designee and the property owner under oath relative to such alleged nuisance and the proposed abatement of such nuisance. Each party may examine the witnesses of other parties.

(b) Said hearing shall be tape recorded and may be continued from time to time at the discretion of the hearing officer.

(c) The hearing officer shall prepare a written decision based on the evidence received which shall be final and conclusive. The written decision shall contain a statement

discretion of the hearing officer.

(c) The hearing officer shall prepare a written decision based on the evidence received which shall be final and conclusive. The written decision shall contain a statement of decision relevant to the issues presented and set forth the time within which abatement shall be completed by the owner. In no event shall said abatement period be less than thirty (30) days (except in exigent circumstances) nor more than sixty (60) days, except with a showing of good cause.

(d) The hearing officer shall complete and deliver the written decision to the city manager within five (5) days after the close of hearing.

(e) The city manager shall serve the written decision on the parties no later than five (5) days after the decision is delivered by the hearing officer and shall be served in the same manner as the notice to abate nuisance as prescribed in section 8-11311.

(f) The hearing officer shall compile and retain for one hundred twenty (120) days the full record of the hearing under this chapter, including all exhibits and documents offered as evidence, whether or not admitted, and an audio tape recording of the proceeding.

Sec. 8-11318. Voluntary abatement; avoidance of costs.

No administrative or incidental staff costs associated with the hearing or enforcement may be assessed against an owner who undertakes abatement action within ten (10) calendar days after service by the city manager of the written decision on the owner. The owner's abatement action shall be in compliance with the orders of the hearing officer.

Sec. 8-11319. Judicial Review.

Review of hearing officer decisions pursuant to this chapter shall be in accordance with CCP 1094.5.

Sec. 8-11320 Abatement by authorized enforcement officer upon failure of owner to abate.

After said hearing, if abatement of the nuisance has not been commenced and prosecuted to completion with due diligence as required by the written hearing decision, the authorized enforcement officer shall forthwith abate or cause to be abated the nuisance upon the premises and the cost thereof shall be billed to the property owner.

Sec. 8-11321. Notice and hearing of cost report.

(a) The authorized enforcement officer shall file with the city manager a cost report specifying the work completed, the cost of abatement, including incidental expenses, and a description of the property subject to abatement. The cost report shall be filed within ten (10) calendar days of completion of the abatement.

(b) At the time of filing the cost report with the city manager, the authorized enforcement officer shall cause notice of the cost report to be given in the manner specified in section 8-11311 of this article, which notice shall specify the time and place when and where a city hearing officer will hear and pass upon the cost report.

(c) The property owner may appear and be heard concerning the cost of abatement and may examine the authorized enforcement officer and any person responsible for the

will hear and pass upon the cost report.

(c) The property owner may appear and be heard concerning the cost of abatement and may examine the authorized enforcement officer and any person responsible for the abatement of the nuisance.

Sec. 8-11322. Hearing on cost report; finality of decision.

(a) At the time and place fixed for the hearing of the cost report, the hearing officer shall hear and pass upon the cost report in the manner provided in section 8-11317 hereof. The hearing officer shall receive objections and protests of the owner liable to be assessed for such abatement costs. The hearing officer may continue the hearing from time to time in his/her discretion.

(b) The hearing officer may make such revision, correction, or modification in the cost report as he/she may deem just, after which the cost report as revised or modified, shall be confirmed in writing by the hearing officer. The hearing officer shall deliver the written confirmation of the cost report to the city manager within five days after the close of the hearing on the cost report.

(c) The city manager shall serve the confirmed cost report on the property owner in the same manner as provided in section 8-11311 no later than five (5) days after receiving the confirmed cost report. The city manager shall inform the property owner that the cost report will become a lien on the subject property unless paid within thirty (30) days after confirmation by the hearing officer.

(d) If the hearing officer determines that the objections and protests support a finding that the nuisance was not created, or by the hearing officer.

(d) If the hearing officer determines that the objections and protests support a finding that the nuisance was not created, or allowed to continue by the owner or a person or entity holding an estate under the owner, he or she shall make such finding and may revise, correct, or modify the cost report of the authorized enforcement officer as justice may require.

(e) The decision on all protests and objections which may be made shall be final and conclusive and subject to review pursuant to Code of Civil Procedure Section 1094.5.

(f) The hearing officer shall prepare and preserve a full record of the proceeding, including an audio tape, for one hundred twenty (120) days after the close of the hearing.

Sec. 8-11323. Assessment of cost of abatement; lien.

The cost of abatement shall be assessed by the city against the property upon which the nuisance was abated and such cost so assessed, if not paid within thirty (30) days after its confirmation by the hearing officer, shall constitute a special assessment against the parcel of property and shall be a lien on such property for the amount thereof from the time of recordation of the notice of lien, which lien shall continue until the assessment is paid or until it is discharged of record.

Sec. 8-11324. Notice of lien; manner of collection.

(a) From and after the date of the recording of the notice of lien, all persons shall be deemed to have notice of the contents thereof. The notice of lien shall be delivered by the city finance director to the county auditor, who shall enter the amount thereof on the county assessment book

the notice of lien, all persons shall be deemed to have notice of the contents thereof. The notice of lien shall be delivered by the city finance director to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property. The amount of the lien shall be collected together with all other taxes thereon against the property.

(b) The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment roll to the county board of equalization. Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in the case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county are hereby made applicable to such special assessment taxes.

Sec. 8-11325. Special Circumstances.

(a) Notwithstanding any other provision herein, whenever an owner of property constituting a nuisance is unable to abate the nuisance and is also unable to pay for the cost of abatement by the city, the city shall abate the nuisance. The cost of abatement shall become a lien against the property, which lien comes due and payable only upon the sale, transfer, or total or partial destruction of said property.

(b) This procedure shall be available as an alternative provision whenever the owner can prove to the satisfaction of the authorized enforcement officer that said owner is unable to abate the nuisance or to pay for the cost of abatement due to the following circumstances:

(b) This procedure shall be available as an alternative provision whenever the owner can prove to the satisfaction of the authorized enforcement officer that said owner is unable to abate the nuisance or to pay for the cost of abatement due to the following circumstances:

(1) Continued unemployment, underemployment, or low income.

(2) Physical or mental disability, disease, handicap, or impairment rendering owner unable to meet its civic and financial obligations.

(3) Senior citizens subsisting on a limited, fixed, low income.

(c) The authorized enforcement officer shall advise all property owners of the availability of this procedure at the time of giving notice of nuisance as provided in section 8-11311 hereof.

Sec. 8-11326. Costs and attorney's fees recovery.

In any administrative or civil proceeding under this chapter in which the city prevails, the city shall be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, costs of suit, and reasonable attorney fees. All such costs shall be deemed costs of nuisance abatement and shall be included in the cost report provided in this chapter.

Sec. 8-11327. Civil actions.

In addition to any other remedies provided in this section, any violation of this section may be enforced by civil action brought by the city. In any such action, the city may seek, and the court shall grant, as appropriate, any or all of the following remedies:

(a) A temporary and/or permanent injunction.

be enforced by civil action brought by the city. In any such action, the city may seek, and the court shall grant, as appropriate, any or all of the following remedies:

(a) A temporary and/or permanent injunction.

(b) Assessment against the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.

(c) Costs incurred in removing, correction, or terminating the adverse effects resulting from the violation.

(d) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the city to be used exclusively for costs associated with monitoring and establishing storm water discharge pollution control systems and/or implementing or enforcing the provisions of this ordinance.

(e) An award of reasonable attorney fees in any action in which the city prevails.

Sec. 8-11328. Administrative enforcement powers.

In addition to the other enforcement powers and remedies established by this ordinance, any authorized enforcement officer has the authority to utilize the following administrative remedies:

(a) Cease and desist orders:
When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter, the official may issue an order to cease and desist such discharge and direct that those persons not complying shall: (1) When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter, the official may issue an order to cease and desist such discharge and direct that those persons not complying shall: (1) comply with the requirement, (2) comply with a time schedule for compliance, and/or (3) take appropriate remedial or preventive action to prevent the violation from recurring.

(b) Notice to clean; abatement procedures:
Whenever an authorized enforcement officer finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase in pollutants entering the city storm sewer system or a non-storm water discharge to the city storm sewer system, he or she may give notice to remove such oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in the manner prescribed by Section 1311 of this chapter. The recipient of such notice shall undertake the activities as described in the notice.

Sec. 8-11329 Costs and attorney fees a debt.

All costs and attorney fees imposed pursuant to the provisions of this chapter shall be deemed a debt to the city. At the discretion of the city manager, an action may be commenced in the name of the city in any court of competent jurisdiction for the amount of such debt. The time for commencement of any such action shall be within three (3) years from the date of the award imposed pursuant to the provisions of this chapter.

Sec. 8-11330. Authority to arrest or issue citations.

(a) Authorized enforcement officers shall have

date of the award imposed pursuant to the provisions of this chapter.

Sec. 8-11330. Authority to arrest or issue citations.

(a) Authorized enforcement officers shall have and are hereby vested with the authority to arrest or cite and release any person who violates any Section of this chapter in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or infractions.

(b) Such authorized enforcement officers may issue a citation and notice to appear in the manner prescribed by Penal Code Sections 853.5 and 853.6.

(c) It is the intent of the city council that the immunities prescribed in Section 836.5 of the Penal Code be applicable to public officers or employees or employees acting in the course and scope of employment pursuant to this chapter.

Sec. 8-11331. Remedies not exclusive.

Remedies under this article are in addition to and do not supersede or limit any and all other remedies, civil and criminal. The remedies provided for herein shall be cumulative and not exclusive.

Sec. 8-11332. Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the city, any officer or employee thereof, for any damages that result from reliance with this chapter or any administrative decision lawfully made discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the city, any officer or employee thereof, for any damages that result from reliance with this chapter or any administrative decision lawfully made thereunder.

ARTICLE IV. COORDINATION WITH OTHER PROGRAMS

Sec. 8-11400. Coordination with hazardous materials inventory and response program.

The first revision of the business plan for any facility subject to the city's hazardous materials inventory and response program shall include a program for compliance with this chapter, including the prohibitions on non-storm water discharges and illicit discharges, and the requirement to reduce storm water pollutants to the maximum extent practicable.

Sec. 8-11401. Severability and validity.

If any section, subsection, sentence, clause, phrase or portion of this chapter is , for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council of this city hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portion should be declared invalid or unconstitutional.

Sec. 8-11412. Construction and application.

This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. CA0029831 (on file with the city clerk of

This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. CA0029831 (on file with the city clerk of the City of Fremont and more particularly referenced in Section 8-11200 hereof) and any amendment, revision or reissuance thereof.

Section 3:

This ordinance shall be published once in The Argus, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont, within fifteen (15) days from and after its adoption, and shall take effect and be enforced thirty (30) days after its adoption.

The foregoing ordinance was duly introduced before the City Council of the City of Fremont, County of Alameda, at a regular meeting of the City Council of such City, held on the 9th day of June, 1992, and finally adopted at a regular meeting of said Council held on the 16th day of June, 1992, by the following vote, to wit:

AYES: MAYOR BALL, COUNCIL MEMBERS DUTRA, HOLMES, LAMMI and MORRISON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

BILL BALL
Mayor

ATTEST:

SHARON WHITTEN
County Clerk

ATTEST:

SHARON WHITTEN
County Clerk

APPROVED AS TO FORM:

JAMES E. GONZALES
Deputy City Attorney II

CONTRA COSTA COUNTY
STORMWATER UTILITY ASSESSMENTS

*** DRAFT ***

ORDINANCE NO.

AN ORDINANCE OF THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ESTABLISHING STORM WATER UTILITY ASSESSMENTS FOR STORMWATER UTILITY AREAS:

1-(Antioch), 2-(Clayton), 3-(Concord), 4-(Danville), 5-(El Cerrito), 6-(Hercules), 7-(Lafayette), 8-(Martinez), 9-(Moraga), 10-(Orinda), 11-(Pinole), 12-(Pittsburg), 13-(Pleasant Hill), 14-(San Pablo), 15-(San Ramon), 16-(Walnut Creek), and 17-(Unincorporated County)

The Board of Supervisors of the Contra Costa County Flood Control and Water Conservation District, State of California, do ordain as follows:

ARTICLE I

Section 1. Title.
This Ordinance shall be known as the "Stormwater Utility Assessment Ordinance" of the Contra Costa County Flood Control and Water Conservation District.

Section 2. Purpose.
The United States Environmental Protection Agency (the "EPA") has, consistent with Section 402 of the Federal Clean Water Act, as amended, promulgated the National Pollutant Discharge Elimination System Regulations (the NPDES Regulations") pursuant to which the EPA, through the appropriate California Regional Water Quality Control Board (the "CRWQCB"), has required the Contra Costa County Flood Control and Water Conservation District (the "District') and other affected public entities to secure a National Pollutant Discharge Elimination System Stormwater Permit (the "NPDES Permit') which does require the District to develop, implement and manage identified programs dealing with stormwater runoff. The parcels of land within the respective watersheds within the District's jurisdiction for which a NPDES Permit is required will benefit from these programs. Further, the local drainage facilities falling under the NPDES program requires routine maintenance if they are to continue to serve the developed areas for which they were installed. Collectively, these two activities, NPDES and general drainage maintenance, represent the city's and county's stormwater management programs. The Board of Supervisors of the District has determined, pursuant to the Contra Costa County Flood Control and Water Conservation Act (the "District Act"), which is Chapter, as amended, of the California Water Code Appendix, to establish certain Stormwater Utility Assessment Areas in which the District will annually levy Assessments to pay the cost of these programs required by the NPDES Permit. The Board of Supervisors of the District, consistent with Section __ of the District Act, held a noticed public hearing at which time all testimony, oral and written, was considered. As the conclusion of the public

hearing, the Board of Supervisors of the District adopted resolutions establishing the Stormwater Utility Assessment Areas. The provisions of this Ordinance confirming the establishment of the Stormwater Utility Assessment Areas and providing for the annual levy of a Utility Assessment are consistent with the District Act and the reports prepared by the Chief Engineer of the District and accepted by the Board of Supervisors of the District. The Board of Supervisors of the District finds that the Utility Assessment to be annually levied shall be based on the proportional amount of impervious surface on each lot or parcel within the Stormwater Utility Assessment Area. Revenues derived from the Utility Assessments shall be applied exclusively to pay the District's administrative costs in collecting the assessments and the respective city or county Stormwater management program costs for the Stormwater Utility Assessment Area in which they are collected.

ARTICLE II
DEFINITIONS

Section 1. Unless otherwise specifically provided or required by the context, certain terms or expressions used herein have the meanings set forth below:

a. "Utility Assessment" means the Utility Assessment to be levied annually on each Parcel within a Stormwater Utility Assessment Area pursuant to Article V of this Ordinance.
b. "Stormwater Utility Assessment Area" means a Assessment Area formed Pursuant to Section 12.8 of the District Act by the Board of Supervisors and identified in Article III of this Ordinance.
c. "Board of Supervisors" means the Board of Supervisors of the Contra Costa County Flood Control and Water Conservation District.
d. "Chief Engineer means the Chief Engineer of the Contra Costa County Flood Control and Water Conservation District.
e. "County" means the County of Contra Costa, State of California.
f. "CRWQCB" means the California Regional Water Quality Control Board for the region in which the Benefit Assessment Area has been established.
g."District" means the Contra Costa County Flood Control and Water Conservation District
h. "District Act" means the Contra Costa County Flood Control and Water Conservation District Act, Statutes___ , Chapter ___ , as amended; California Water Code, Appendix, Chapter__.,
i. "EPA" means the United States Environmental Protection Agency, which pursuant to the Clean Water Act of 1976, as amended by the Water Quality Act of 1987. has jurisdiction to establish the NPDES program and promulgate regulations pursuant thereto.
j. "NPDES Permit" means the permit issued by the regional CRWQCB.
dealing with stormwater runoff in association with the National Pollutant Discharge System (NPDES) and the regulations promulgated by the EPA.
k. "NPDES Regulations" means the final regulations dated November 16. 1990, and any subsequent amendments thereto promulgated by the EPA governing the National Pollutant Discharge Elimination System (NPDES).
l. "Ordinance" means this Ordinance No.__ Control and Water Conservation District of the

Contra Costa County Flood Control and Water Conservation District.

m."Parcel" means a parcel of property identified by Assessor parcel number as shown on the equalized tax rolls of the County of Contra Costa. State of California.

n."Program" means all the activities required in the maintenance of local drainage systems and complying with the conditions of the NPDES Permit.

ARTICLE III
ESTABLISHMENT OF BENEFIT ASSESSMENT AREAS

Section 1. Formation of Benefit Assessment Areas.

Pursuant to Section 11 of the District Act, the Board of Supervisors noticed public hearings to consider the establishment of individual Stormwater Utility Assessment Areas for each of the 16 cities and the county areas to fund program costs. At the conclusion of the hearings, the Board of Supervisors adopted Resolutions Nos. ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, and ___ which established, respectively, Stormwater Utility Assessment Areas 1(Antioch), 2-(Clayton), 3-(Concord). 4-(Danville), 5-(El Cerrito), 6-(Hercules), 7-(Lafayette), 8-(Martinez), 9-(Moraga), 10-(Orinda), 11-(Pinole), 12-(Pittsburg), 13-(Pleasant Hill), 14(San Pablo), 15-(San Ramon), 16-(Walnut Creek), and 17-(Unincorporated County). The legal boundary of each of the Stormwater Utility Assessments Areas formed in congruent with the legal boundary of each of the entities as of July 1, of each year in which an Assessment is levied.

Section 2. Additional Benefit Assessment Areas.

The District may create additional Benefit Assessment Areas, if requested by resolution of the governing board of the area to be formed. To create an additional Benefit Assessment Area, the District is to comply with provisions of the District Act then governing the creation of a benefit assessment area.

ARTICLE IV

Section 1. Report.

The Chief Engineer shall cause to be prepared annually a written report indicating for each Stormwater Utility Assessment Area the Utility Assessment to be levied, as requested by the city or county governing board having jurisdiction over the area defined by the Stormwater Utility Assessment Area and shall file the report with the Clerk of the Board of Supervisors.

Section 2. Content of the Report.

The report shall contain the District's estimate of its administrative costs and the program costs for the respective city or county agency for each of the Stormwater Utility Assessment Areas for the ensuing fiscal year. Said estimate of costs shall be apportioned to each Parcel on the basis of proportionate impervious surface assignable to each Parcel to be assessed. Only Parcels not otherwise exempted by this Ordinance or the NPDES Regulations shall have a Utility Assessment levied 'on them. The report shall identify all Parcels by Assessor parcel number on which a Utility Assessment is to be levied and the amount of the assessment.

Section 3. Resolution Accepting Report and Noticing Public Hearing

Upon the report being filed with the Clerk of the Board of Supervisors, the Board of Supervisors is, by resolution, to accept, if appropriate. the report and to set a date, time and place for a hearing on said report. Prior to the date of the hearing, a notice specifying the date, time, place and purpose of the hearing, and identifying those locations at which a property owner may review the report shall be published in a newspaper of general circulation within the Stormwater Utility Assessment Areas pursuant to the provisions of Section 6066 of the California Government Code. In addition, the District shall cause the notice of the hearing to be posted in at least three public places within the boundaries of each Stormwater Utility Assessment Area at least seven (7) days prior to the date of the hearing.

Section 4. Hearing.

The Board of Supervisors shall hear the matter on the date and at the time specified in the notice, or as continued for good cause. At the hearing, the Board of Supervisors shall hear and consider all testimony, oral and written, presented, including all written protests. At the conclusion of the hearing, the Board of Supervisors may revise, change, reduce or modify any Benefit Assessment and shall make its determination upon each Benefit Assessment identified in the report. Thereafter, by resolution it shall confirm the assessments. Such confirming resolution shall be adopted no later than August 10 of each fiscal year in which the Utility Assessment is to be levied and collected.

Section 5. Enrollment.

The District shall provide certified copies of the confirming resolutions and the roll of confirmed Utility Assessments in an acceptable format. to the Auditor-Controller of the County on or before August 10 of each fiscal year.

ARTICLE V
LEVY OF UTILITY ASSESSMENT

Section 1. Determination of the Amount to be Assessed.

The District is to estimate for the fiscal year in which the Utility Assessment is to be levied, the total number of Equivalent Runoff Units and the administrative costs for each Stormwater Utility Assessment Area. The administrative costs shall be combined with the requested amount of fund by the city or county governing board having jurisdiction of the Stormwater Utility Assessment Area for their program. This total cost is to be apportioned among the parcels within each respective Stormwater Utility Assessment Area in direct proportion to the number of Equivalent Runoff Units assigned to each Parcel. The Utility Assessment levied and collected within each Stormwater Utility Assessment Area may only be applied toward the costs incurred pursuant to the Program and administrative for the Stormwater Utility Assessment Area. If at the conclusion of any fiscal year there remains in the account for a Stormwater Utility Assessment Area unexpended funds. the remaining balance shall be applied toward the estimated costs for the next fiscal year and thereby reduce the amount of the Utility Assessment to be levied. Utility Assessments levied and collected pursuant to

this Ordinance may not be applied toward any other costs or expenses of the District or the city or county receiving funds from the Stormwater Utility Assessment Area nor may they be applied to the costs of a Stormwater Utility Assessment Areas other than the Stormwater Utility Assessment Area for which they were levied and collected.

Section 2. Determination of Equivalent Runoff unit and Amount of Benefit Assessment to be Levied.

a. Equivalent Runoff Unit. The Chief Engineer has submitted a report entitled "Report on Stormwater Utility Assessment" and dated March 1993. The report establishes standard impervious surface amounts for various land uses and parcel sizes and establishes Equivalent Runoff Units (ERUs) for each type of land use. The report and the standard amounts specified therein are adopted by the Board and are incorporated herein by reference. The standard against which all property is to be measured shall be a single-family residential parcel of 8,900 square feet in size to which a standard of 3,300 square feet of impervious surface is ascribed and shall be called a Equivalent Runoff Unit (ERU). All other land uses shall be compared to this standard and the number of Equivalent Runoff Units assigned to the parcel shall be in direct proportion to 3,300 square feet of impervious surface. The number of Equivalent Runoff Units per parcel for each of the classes listed in subsection (b) below are as follows:

Group A	1.0/unit	Group G	7 ERU/acre
Group B	0.7/unit	Group H	9 ERU/acre
Group C	1.7/unit	Group I	10 ERU/acre
Group D	0.2 ERU/acre	Group J	12 ERU/acre
Group E	1.5 ERU/acre	Group K	Exempt
Group F	4.5 ERU/acre		

b. Classification of Parcels. All Parcels shall be assigned to one of the following classifications based on land use:

Group A: Single family residential on a parcel having an area between 5.000 square feet and 20.000 square feet.

Group B: Single family residential on a parcel having an area less than 5,000 square feet and multiple family residential.

Group C: Single family residential on a parcel having an area greater than 20,000 square feet.

Group D: Golf Courses and cemeteries.

Group E: Miscellaneous improvements creating less impervious surfaces by parcel area.

Group F: Miscellaneous improvements creating more than 25 percent but less than 50 percent impervious surfaces by parcel area than 25 percent.

Group G: Community Centers, churches, schools and cultural facilities.

Group H: Office buildings, medical-dental offices, financial buildings, research and development offices, miscellaneous industrial improvements, convalescent hospitals and rest homes, mortuaries, fraternal and service organization buildings, retirement housing complex.

Group I: Hotels, motels, and mobile home parks.

Group J: Mini warehouses, industrial parks, light industrial parks, heavy industry, utility properties (corporation

yards), bowling alleys, theaters, restaurants, car lots, hospitals, convenience markets, supermarkets, shopping centers, drive thru restaurants, parking facilities, service stations and car washes.

Group K: vacant land, agricultural land, and government owned properties used for public purposes.

c. Exempted Land Uses. All land uses expressly exempted by the NPDES Regulation will be exempted from the levy of a Utility Assessment pursuant to this Ordinance. Those land uses exempted are:

(1) Agricultural uses, including dairies, poultry, livestock, groves, orchards, row crops, field crops, vines or dry farming.

(2) Vacant, undeveloped parcels.

(3) Publicly owned parcels which are parcels owned by a Federal, State or local public entity or agency and used for public purposes.

d. Determination of Equivalent Runoff Units Per Parcel. Once a Parcel is classified and its acreage or number of units is determined, the appropriate standard Equivalent Runoff Units amount for the classification will be multiplied by the acreage or the number of units to determine the total Equivalent Runoff Units for the Parcel.

e. Determination of Utility Assessment to be Levied per Equivalent Runoff Unit. The aggregate number of Equivalent Runoff Units within a Stormwater Utility Assessment Area will be divided into the estimated administrative and program costs for the Stormwater Utility Assessment Area to determine the amount of Utility Assessment to be levied per Equivalent Runoff Unit. The Utility Assessment to be levied on a Parcel is determined by the number of Equivalent Runoff Units ascribed to the Parcel and the assessment value of each unit.

f. Maximum Utility Assessment to be levied per Equivalent Runoff Unit. Pursuant to California State Senate Bill No. 1977 (Bergenson) regarding public notification on adoption of charges and assessments, the maximum amount of annual utility assessment per Equivalent Runoff Unit that can be levied without further individual notification for each of the following Stormwater Utility Assessment areas is:

1-(Antioch)	$25.00	10-(Orinda)	$35.00
2-(Clayton)	$29.00	11-(Pinole)	$35.00
3-(Concord)	$35.00	12-(Pittsburg)	$30.00
4-(Danville)	$30.00	13-(Pleasant Hill)	$30.00
5-(El Cerrito)	$38.00	14-(San Pablo)	$45.00
6-(Hercules)	$35.00	15-(San Ramon)	$35.00
7-(Lafayette)	$35.00	16-(Walnut Creek)	$35.00
8-(Martinez)	$30.00	17-(Unincorporated/	
9-(Moraga)	$35.00	County	$30.00

g. Utility Assessment to be Levied for Fiscal Year 1993-94. The Utility Assessment to be levied per parcel in Fiscal Year 1993-94 in the various Stormwater Utility Assessment areas shall be based on the assigned dollar amount for a single Equivalent Runoff Unit as indicated below:

1-(Antioch)	$20.00	10-(Orinda)	$23.00
2-(Clayton)	$23.00	11-(Pinole)	$29.40
3-(Concord)	$26.00	12-(Pittsburg)	$24.00
4-(Danville)	$22.00	13-(Pleasant Hill)	$24.00
5-(El Cerrito)	$14.00	14-(San Pablo)	$25.00
6-(Hercules)	$26.00	15-(San Ramon)	$33.00
7-(Lafayette)	$15.00	16-(Walnut Creek)	$23.00
8-(Martinez)	$20.00	17-(Unincorporated/	
9-(Moraga)	$25.00	County	$18.00

ARTICLE VI
COLLECTION OF BENEFIT ASSESSMENT

Section 1. Collection by Treasurer/Tax Collector.

The confirmed Benefit Assessment for each Parcel shall appear as a separate item on the tax bill issued by the Treasurer-Tax Collector of the County. 'The Benefit Assessment shall be levied and collected at the same time and in the same manner as the general ad valorem property taxes and shall be subject to the same penalties and the same procedures for sale in case of delinquency. If. for the first year the Utility Assessment is levied. the property on which the Utility Assessment is levied has been transferred or conveyed to a bona fide purchases for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon. prior to the date on which the first installment of ad valorem property taxes would become delinquent. the Utility Assessment shall not result in a lien against the real property but shall be transferred to the unsecured roll.

Section 2. Applicable Law.

All laws applicable to the levy, collection and enforcement of ad valorem property taxes shall be applicable to Utility Assessments, except as otherwise provided herein.

Section 3. Validity of Utility Assessment Not Affected by Time Limits.

Failure to meet the time limits set forth in this Ordinance for whatever reason shall not invalidate any Utility Assessment levied hereunder.

ARTICLE VII
CORRECTION OR CHANGE TO THE TAX ROLL

Section 1. Initiation of the Correction or Change.

A correction or change to the tax roll with respect to a Utility Assessment may be made by the Chief Engineer, either on his own initiative, or on application by a property owner (the "Assessee").

Section 2. Initiation by Flood Control Engineer.

The Chief Engineer may initiate a correction or change to the tax roll at any time within two (2) years of the date of the resolution of the Board of Supervisors confirming Benefit Assessments placed upon the tax roll.

Section 3. Initiation by the Assessee.

The Assessee may initiate a correction or change to the tax roll by filing a written application with the Chief Engineer within 60 days following his/her receipt of the tax bill reflecting the Utility Assessment. The application shall contain or include the following information, together with such additional information deemed relevant by the Assessee or requested by the Chief Engineer:

a. Assessor's parcel number.

b. Gross acreage.

c. Use of property as of the preceding March 1st.

d. Copy of the tax bill containing the benefit assessment.

Section 4. Categories of Corrections or Changes.

Upon approval of the Chief Engineer, corrections or changes shall be made with respect to:

a. Ownership of a Parcel;

b. Address of an owner of a Parcel;

c. Subdivision of an existing Parcel;

d. Land use category of all or part of a Parcel;

e. Computation of the area of a Parcel;

f. Erroneous computation of the Benefit Assessment.

Corrections to the tax roll shall not be valid unless and until approved by the Board of Supervisors. All corrections or changes must be reported by the Chief Engineer to the Auditor-Controller of the County, who shall (1) refund the amount of the assessment Overcharge by check without amendment of the bill if the amount of overcharge is less than one hundred dollars or (2) prepare an amended billing to correct the overcharge, as the case may be. The Chief Engineer shall give written notice to the Assessee of the action taken on the application.

If the Assessee disagrees with the Chief Engineer's determination, he/she may file an appeal with the Stormwater Utility Assessment Appeal Board within thirty (30) days after receipt of the written notice. The appeal shall be initiated by a written letter submitted to the Stormwater Utility Assessment Appeal Board, c/o the Chief Engineer for refund of all or part of the Stormwater Utility Assessment. The Stormwater Utility Assessment Appeal Board shall contain at least three members and shall be appointed by the Board of Supervisors.

If the Assessee disagrees with the Stormwater Utility Assessment Appeal Board's determination, he/she may file an appeal with the Board of Supervisors within thirty (30) days after receipt of the written notice. The appeal shall be initiated by a written application filed with the Clerk of the Board of Supervisors for refund of all or part of the Utility Assessment. The application shall include payment of a one hundred dollar appeal fee which shall be returned if the Assessor's appeal is up held by the Board. The decision of the Board of Supervisors shall be final and shall complete the administrative process. Any further action by the Assessee for recovery of any part of the Utility, Assessment shall be by complaint for refund filed in the Superior Court.

ARTICLE VIII
EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect and be in force thirty (30) days after the adoption by the Board of Supervisors. Before the expiration of fifteen (15) days after the effective date of this Ordinance is shall be published once in a newspaper of general circulation in the County of Contra Costa.

BOARD OF SUPERVISORS OF THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By

Chairperson

(March 30, 1993)

COUNTY OF RIVERSIDE
STORMWATER MANAGEMENT

FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: Chief Engineer

SUBMITTAL DATE: July 20, 1993

SUBJECT: Santa Ana Watershed Benefit Assessment

RECOMMENDED MOTION:

The Board accept the Engineer's Report on the NPDES Program for the Santa Ana Watershed Benefit Assessment Area, dated July 20, 1993, set a public hearing on said report to be held at 10:00 a.m. on August 10, 1993 at a regular meeting of the Board, and instruct the Clerk of the Board to advertise for said public hearing.

JUSTIFICATION:

The Santa Ana Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-22 by the Board pursuant to Ordinance No. 14 of the Flood Control District and the Flood Control District Act. Said Ordinance No. 14 requires that the Chief Engineer shall prepare an annual report on the status of the program and recommend the benefit assessment levy to be enrolled for the ensuing fiscal year. The Board, upon acceptance of said report, shall set a time and place for a public hearing to hear and consider all protests regarding the report and the amount of the proposed benefit assessment levy.

FINANCIAL:

The financial impact to the property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls

KENNETH L. EDWARDS
General Manager-Chief Engineer

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ON THE NPDES BENEFIT ASSESSMENT PROGRAM FOR THE SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, acting as the governing board of the Riverside County Flood Control and Water Conservation District, on the Fourteenth Floor, County Administrative Center, 4080 Lemon Street, Riverside, California, on Tuesday, August 10, 1993, at 10:00 a.m, relative to the Flood Control Engineer's Report on the NPDES

Program for the Santa Ana Watershed Benefit Assessment Area. The Board will hear and consider all protests with regard to the program, if any, including protests with regard to the amount of the proposed assessment to be levied. At the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify any assessment and shall make its determination upon each assessment described in the report for Fiscal Year 1993-94.

NOTICE IS FURTHER GIVEN that pursuant to statutory authorization, a written report by the Chief engineer of the District describing the Benefit Assessment Program has been filed with the Clerk of the District's Board. The report contains a description of each parcel of property within the boundaries of the Santa Ana Watershed Benefit Assessment Area of the District on which a benefit assessment is proposed to be levied, and sets forth the amount of the proposed benefit assessment for each such parcel. The report contains a schedule of the benefit assessment rates for the 1993-94 fiscal year. Copies of the report, together with copies of the assessment rolls for the Santa Ana Watershed Benefit Assessment Area, and of the official Riverside County Assessor's Map Books, are on file and available for review by the public at the office of the Clerk of the District's Board, at the County Administrative Center, 4080 Lemon Street, Riverside, California, the District's office at 1995 Market Street, Riverside, California, and the City Clerk's office at the City of Hemet, 450 E. Latham, Hemet, California. By reference to the Chief Engineer's report, the assessment rolls, and the map books, each property owner may verify the area of his or her parcel, its land use, and the amount of the 1993-94 Benefit Assessment.

BY ORDER OF THE BOARD OF SUPERVISORS

Dated: July 20, 1993

GERALD A. MALONEY,
Clerk of the District's Board

JRC:mcv
jcnO720

FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: Chief Engineer
SUBMITTAL DATE: August 10, 1993

SUBJECT: Confirmation of Fiscal Year 1993-94 Benefit Assessments for the Santa Ana Watershed

RECOMMENDED MOTION:

That the Board close the public hearing concerning the "Engineer's Report on the NPDES Program for the Santa Ana Watershed Benefit Assessment", dated July 20, 1993, and concerning any protest with regard to the amount of the proposed benefit assessment to be levied; and adopt the following entitled resolution:

RESOLUTION NO. F93-17

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE SANTA ANA BENEFIT ASSESSMENT AREA DESCRIBED IN ORDINANCE 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM

JUSTIFICATION:

All the requirements of Ordinance No. 14, providing for the establishment and levy of the Fiscal Year 1993-94 Benefit Assessments have been satisfied; therefore, the public hearing may be closed and the assessments levied.

FINANCIAL:

The financial impact to the property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls.

KENNETH L. EDWARDS
General Manager-Chief Engineer

BOARD OF SUPERVISORS RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F93-17

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE SANTA ANA BENEFIT ASSESSMENT AREA DESCRIBED IN ORDINANCE 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM

WHEREAS, the California Regional Water Quality Control Board for the Santa Ana Region, on behalf of the Federal Environmental Protection Agency (the "EPA"), and consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has issued an area wide stormwater discharge permit under the National Pollutant Discharge Elimination System (the "NPDES Permit") to the Riverside County Flood Control and Water Conservation District (the "District"), the County of Riverside and certain cities within the Santa Ana Watershed that are within the District's jurisdiction, and has named the District as the "Principal Permittee"; and

WHEREAS, the NPDES Permit requires the District to develop, implement, and manage identified programs dealing with stormwater runoff that will benefit all property within the Santa Ana Watershed that lies within the District's jurisdiction; and

WHEREAS, the District, pursuant to the provisions of Section 14 of the Riverside County Flood Control and Water Conservation District Act, which is Appendix 48 to the California Water Code, and pursuant to Ordinance No. 14, did form a Benefit Assessment Area (the "Benefit Assessment

Area"), which encompasses all :territory within the District's jurisdiction that is within the Santa Ana Watershed as described in Ordinance No. 14, and will levy annually thereon a Benefit Assessment to pay the District's annual costs associated with the NPDES Permit; and

WHEREAS, at a duly noticed hearing the Board heard and considered all protests with respect to the amount of the assessment to be levied; and

WHEREAS, revenue derived from assessments collected for the District under this benefit assessment program must be expended in the Benefit Assessment Area in which collected, solely for the cost associated with the NPDES Permit.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District, County of Riverside, State of California, in regular session assembled on August 10, 1993, as follows.

Section 1. The above recitals are true and correct.

Section 2. That a public hearing has been duly held on this date and that each and every step in the proceedings has been duly taken and all protests considered, and that the Board does hereby close the public hearing.

Section 3. That the Board does hereby make its determination upon each parcel in the Benefit Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the Board of Supervisors of the Riverside County Flood Control and Water Conservation District on the NPDES Program for the Santa Ana Watershed Benefit Assessment Area" (the "Engineer's Report"), dated July 20, 1993, filed with the Board and pursuant to Ordinance No. 14, the provisions of which are by this reference incorporated herein, and that the Board does hereby confirm each and all assessments on such parcels and thereby levies an NPDES Program Benefit Assessment in the Benefit Assessment Area of the District for the Fiscal Year 1993-94 at a rate of $4.01 per benefit assessment unit (BAU).

Section 4. That a copy of this Resolution duly certified by the Clerk of this Board be recorded in the Office of the Recorder of the County of Riverside and a copy of this Resolution duly certified by the Clerk of this Board and the Engineer's Report be Oiled with the Auditor/Controller of the County of Riverside.

CITY OF SACRAMENTO
STORMWATER MANAGEMENT

AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 36 OF THE CODE OF THE CITY OF SACRAMENTO AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT JULY 1, 1982 BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

The following definitions are added to Section 36.101 of the Code of the City of Sacramento:

Storm Drainage: Any drainage not classified as sanitary sewage.

Storm Drainage System: Asystemof channels, ditches, conduits, pipes, pump stations, and other features and equipment the function of which is to handle and-transport storm drainage from origin to point of disposal.

SECTION 2.

Division 2 of Article V of Chapter 36 of the Code of the City of Sacramento is repealed and reenacted as follows:

Division 2. User Rates

Sec. 36.510 Sewerage charges - General

This division establishes sewerage charges for premises which are served by the City system. Sections 36.513 and 36,514 of this division prescribe basic monthly local rates for domestic and commercial customers. Sections 36.515 to 36,526 shall be added to rates in 36.513 or 36.514 to obtain a customer's total monthly local rate. The superintendent shall combine rates where the uses of the property makes such combinations necessary. Section 36.525 of this division prescribes monthly local rates for meter computed service. Section 36.526 provides for the collection by the City of the user charges imposed by the Sacramento Regional County Sanitation District.

Sec. 36,511 Authority of superintendent to fix rates.

The superintendent will fix rates for those accounts and special usages not readily susceptible of classification under the rates established by this division. In fixing such rates, the superintendent shall be governed by the rates provided by this division for other accounts and usages of a similar sewage producing capacity. Any customer aggrieved by such a determination may appeal such action to the Council. The procedure for appeal shall be that provided in Article VIII of this chapter. The Council shall conduct a hearing on the appeal and shall thereafter by amendment of this article fix the rate for such account or usage.

Sec. 36.512 Monthly rates.

All rates established by this division are monthly rates.

Sec. 36.513 Domestic customers.

This section establishes the local service rates for domestic service. The rates are as follows:

(1) Single-family residence. For each single-family residence:

No. of Rooms	Rate
1 to 3 incl.	$1.01
4 and 5	$1.28
6 and 7.•	$1.53
8 and 9 -•	$1.77
10 to 15 incl..	$2.03
Over 15, each additional room.	$ 0.14

(2) Multiple-family residence. For each family dwelling unit in a multiple-family residence, the rates prescribed for a single-family residence in paragraph (1) herein shall apply.

Sec. 36.514 Commercial customers.

The rates for commercial Services shall be as follows:

(1) Bakery. For each 1,000 square feet of gross floor area or fraction thereof $2.55
(2) Barber shop or beauty parlor. For each 1,000 square feet of gross floor area or fraction thereof $1.37
(3) Bowling alley. For each 1,000 square feet of floor area or fraction thereof $1.19
(4) Cannery. All canneries shall be metered and be charged the rates prescribed in section 36.525 or section 36.526 herein.
(5) Car wash. All car washes shall be metered and be charged the rates prescribed in section 36.525 herein.
(6) Dining facility (incl. restaurant, cafeteria, care, bar). For each 1,000 square feet of gross floor area or fraction thereof . . $2.74
(7) Drug store. For each 1,000 square feet of gross floor area or fraction thereof . . $0.89
(8) Furniture store. For each 1,000 square feet of gross floor area or fraction thereof $0.29
(9) Garage. For each 1,000 square feet of Gross floor area or fraction thereof . . . $0.24
(10) Hall (incl. lodge and auditorium). For each 1,000 square feet of gross floor area or fraction thereof $0.78
(11) Hospital. All hospitals shall be metered and be charged the rates prescribed in section 36.525 herein.
(12) Hotel. Per sleeping room $0.27
(13) Laundry (where laundering is performed on premises). For each 1,000 square feet of gross floor area or fraction thereof $5.31
When laundering is not performed on premises, the rates
prescribed for office building in paragraph 18 of this section herein shall apply.
(14) Market. For each 1,000 square feet of gross floor area or fraction thereof . . . $1.15
(15) Mortuary. For each 1,000 square feet of gross floor area or fraction thereof . . . $0.75
(16) Motel. For sleeping room or fraction thereof. $0.27
(17) Municipal. For City agencies. Same as equivalent non-City agency, or if no equivalent, as provided by section 36,511.

(18) Office building. For each 1,000 square feet of gross floor area or fraction thereof $0.93

The rates established by this paragraph are subject to the following conditions:

(a) The rates do not apply to those portions of office building devoted to other uses for which special use rates are prescribed.

(b) In the event a portion of an office building is devoted to business involving the use of a special water-consuming device, i.e., dental equipment, ornamental fountain, etc., the superintendent shall adjust the base rate to compensate for this additional use-

(19) Religious worship. Religious worship, including the building used exclusively for religious worship and any other buildings used for religious activities. For each 1,000 square feet of gross floor area or fraction thereof $0.40

(20) Rest or convalescent homes. For sleeping room or fraction thereof. $0.44

(21) School. For the first 100 pupils or fraction thereof . . . . . $ 2.43

The number of pupils as used herein shall be taken to mean the average daily attendance during the actual months operation of the preceding school year. In cases where a school operates less than 12 months during the year, the superintendent will adjust the monthly rates prescribed herein to apply on a 12-month basis.

(22) Service station. For a service station having one or more wash racks, the metered rates prescribed in section 36.525 herein shall apply. For a service station having no wash racks:

Water Tap Size to City Main (inches)	
3/4	$1.44
1	$1.88
1-1/2	$3.09
2	$5.31

(23) Store. For each 1,000 square feet of gross floor area or fraction thereof $ 0.95

(24) Theater. For each 1,000 square feet of gross floor area or fraction thereof.$-1.13

(25) Used car lots. Service station rate to apply.

(26) Warehouse. For each 1,000 square feet of cross floor area or fraction thereof . . . . $ 0.22

(27) Minimum rate. In no case shall a commercial flat rate be less than . $ 1.43

Sec. 36.515 <u>Special uses - Air conditioning and refrigeration -General</u>.

No adjustments shall be made in the charges for air conditioning and refrigeration usages for other than average operating conditions, such as long or short daily period, season of operation or unseasonable weather. The air conditioning rates shall be applicable during the air conditioning season.

Sec. 36.516 <u>Same - Air conditioning systems exclusive of evaporative coolers.</u>

Sewer charges for air conditioning systems exclusive of evaporative coolers not having water conservation devices are as follows:

(1) For systems supplied through metered service, no additional charge will be made

other than that established by the metered rates-

(2) For systems on flat rate service, the following charges will apply for each month during the air conditioning season:

Without water conservation device, per ton of system capacity $229

With water conservation device, per ton of system capacity $0.22

Sec. 36,517 Same - Evaporative coolers.

Sewer charges for evaporative coolers are indicated in this section. The rates apply only to evaporative cooler units installed in commercial establishments. No additional charge shall be made for evaporative cooler units installed in single or multi-family residences. The rates are as follows:

(1) For units supplied through metered services, no additional charges will be made other than the established rate.

(2) For units on a flat rate service, the following charges will apply for each month during the air conditioning season:

Unit Capacity (CF-M)	Without Recirculation	With Recirculation
Per 1000 CFM	$0.31	$ 0.09

Sec. 36.518 Same - Refrigeration systems.

The sewer charges for premises upon which a refrigeration system is located are set forth in this section. The rates are as follows:

(1) For systems supplied through metered services, no additional charge will be made other than the established metered rates-

(2) For systems on flat rate service, the following monthly sewer charges for each month of the year shall be applicable:

Per Compressor Horsepower	Without Water Conservation Device	With Water Conservation Device
	$2.29	$0.22

Sec. 36,519 Same - Dining facilities.

When a dining facility is operated in conjunction with another commercial establishment in which the service of food is not the principal function of said establishment, an additional sewage charge shall be imposed. The charge shall be added to the rate applicable to the principal function of the establishment. The rate shall be computed by multiplying $1.77 times each 1,000 square feet of gross floor area of said dining facility or fraction thereof. The term dining facility as used herein shall include a restaurant, cafeteria, care, kitchen, bar or other public food serving establishment.

Sec. 36.520 Same - Gymnasium.

When a gymnasium is operated in conjunction with another establishment (i.e., school, hall, etc.) and when the gymnasium is not the principal function of said establishment, the following additional rate shall be applicable to said premises. This rate shall be added to the rate applicable to the principal function of the establishment. The additional rate shall be determined by multiplying $0.82 times each shower head in the premises. In the case of school gymnasiums, the additional rate shall apply

only during the months of operation of the school. When a school operates less than 12 months during the year, the superintendent shall adjust the monthly rates prescribed herein to provide a pro rata rate on a 12-month basis.

Sec. 36.521 Same - Hydraulically-operated elevator.

For each hydraulically-operated elevator with a water conservation device, the monthly rate shall be $1.22. For each hydraulically operated elevator without a water conservation device, the monthly rate shall be $ 7.07.

Sec. 36.522 Same - Noncommercial swimming pool.-

When a swimming pool is operated in conjunction with another establishment (i.e., school, hotel, residence, etc.) and the pool is not the principal function of the establishment, the following rates for said pool are prescribed:

Capacity of Pool Cu. Ft.	Per 100 Cu. Ft. of Contents (Fill and Draw)
Under 300	No Charge
Over 300	$0.29
	(Filtered)
Under 300	No Charge
Over 300	$0.07

The charges set forth above for the fill and draw of pools shall be charged monthly during the months of May, June, July and August. The charges for filtered pool shall be paid once annually during the months between May 1 and August 31. For pools supplied through metered services, no additional charge will be made other than the established meter rates.

Sec. 36.523 Same - Commercial swimming pool.

Swimming pools operated for commercial use may be metered at the discretion of the superintendent.

Sec. 36-52a- Same - Temporary service.

The superintendent shall fix rates applicable to temporary service (i.e-, for developing wells, construction jobs, circuses, carnivals, etc.).

Sec. 36,525 Same - Metered service.

The local rates for metered service shall be:

$0.06 per 100 cubic feet

For purposes of computing the charge under this section, the amount of the water used by the customer, as indicated by monthly water meter readings, shall be deemed to be the amount of water discharged into the sewer system; provided, however, if a metering device has been installed by the customer to measure the flow of his sewage into the system, the reading from said device shall be used to compute the charge. Any customer may, at his own expense, install metering devices to measure the flow of his sewage into the system. The design and method of installation of the meter devices shall be

approved by the superintendent. The minimum monthly charge for a customer whose charge is determined by a discharge metering device shall be established by the superintendent pursuant to section 36,511 of this article.

For metered service wherein the quantity is measured by water meter readings, the minimum charges and quantity allowances are as follows:

Water Meter Size (in.)	Quantity of Sewage Allowed Without Additional Payment (cu. ft.)	(gal-)	Minimum Charge
5/8 x 3/4	1,200	9,000	$ 1.43
3/4	1,700	13,000	$ 1.43
1	2,100	16,000	$ 1.55
1-1/2	3,700	28,000	$ 2.65
2	6,200	46,000	$ 4.42
3	12,500	94,000	$ 8.84
4	21,800	163,000	$ 15.48
6	50,000	374,000	$ 30.94
8	106,200	794,000	$ 55.25
10	168,700	1,262,000	$ 77.36
12	262,500	1,964,000	$ 110.52

Sec. 36.526 Regional sewer use charge.

Pursuant to the terms of the Master Interagency Agreement between the City and the Sacramento Regional County Sanitation District, dated November 1, 1974, the regional user charges imposed by the Regional Sewer Rate Ordinance of said district shall be billed and collected by the City with the user charges imposed by this division. All provisions of division 4 of the article shall be applicable to said regional user charge; provided that said charge shall be identified as such on each utility billing and shall not be combined with any other rate, toll or charge appearing on the billing except for showing the total sum due to the City under said billing.

Sec. 36,527 Limitation on Charges.

No customer shall be charged more than $3,720 annually for local services charged under this division for an individual premises. This limitation is not applicable to the regional user charges.

SECTION 3.

Division 3 is added to Article V of Chapter 36 of the Code of the City of Sacramento to read as follows:

Division 3 Storm Drainage Fees

Sec. 36.550 Storm Drainage - General.

This division establishes rates for storm drainage fees for residential and commercial properties, and a procedure for hearings in certain circumstances,

Sec- 36,551 Rate for Residential Properties

The storm drainage fee for residential properties are as follows:

(1) Single-family residence. For each single-family residence:

No. of Rooms	Rate
1 to .3 incl.	$ 0.90
4 and 5	$ 1.15
6 and 7	$ 1.35
8 and 9	$ 1.60
10 to 15 incl.	$ 1.82
Over 15, each additional room	$ 0.14

(2) Multiple-family residence. For each family dwelling unit in a multiple-family residence, the rates prescribed for a single-family residence in paragraph (1) herein shall apply.

Sec. 36.552 Commercial Rates.

The storm. drainage fee for commercial properties shall be $2.30 per 10,000 square feet of surface area computed to the nearest square foot. Where a commercial property contains common facilities, e.g., a shopping center parking lot, the common facilities will be treated as one property and the owner shall be liable for payment of the storm drainage fee for the common facility, notwithstanding the fact that other fees charged the property may be charged to tenants or owners of divided interests. Common areas in planned unit developments or condominium developments shall be treated as commercial property for purposes of this division. The minimum commercial rate shall be $1.00 per month.

Sec. 36.553 Monthly Rates.

All rates established by this division are monthly rates.

Sec. 36.554 Storm Drainage Fee Rate Classification Board.

There is established a Storm Drainage Fee Rate Classification Board which is referred to in this division as the Board. The Board membership shall consist of the superintendent and the Director of Finance.

Sec. 36,555 Appeal.

Any person aggrieved by the classification of property owned by such person or the rate set for such property may file a written appeal with the Director of Finance. The appeal shall be reviewed by the Board and notice of the determination of the Board shall be given to the property owner. In the event the appeal is granted, a refund shall be made to the date the appeal was received by the Director of Finance.

Sec. 36.556 Hearing.

In the event an appeal is not granted, notice shall be given to the property owner which shall briefly specify the reason for the decision of the Board. Any property owner who receives such notice who desires to have his appeal reconsidered by the Board may apply for a hearing before the Board. Any such application must be filed with the Utility Billing Division within fifteen calendar days of the date of the notice that the appeal was denied. The Board shall within thirty calendar days after an application for hearing schedule a hearing upon ten days written notice to the property owner. The property owner may be present at such hearing and may present any evidence relevant to the appeal.

RESOLUTION NO.
ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF 7-1-95
RESOLUTION AMENDING THE CITY OF SACRAMENTO FEE AND CHARGE REPORT TO ESTABLISH STORM

DRAINAGE SERVICE FEES AND CHARGES PURSUANT TO SECTION 36.502 OF THE SACRAMENTO CITY CODE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That the City of Sacramento Fee and Charge Report is hereby amended to include the following storm drainage fees and charges to take effect on July 1, 1995.

I. STORM DRAINAGE SERVICE RATES - RESIDENCE

Single-family residence:	Rate Code	Rate
1-3 rooms	300	7.31
4-5 rooms	300	9.30
6-7 rooms	300	10.98
8-9 rooms	300	12.99
10-15 rooms	300	14.81
over 15, each additional room	300	1.16

Multiple-family residence:

Each dwelling unit charged the same as a single-family residence

II. STORM DRAINAGE SERVICE RATES - MONTHLY COMMERCIAL

For each 10,000 sq.ft. of gross surface area of fraction thereof	330	18.72
Minimum Rate	330	8.15

Where commercial property contains common facilities, e.g., a parking lot, the common facilities will be treated as one property and the owner shall be liable for payment of foes for the common facilities, notwithstanding the fact that other fees charged to the property may be charged to the tenants or owners of divided interests. Common areas in planned unit developments or condominium developments shall be treated as commercial property for the purposes of this division.

COUNTY OF SACRAMENTO
STORMWATER MANAGEMENT

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1. Chapter 15.10 is added to the Sacramento County Code to read as follows:

15.10.010 PURPOSE. The purpose of this Chapter is to establish a mechanism for funding the operation and maintenance of the County storm drainage system in order that storm and surface waters may be properly drained and controlled so that the health, safety and welfare of the County and its inhabitants may be safeguarded and protected.

15.10.020 FINDINGS. as follows:
The Board of Supervisors hereby finds

(a) The County maintains a system of storm and surface water management facilities within the unincorporated area of the County, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, overland release corridors, and other components as well as natural waterways.

(b) Those elements of the County's storm and surface water management system that provide for the collection, storage, treatment, and conveyance of storm drainage are of benefit and provide services to all developed property within the unincorporated area of the County.

(c) The cost of operating and maintaining the storm drainage management system, including necessary repairs, should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

(d) Erosion and the discharge of nutrients, metals, oil, grease, and other substances into and through the storm drainage system is resulting in a degradation in water quality.

e) The public health, safety and welfare are adversely affected by poor water quality and flooding resulting from inadequate storm drainage management practices.

(f) The storm drainage management practices necessary protect water quality are largely established by federal and state statutes, regulations and permitting requirements.

(g) Real property either uses or benefits from the presence and operation of the storm drainage management system.

(h) The use of the storm drainage system is dependent on factors that influence runoff, including land use and impervious area.

(i) The County has the authority under Health and Safety Code Section 5471 to prescribe, revise and collect fees, tolls, rates, rentals and other charges for facilities and services furnished by it in connection with its storm drainage system.

(j) The Legislature, through the adoption of Health and Safety Code Section

5471, has specifically authorized the County to provide storm drainage services as a utility function for which service charges may be levied.

(k) Storm drainage services are currently provided in the unincorporated area of the County by both the County and the water Agency and funded through a combination of property tax revenue and benefit assessments.

(l) Property taxes have proven to be an unreliable source of revenue due to the State of California's recent proclivity for shifting local property tax revenue from the County and special districts to schools.

(m) Benefit assessments are an undesirable revenue mechanism because of me significant lag-time between the time that the assessments are approved and the time that they are received as part of the real property tax collection and allocation process. This lag-time creates the need to include a component in the assessment to provide a reserve for dry period financing purposes.

(n) A fee to fund storm drainage services offers a reliable and consistent source of revenue that is locally controlled and independent of the vagaries of the State of California's budget process.

15.10.030 DEFINITIONS. The meanings ascribed to the terms set forth in this section shall govern the interpretation of this Chapter.

(a) "Administrative charge" shall mean the charge imposed by the County's consolidated utility billing service for the actual cost of billing for, and collection of, storm drainage service fees.

(b) "Chief of Water Resources" shall mean the Chief of the water Resources Division of the Department of District Engineering or his designee.

(c) "Commercial/Office use" shall mean the use of any developed parcel for any of the following or similar purposes: offices, wholesale or retail sales, establishments, or the provision of personal, professional or business services, including, but not limited to, retail stores, shopping centers, restaurants, service stations, car washes, vehicle, boat and trailer sales lots, parking lots, automobile repair and service facilities, auction yards, advertising offices, nurseries, general offices, financial service facilities, medical and dental offices, clinics and laboratories, and veterinary offices, clinics and hospitals.

(d) "County" shall mean the County of Sacramento.

(e) "County storm drainage system" shall mean the system of storm and surface water management facilities, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, overland release corridors and other components as well as natural waterways, within the unincorporated area that is either owned or operated by the County or the Water Agency.

(f) "Developed parcel" shall mean any parcel of land altered from its natural state by the construction, creation or addition of impervious area.

(g) "Engineer" shall mean the Administrator of the County's Public Works Agency or his designee.

(h) "Equivalent contributing parcel area"

shall mean the calculated area which when multiplied by the impervious factor for the parcel's use classification, yields the parcel's measured impervious area.

(i) "Exempt use" shall mean the use of any public or undeveloped property and the use of any other parcel for any of the following purposes: agricultural land used for crops or pasture, aquatic farms, orchards, County-maintained drainage ditches, property within a floodplain recognized by the County on which improvements are prohibited, and levees.

(j) "Fiscal year" shall mean the annual period beginning July 1 and ending June 30.

(k) "Impervious area" shall mean the total area of a parcel of property covered by an impervious surface.

(1) "Impervious factor (IF)" shall mean a factor which represents the percentage of impervious area on a parcel which consists of a numerical value that is calculated on the basis of generally accepted engineering standards, review and application of such standard to local conditions, and statistics compiled by measuring impervious areas depicted on aerial photographs of real property.

(m) "Impervious surface" shall mean any surface on or in any parcel which reduces the rate of infiltration of storm water into the soil.

(n) "Industrial use" shall mean the use of any developed parcel for any of the following or similar purposes: to manufacture, fabricate, process or package products, to process or store food or chemical product, or for storage or warehousing purposes, including, but not limited to, processing, fabrication and assembly plants, warehouses, wrecking yards, aerospace facilities, truck and other transportation terminals, building materials, storage, bakeries, canneries, wineries, creameries, meat and frozen food processing facilities, meat packing plants, slaughter yards, inspection and weighing stations, airports,

railroads and railroad spurs, wells, electrical substations, water or sewage treatment plants, and mini-storage facilities.

(o) "Institutional use" shall mean the use of any developed parcel for any of the following or similar purposes: hospitals, nursing facilities, residential care facilities, retirement homes, day nurseries, mortuaries, churches, and schools.

(p) "Low impervious development use" shall mean the use of any developed parcel for any of the following or similar purposes: golf courses, surface mines, cemeteries, marinas, and sports fields.

(q) "Multi-family residential use" shall mean the use of any developed parcel for any of the following or similar purposes; triplexes, fourplexes, apartments, mobile home parks, hotels, boarding and rooming houses, fraternity and sorority houses, motels, the common areas of condominiums and planned unit developments, and bed and breakfast inns.

(r) "Parcel" shall mean the smallest separately segregated lot, unit or plot of real property having an identified owner,

boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the County Assessor.

(s) "Parcel area" shall mean the square footage of a parcel measured or estimated

using the outside boundary dimensions in feet in order to obtain the total square footage without regard for any topographic features of the enclosed surface.

(t) "Person" shall mean any individual, firm, company, association, society, partnership, corporation, organization, group or public agency.

(u) "Public agency" shall mean the United States or any department or agency thereof, the State of California or any department or agency thereof, a city, a county, and any district or other local authority or public body of or within this State.

(v) "Public property" shall mean any property owned by a public agency.

(w) "Residential dwelling unit" shall mean any residential premise designed to house a single family.

(x) "Single-family residential use" shall mean the use of any developed parcel for any of the following or similar purposes: single-family residences, condominiums and planned unit developments, row houses, halfplexes, duplexes and mobile homes located on individually owned parcels.

(y) "Street" shall mean any public highway, road, street, avenue, way, alley or right-of-way.

(z) "Undeveloped use" shall mean any parcel that has not been altered from its natural state, as evidenced by a complete lack of impervious surface.

(aa) "Unit service charge (USC)" shall mean the cost of storm drainage services attributable to storm drainage from one (1) square foot of impervious area.

(bb) "Use code" shall mean the six (6) digit alphanumeric code aligned by the County Assessor's office to every parcel within the County.

(cc) "Use" shall mean the owner of a parcel of real property that is charged for storm drainage services.

(dd) "Water Agency" shall mean the Sacramento County Water Agency.

(a) There is hereby levied by the County on all parcels within the boundaries of Zone 12 of the Water Agency, other than those classified as an exempt use, a storm drainage service fee to be calculated as set forth in this section.

(b) Any parcel classified as a single-family residential use shall pay a monthly charge which shall be calculated as follows: the administrative charge + (USC x 3500 x each residential dwelling unit) - monthly charge.

(c) All parcels other than those parcels classified as an exempt or single-family use shall pay a monthly charge that shall be calculated as follows: the administrative charge + (parcel area x USC x IF) - monthly charge.

(d) The impervious factors (IF) to be used in the calculation set forth in subdivision (c) herein shall be based on the following table which provides for a three (3) year phase-in of the impervious factor applicable to commercial/office and industrial uses:

Billing Category	Impervious Factor	Phase-In Multiplier, effective 7/1/95	7/1/96	7/1/97
Commercial/ Office	0.80	0.62	0.81	1.0
Industrial Multi-Family	0.70	0.62	0.81	1.0
Residential	0.60	1.0	1.0	1.0
Institutional	0.50	1.0	1.0	1.0
Low Impervious Development	0.10	1.0	1.0	1.0

(e) The unit service charge (USC) to be used in the calculation set forth in subdivision (c) herein shall be phased in over a three (3) year period as follows: effective July 1, 1995, it shall be 00.0005244 per square foot of impervious area; effective July 1, 1996, it shall be $0.0005392 per square foot of impervious area; and effective July 1, 1997, it shall be $0.0005544 square foot of impervious area.

15.10.050 REDUCTION IN CHARGE.

(a) The owner of any parcel subject to the storm drainage fee, other than parcels classified as a single-family residential use, may file an application with the Chief of Water Resources to have the fee levied on such parcel reduced by means of one of the following mechanisms' (1) by designing, constructing and maintaining at the owner's expense storm drainage detention facilities approved by the Chief of Water Resources; (2) demonstrating to the satisfaction of the Chief of Water Resources that less than five percent (5%) of the parcel area drains into a County storm drainage system; or (3) demonstrating to the satisfaction of the Chief of Water Resources that the actual impervious area of the parcel is at least ten percent (10%) less than that calculated using the impervious factor for the parcel's use classification.

(b) After receipt and review of the application, the Chief of Water Resources shall either deny any reduction in the fee or approve a reduced fee calculated pursuant to subdivision (c) hereof. The Chief of Water Resources, in approving any reduction in the otherwise applicable fee, may attach reasonable conditions to any such approval. If the applicant is dissatisfied with the action of the Chief of Water Resources, he may file a petition pursuant to Section 15.10,100 hereof.

(c) Any storm drainage facilities constructed by a parcel owner pursuant to this section shall meet the standards set forth in the County's Improvements Standards. Upon approval of any reduction in the otherwise applicable fee pursuant to this section, the revised fee shall be calculated on the basis of the equivalent contributing parcel area.

15.10.060 BILLING PROCEDURE.

(a) The storm drainage fee shall be billed to all users on a bimonthly basis, one month in advance and one month in arrears. The bill is due and payable on the first: day of the second month of the billing period and shall become delinquent forty-five days thereafter. The storm drainage fee shall be billed as part of the County's consolidated utility billing service.

(b) The storm drainage service fee billing shall be based on the use of the parcel as determined by the Chief of Water Resources. For each parcel of property there shall be only one unit for purposes

of billing for storm drainage services. In no case shall a parcel be divided into smaller units for billing purposes.

(c) The storm drainage service fee shall be billed to the owner of record of the parcel, to the successor in interest of such person, or to such person's single designee if approved by the Chief of Water Resources. All requests to bill a party other than the owner of record must be made in writing to the Chief of Water Resources by both the owner of record and the party to be billed. The Chief of Water Resources may approve or deny such requests at his sole discretion. The Chief of Water Resources SCC-0985 shall notify the owner of record if the billing is changed to comply with such a request and the owner of record shall remain liable for and delinquent fees.

(d) The opening bills shall be based on current parcels numbers, square footage and use codes on record in the County Assessor's office, unless the Chief of Water Resources determines that the actual use of the parcel is different than the use reflected in the use codes in which case the billing shall be based on the actual use of the parcel.

(e) Any adjustment of charges may be initiated by either the Chief of Water Resources or by the owner of a parcel subject to the storm drainage service fee. If the Chief of Water Resources denies any adjustment proposed by an owner or an owner objects to an adjustment proposed by the Chief of Water Resources, any adjustment shall be made pursuant to the procedure set forth in Section 15.10.100 hereof. Any debit adjustments shall be added to the charge in the succeeding billing period. Any credit adjustments shall first be credited against the previous balance and then any remaining credit shall be applied to subsequent bimonthly charges. No debits or credits shall be made for any period more than three (3) years prior to the date that an adjustment is proposed by the Chief of Water Resources or requested by the owner of record pursuant to Section 15.10.100.

(f) Any delinquent storm drainage fee shall incur an added penalty charge of ten percent (10%) of the amount that is delinquent. The delinquent amount, including the ten percent (10%) penalty charge, shall thereafter incur an added penalty charge of one and one-half percent (1-1/2%) per month until paid or placed on the annual property tax bill. If collected with property taxes, the total amount delinquent, plus all penalties, shall incur an additional ten percent (10%) lien penalty.

15.10.070 LIEN.

(a) The County shall notify the assessee shown on the latest equalized assessment roll whenever delinquent and unpaid fees which would become a lien on the parcel pursuant to subdivision (b) remain delinquent and unpaid for sixty (60) days.

(b) The storm drainage service fee and any penalties levied pursuant to this Chapter shall constitute a lien upon the parcel subject to the fee, as provided for in Health and Safety Code Section 5473.11, if the fee remains delinquent for a period of sixty (60) days and the County has notified the assessee of the parcel shown

on the latest equalized assessment roll of the delinquent fees and the lien provided by this section.

(c) The lien provided herein shall have no force or effect until a certificate specifying the amount of the unpaid fees is recorded with the County Recorder.

15.10.010 COLLECTION OF FEE WITH GENERAL TAXES. Any delinquent storm drainage service fees and penalties may be collected on the tax roll in the same manner and at the same time as the County's ad valorem property taxes.

15.10.90 ADMINISTRATION AND ENFORCEMENT. The Engineer shall be responsible for the administration and enforcement of the provisions of this Chapter. The Engineer shall have the authority to adopt rules and regulations not inconsistent with provisions of this Chapter for purposes of carrying out and enforcing the payment, collection and remittance of the fee herein levied.

15.10.100 ADMINISTRATIVE APPEAL.

(a) Any owner who disputes the amount of the storm drainage service fee charged to his parcel, the classification of the property in terms of its use, any adjustment proposed by the Chief of Water Resources, or any other determination affecting the property made by or on behalf of the County pursuant to this chapter may petition the Engineer for a hearing with regard to any such issue. The Engineer may conduct such hearing himself or may designate an employee of the Public Works Agency to conduct such hearing on his behalf. Any such petition may only be filed once in connection with the issue or issues presented in the petition, except upon a showing of changed circumstances sufficient to Justify the filing of such additional petition.

(b) Any such petition shall be in writing, signed by the owner under penalty of perjury and filed with the Engineer. The petition shall include the following information: (1) a complete description of the factual basis for the appeal; (2) the legal basis for the appeal; and (3) the remedy sought by the appellant within ten (10) days after receipt of the petition, the Engineer shall mail written notice to the appellant of the date, time and place of the scheduled hearing.

(c) At the hearing, the Engineer or designated hearing officer may hear any oral or documentary evidence that the appellant may offer in addition to the information in the petition, together with any oral or written information, that may be submitted by County representatives in support of the determination that is the subject of the appeal. within thirty (30) days after the conclusion of the hearing, the Engineer or the designated hearing officer shall make and serve by mail written findings of fact based upon all relevant information presented in the petition or at the hearing, shall make a determination of issues based upon such findings and, if appropriate, an order setting forth an appropriate remedy subject to the limitations set forth in subdivision (e) of Section 15.10.060- The determination of the Engineer or designated hearing officer shall be final.

15.10.110 DEPOSIT OF COLLECTIONS. There is hereby created in the County Treasury a special revenue fund to be known as the "County Storm Drainage Service Fee Fund." All storm drainage service fee revenue collected by the County shall be deposited in such fund. The revenue deposited in such fund shall be used only for the acquisition, construction, reconstruction, maintenance, and operation of County storm drainage facilities.

15.10.120 OPERATIVE DATE. Notwithstanding the effective date of this Chapter, the storm drainage service fee levied in Section 15.10.040 shall be operative as of July 1, 1995.

15.10.130. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Chapter or any part thereof. The Board of Supervisors of the County hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on February 28 , 1995, and on February 28, 1995, further reading was waived by the unanimous vote of those Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be Bade in a newspaper of general circulation published in the County of Sacramento. On a motion by Supervisor Dickinson seconded by Supervisor Cox , the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 14th day of March, 1995 by the following vote, to wit:

AYES: Supervisors, Cox, Dickinson. Nottoli, Johnson

NOES: Supervisors, None ABSENT: Supervisors, Collin

COUNTY OF SAN JOAQUIN
STORM WATER POLLUTION PREVENTION

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

RESOLUTION R - 93 - 802

RESOLUTION ORDERING THE FORMATION OF COUNTY SERVICE AREA NO. 54, STORM WATER POLLUTION PREVENTION

WHEREAS, on September 28, 1993, the Board of Supervisors adopted Resolution R-93-601, a Resolution of Application to the San Joaquin County Local Agency Formation Commission requesting approval for the formation of a County Service Area for the purpose of providing storm water pollution prevention services; and

WHEREAS, said Local Agency Formation Commission conducted a duly noticed public hearing on said proposal on October 22, 1993, and determined that formation of a County Service Area should be approved to provide the requested service; and,

WHEREAS, as a result of said public hearing, the Local Agency Formation Commission did adopt Resolution No. 893 entitled "Resolution Approving Formation of County Service Area No. 54, Storm Water Pollution Prevention (LAFC 18-93) which authorizes the Board of Supervisors to Proceed in accordance with County Service Area law; and,

WHEREAS, on November 9, 1993, the Board of Supervisors did adopt a Resolution of Intention to form County Service Area No. 54, Storm Water Pollution Prevention and setting the date of December 14, 1993, for a public hearing on the formation of County Service Area No. 54; and,

WHEREAS, on December 14, 1993, the Board of Supervisors did conduct a duly noticed public hearing to receive testimony from any interested person on the formation of County Service Area No. 54;

NOW, THEREFORE, BE IT RESOLVED, and the Board of Supervisors does hereby find and determine, that it is for the best interests of the residents and property owners in the hereinafter described territory that County Service Area No. 54, Storm Water Pollution Prevention, be established without an election.

IT IS FURTHER RESOLVED that the Storm Water Pollution Prevention Program be established and that such service shall be paid for by annual service charges collected pursuant to the provisions of Article 7 (commencing with Section 25210.70 thereof) of Chapter 2.2 of Part 2 of Division 2 of Title 3 of the Government Code of the State of California.

IT IS FURTHER RESOLVED that pursuant to Section 56842 of the Government Code, there is no transfer of property tax revenues as a result of this County Service Area formation.

IT IS FURTHER RESOLVED that the County expenditures for the formation of County Service Area No. 54 and for Storm Water Pollution Prevention Program Services incurred in Fiscal Year 1993-94 be reimbursed to the County from future revenues of County Service Area No. 54, including interest at prevailing rates.

IT IS, THEREFORE, HEREBY ORDERED by the Board of Supervisors that County Service Area No. 54, Storm Water Pollution Prevention, be formed, with the boundary thereof as depicted in "Exhibit A" which is attached hereto, and made a part hereof together with such Zones of Benefit which may, from time to time, be established by the Board of Supervisors.

IT IS FURTHER ORDERED that the County Auditor shall draw two Warrants from Account Number 030108-0220-0076, one in the sum of two thousand and no/100 dollars ($2,000) payable to the State Board of Equalization, and the second Warrant in the sum of one thousand four hundred and no/100 dollars ($1,400) payable to the Local Agency Formation Commission, and the County Treasurer shall pay the same for mailing to the State Board of Equalization by the Executive Officer of the Local Agency Formation Commission of San Joaquin County.

IT IS FURTHER ORDERED that the Clerk of the Board of Supervisors is hereby directed to forward seven certified copies of this Resolution to the Executive Officer of the Local Agency Formation Commission of San Joaquin County so that he may make the filings required by Chapter 8 (commencing with Section 56450) of Part 5 of Division 1 of Title 6 of the Government Code.

PASSED AND ADOPTED DEC 14, 1993.

HILLSBOROUGH COUNTY
STORMWATER MANAGEMENT

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY ORDINANCE 89-27, AS PREVIOUSLY AMENDED BY HILLSBOROUGH COUNTY ORDINANCE METHOD OF ASSESSING STORMWATER MANAGEMENT FEES; REPEALING SECTION 5 OF THE ORDINANCE WHICH PERTAINS TO A SCHEDULE RATE; AMENDING SECTION 6 OF THE ORDINANCE PERTAINING TO HOLDING A PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hillsborough County Stormwater Utility Ordinance No. 89-27 as amended by Hillsborough County Ordinance No. 89-43 shall be amended as follows:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 3rd DAY OF October, 1990:

SECTION 1.

Section 2 of Hillsborough County Ordinance No. 89-27 as amended by Hillsborough County Ordinance 89-43 is hereby amended as follows:

Section 2. FINDINGS AND DETERMINATIONS

It is hereby found, determined, and declared as follows:

A. Developed Property in Unincorporated Hillsborough County generates and contributes more stormwater runoff than does Undeveloped Property and shall be benefited by an adequately funded Stormwater Management System Developed Property is the benefit area. The contribution from and the benefit to Undeveloped Property is minuscule in comparison with Developed Property and shall not be considered as part of the benefit area.

B. Those elements of the system which provide for the collection, storage, treatment and conveyance of stormwater are of benefit and provide services to all Developed Property within Unincorporated Hillsborough County.

C. The cost of operating and maintaining the County Stormwater Management System and financing of existing and future necessary repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

D. It is the intent of the Stormwater Management Assessment defined herein to partially fund the Stormwater Management System for Unincorporated Hillsborough County.

SECTION 2.

Section 5 of Hillsborough County Ordinance No. 89-27 as amended by Hillsborough County Ordinance 89-43 is hereby repealed.

SECTION 3.

Section 6 of Hillsborough County Ordinance No. 89-27 as amended by Hillsborough County Ordinance 89-43 is hereby amended as follows:

B. In the event the Board of County Commissioners adopts the resolution of intent to place the Assessment on the Tax Bill, the Board of County Commissioners shall further: hold a public hearing between June 1 and September 15, 1991, to adopt a non-ad valorem assessment roll as provided by Section 197.3632(4), and give all statutory notices for the hearing. The Board of County Commissioners shall adopt a Rate Resolution prior to adopting the non-ad valorem assessment roll. The Rate Resolution may be considered at the same public hearing set for adopting the roll.

SECTION 4.

All sections of Ordinance 89-27 as amended by Ordinance 8943 and as further amended herein are renumbered consecutively.

SECTION 5. <u>EFFECTIVE DATE</u>

This Ordinance shall become effective upon receipt of official acknowledgment from the Department of State that said ordinance has been duly filed.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board of County Commissioners of Hillsborough County, Florida at its regular meeting of October 3, 1990 as the same appears of record in Minute Book 173 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of October, 1990.
RICHARD AKE, CLERK
APPROVED BY COUNTY ATTORNEY

Hillsborough County Stormwater Utility Ordinance No. 89-27 shall be amended to read:

Section 3. Definitions, shall be amended as follows:

RESIDENTIAL DEVELOPED PROPERTY means Developed Property that is classified by the Property Appraiser as land use types 00 through 09, <u>and mobile home parks in land use type 28</u>, using the Florida Department of Revenue Land Use Codes, as may be amended from time to time.

NON-RESIDENTIAL DEVELOPED PROPERTY means Developed Property "that 'is.-classified by the Property Appraiser as land use types 10 through 99, <u>except mobile home parks in land use type 28</u>, using the Florida Department of Revenue Land Use Codes, as. may be amended from time to time.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of DECEMBER 14. 1989, as the same appears in Minute Book 163 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 28th day of DECEMBER 1989.

RICHARD AKE, CLERK
By:
Deputy Clerk

HILLSBOROUGH COUNTY STORMWATER MANAGEMENT UTILITY ORDINANCE NO. 89-27

An ordinance providing for the imposition of a stormwater management assessment on developed properties within Unincorporated Hillsborough County; providing for setting of rates by resolution; providing for penalties and liens; making certain findings and determinations; establishing a method and procedure for the collection of the stormwater management assessments; providing a procedure for adjustment of assessments; authorizing the County Administrator or designee to administer the stormwater management utility program; providing for optimal development capital contributions for regional stormwater management facilities; establishing a stormwater management utility trust fund; providing for definitions; providing an effective date; and containing a severability clause.

WHEREAS, Hillsborough County is responsible for the management and maintenance of the existing Stormwater Management System in the Unincorporated County which has been developed over a number of years for the purpose of collection, storage, treatment and conveyance of stormwater; and

WHEREAS, Hillsborough County has developed the Stormwater Management Element of the Comprehensive Growth Management Plan for the Unincorporated Hillsborough County; and

WHEREAS, said Element has concluded that it will be necessary and essential to construct improvements and extensions to the existing system so that the collection, storage, treatment, and conveyance of stormwater within the Unincorporated County adequately protects the health, safety, and welfare of the citizens of Hillsborough County; and

WHEREAS, the Federal Clean Water Act (33 USC 1251 et seq.) requires' political entities having populations of 250,000 or more to implement stormwater management programs; and

WHEREAS, pursuant to the Federal Clean Water Act requirements, the United States Environmental Protection Agency has proposed rules for stormwater outfall permits; and

WHEREAS, it is necessary and essential that

the County address the various environmental issues that will further burden its infrastructure requirements; and

WHEREAS, Section 403.0893(2), Florida Statutes (1987), authorizes the County to create a stormwater facility benefit area and to assess a fee to fund the construction, operation, maintenance and administration of a public stormwater facility which serves the benefited area;

WHEREAS, Section 197.3632, Florida Statutes (1988), permits the County under the conditions contained therein to authorize by resolution the collection of non-ad valorem assessments;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 22ND DAY OF JUNE, 1989

Section 1. AUTHORITY.

The County is authorized by the Florida Constitution and the provisions of Florida Statutes Chapter 125 and Section 403.0893 to construct, reconstruct, improve, and extend stormwater systems and to issue revenue bonds and incur other debts if needed to finance in whole or part the cost of such systems and to establish just and equitable rates and assessments for the services and facilities provided by the systems.

Section 2. FINDINGS AND DETERMINATIONS.

It is hereby found, determined, and declared as follows:

A. Developed Property in Unincorporated Hillsborough County generates and contributes more stormwater runoff than does Undeveloped Property and shall be benefited by an adequately funded Stormwater Management System. Developed Property is the benefit area. The contribution from and the benefit to Undeveloped Property is minuscule in comparison with Developed Property and shall not be considered as part of the benefit area.
B. Those elements of the system which provide for the collection, storage, treatment and conveyance of stormwater are of benefit and provide services to all Developed Property within Unincorporated Hillsborough County.
C. The cost of operating and maintaining the County Stormwater Management System and financing of existing and future necessary repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.
D. It is the intent of the Stormwater Management Assessment defined herein to partially fund the Stormwater Management System for Unincorporated Hillsborough County.
E. The benefited area shall be assessed a per acreage fee on the basis of a prorated amount of the impervious area (Equivalent Residential Unit), based upon localized studies for Developed Property within Unincorporated Hillsborough County.

Section 3. DEFINITIONS.

For the purpose of this Ordinance, the following definitions shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

COUNTY means Hillsborough County, Florida.

DIRECTOR means the County Administrator, or designee.

IMPERVIOUS AREA means the projection of roofed and paved areas including, but not limited to, areas covered by roofs, roof extensions, slabs, patios, porches, driveways, sidewalks, parking areas, and athletic courts.

DEVELOPED PROPERTY means any parcel of land that contains impervious area.

RESIDENTIAL DEVELOPED PROPERTY means Developed Property that is classified by the Property Appraiser as land use types 00 through 09 using the Florida Department of Revenue Land Use Codes, as may be amended from time to time.

DWELLING UNIT means a single unit or apartment providing complete, independent living facilities for one or mere persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

NON-RESIDENTIAL DEVELOPED PROPERTY means Developed Property that is classified by the Property Appraiser as land use types 10 through 99 using the Florida Department of Revenue Land Use Codes, as may be amended from time to time.

EQUIVALENT RESIDENTIAL UNIT (ERU) means the average impervious area of Residential Developed Property per Dwelling Unit located within the Unincorporated Hillsborough County. The value of one (1) ERU shall be established by the Board of County Commissioners in the Rate Resolution.

STORMWATER MANAGEMENT SYSTEM means the system by which Hillsborough County manages and controls stormwater within the Unincorporated County. The System includes management services such as designing, permitting, planning, and reviewing stormwater-related infrastructure; operation, maintenance, repair and replacement of the infrastructure; and the improvement or enhancement of the infrastructure related to the approved Capital Improvement and Stormwater Management Elements of the Comprehensive Growth Management Plan for the Unincorporated Hillsborough County.

STORMWATER MANAGEMENT ASSESSMENT means a non-ad valorem assessment benefiting Developed Property parcels.

YEAR means calendar year from January 1, to December 31.

Section 4. IMPOSITION OF A STORMWATER MANAGEMENT ASSESSMENT.

A. A Stormwater Management Assessment, also referred to hereinafter as Assessment, is hereby imposed upon each Developed Property within the Unincorporated County for services and facilities provided by the Stormwater Management System. The Developed Property owner is responsible for the payment of the Assessment. For purposes of imposing the Assessment, all Developed Property within the Unincorporated County is classified into two (2) classes:

(a) Residential Developed Property; and,
(b) Non-residential Developed Property.

Section 5. SCHEDULE OF RATES.

A The Director shall prepare or obtain, prior to September 15 of each Year, a list of Developed Property within the Unincorporated County and shall assign a classification of Residential or Nonresidential to each Developed Property based upon the Florida Department of Revenue Land Use Codes.

B. The Board of County Commissioners, upon recommendation of the Director, shall, from time to time, by resolution, establish a rate for each ERU consistent with the benefits to be provided and the Level of Service defined in the adopted Comprehensive Growth Management Plan.

C. The Stormwater Management Assessment for each Developed Property will be calculated as follows:

(a) The Assessment imposed for Residential Developed Property shall be the rate for one ERU multiplied by the number of individual Dwelling Units existing on the property (ERU rate x number of dwelling units) except that;

1. For Florida Department of Revenue Land Use Code 01 with an Impervious Area less than 1,200 square feet, the Assessment shall be 0.50 multiplied by the rate for one ERU (0.50 x ERU rate).
2. For Florida Department of Revenue Land Use Code 01 with an Impervious Area greater than 2,336 square feet but less than 4,000 square feet, the Assessment shall be 1.50 multiplied by the rate for one ERU (1.50 x ERU rate).
3. For Florida Department of Revenue Land Use Code '01 with an Impervious Area of 4,000 square feet or greater, the Assessment shall be 2.00 multiplied by the rate for one ERU (2.00 x ERU rate).4 For Florida Department of Revenue Land Use Codes 03, 04 and 08, the Assessment shall be 0.75 multiplied by the rate for one ERU multiplied by the number of individual Dwelling Units existing on the property (0.75 x ERU rate x number of dwelling units).

(b) The Assessment imposed for Non-residential Developed Property shall be the rate for one ERU multiplied by the numerical factor obtained by dividing the total impervious area of a Nonresidential Developed Property by

the ERU (ERU rate x parcel impervious area/ERU impervious area).

D. The minimum Assessment for any Non-residential Developed Property shall be equal to the rate for one ERU.

E. All Developed Property shall be subject to the Stormwater Management Assessment.

Section 6. BILLING AND PAYMENT, PENALTIES.

A. The method of collection of the Stormwater Management Assessment shall be established after October l, 1989, at which time the Board of County Commissioners shall hold a public hearing to consider adopting a resolution of intent to place the Assessment on the Tax Bill as a nonad valorem Assessment pursuant to Section 197.3632 of the Florida Statutes.

B. In the event the Board of County Commissioners adopts the resolution of intent to place the Assessment on the Tax Bill, the Board of County Commissioners shall further: hold a public hearing between June 1 and September 15, 1990, to adopt a non-ad valorem assessment roll as provided by Section 197.3632(4), and give all statutory notices for the hearing. The Board of County Commissioners shall adopt a Rate Resolution prior to adopting the non-ad valorem assessment roll. The Rate Resolution may be considered at the same public hearing set for adopting the roll.

C In the event the annual Stormwater Management Assessment is collected pursuant to Section 197.3632, Florida Statutes, it shall be subject to all collection provisions of Chapter 197, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment, as provided by law. Such Assessment is subject to becoming a lien against homestead, as provided in Section 4, Article X, Florida Constitution.

D. In the event the Board of County Commissioners does not adopt the resolution of intent to place the Assessment on the Tax Bill, it shall establish an alternative method of collection.

Section 7. ADJUSTMENT OF ASSESSMENTS; CORRECTIONS.

A Owner-Initiated Adjustments: Requests for adjustment of the Stormwater Management Assessment shall be submitted to the Director, who shall have authority to adjust Assessments, to administer the procedures and standards, and to review criteria for the adjustment of assessments as established herein. In the review of adjustment requests, no consideration or credit shall be given for the installation of facilities required by County ordinances, Rules 40D-4 and 40D40, Florida Administrative Code or Chapter 17-25, Florida Administrative Code. All requests from owners of Residential Developed Property with Florida Department of Revenue Land Use Code Ol and all requests from owners of Non-Residential Developed Property shall be reviewed strictly on the basis of the amount of impervious area on the property. All requests from owners of Residential Developed Property with

Florida Department of Revenue Land Use Codes other than Ol shall be reviewed strictly on the basis of the number of individual Dwelling Units existing on the property. The following procedures shall apply to all adjustment requests of the Stormwater Management Assessment;

(a) Any owner who believes the Stormwater Management Assessment is incorrect may, subject to the limitations set forth in this section, submit an adjustment request to the Director.

(b) The adjustment request shall be in writing and shall set forth, in detail, the grounds upon which the correction is sought.

(c) If the Assessment is placed on the Tax Bill, the adjustment request must be made within sixty (60) days after opening of the Tax Roll for collection. If the Assessment is not placed on the Tax Bill, the adjustment request must be made during the Year the Assessment is imposed. The adjustment request will be reviewed by the Director within a four (4) month period from the date of filing of the adjustment request. Consideration by the Director of the Owner's request for adjustment shall not relieve the owner of the obligation to make timely payment of the Assessment. In the event an adjustment is granted by the Director which decreases the Assessment, the owner shall be entitled to a refund of excess Assessments paid. If the Assessment is placed on the Tax Bill, the refund shall be mailed by the Tax Collector.

(d) The owner requesting the adjustment may be required, at his own cost, to provide supplemental information to the Director including, but not limited to, survey data approved by a professional land surveyor (P.L.S.) and engineering reports approved by a professional engineer (P.E.). Failure to provide such information may result in the denial of the adjustment request.

(e) The adjustment to the Stormwater Management Assessment will be made upon the granting of the adjustment request, in writing, by the Director. The document granting the adjustment request will be provided to the owner and, if the Assessment is placed on the Tax Bill, the document will also be sent to the Tax Collector. A denial of an adjustment request shall be made in writing by the Director and shall be provided to the owner.

B. Right of Review By County Administrator: Upon receipt of a written denial of the adjustment request issued by the designee of the County Administrator, the owner of the Developed Property who initially requested the adjustment has the right to appeal the decision to the County Administrator. The appeal must be made within thirty (30) days of receipt of such denial.

(a) The County Administrator, exclusive of designee, shall complete a review within sixty (60) days of receipt of the request for review. The County Administrator's determination on the review shall be in writing and shall set forth, in detail, the reasons for the decision.

(b) In reviewing a denial of an adjustment

request, the County Administrator shall apply the standards and review criteria contained in this Section.

C. County-Initiated Adjustments: If the Assessment is placed on the Tax Bill, any errors in the Assessment or failure to charge an Assessment may be corrected by the Director within sixty (60) days after opening of the Tax Roll for collection. If the Assessment is not placed on the Tax Bill, any errors in the Assessment or failure to charge an Assessment may be corrected by the Director during the Year in which the Assessment is imposed. Corrections which result in an increase in the Assessment cannot be imposed until the owner has consented in writing to the increase or has been given at least ten (10) days notice by certified mail and an opportunity to be heard by the Board of County Commissioners. Once the adjustment is finalized, the Director shall send documentation reflecting the adjustment to the owner and, if the Assessment is placed on the Tax Bill, the documentation will also be sent to the Tax Collector.

Section 8. CAPITAL CONTRIBUTIONS FOR REGIONAL STORMWATER MANAGEMENT FACILITIES.

Procedures and standards developed by the Director shall define appropriate means by which to optimize development capital contributions in the implementation of basin-specific stormwater systems. These basin-specific capital contributions may take the form of Fee-in-lieu-of or Availability Charges and will not affect the payment of the Assessment required in this Ordinance. Each situation will be analyzed by the Director and a specific written agreement will be recommended to the Board of County Commissioners for adoption. The application of each is defined as follows;

A. Fee-in-lieu-of is applied to a site-specific negotiated procedure, wherein a development's stormwater runoff contribution (quantity and quality) is assessed its share of the capital needs of the facilities required to serve the development in question. This capital contribution will be used to implement County-owned stormwater management facilities. This process does not apply if the stormwater management facilities are privately owned and maintained. Each application will be evaluated against the County's Stormwater Management Master Plan for the watershed involved; if the Master Plan is incomplete, the cumulative impacts from the development will be evaluated.

B Availability Charge is administered on a site-specific basis identical to the Fee-in-lieu-of procedure noted above except that the capital investment advanced by the County in implementing a stormwater management facility is now recovered through an availability charge. The capital charge is determined on a pro-rata share of the facility capacity to be used by the new applicant or by the cumulative impact from the development upon all impacted facilities.

Section 9 PROGRAM RESPONSIBILITY.

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Section 9 PROGRAM RESPONSIBILITY.

It shall be the duty of the Director to administer the Stormwater Management System including the Stormwater Management Assessment as defined in this Ordinance. The Director shall from time to time recommend to the Board of County Commissioners a change in the annual rate to be charged per ERU.

Section 10. STORMWATER MANAGEMENT UTILITY TRUST FUND.

A. There shall be established a Stormwater Management Utility Trust Fund for the deposit of the Stormwater Management Assessment, Fee-in-lieu of, Availability Charge and other revenues associated with the Stormwater Management System. The general purpose of the Stormwater Management Utility Trust Fund is to pay for costs associated with the Hillsborough County Stormwater Management System including administration, management services, operation and maintenance of the stormwater infrastructure, studies and programs; and financing of existing and future repairs, replacements, improvements and extensions of the stormwater infrastructure. The fund shall be for the exclusive use of the County's Stormwater Management System to pay for items including, but not limited to, the following:
   (a) Stormwater management services such as design, permit review, planning and development review.
   (b) Operation, maintenance, repair and replacement of the stormwater collection, storage, treatment, and conveyance infrastructure.
   (c) Project costs related to the evaluation and construction of major or minor structural improvements to the stormwater-related infrastructure as provided in the Capital Improvement and Stormwater Management Elements of the Comprehensive Growth Management Plan.
   (d) Administrative costs associated with the management of the Stormwater Management System and the Stormwater Management Assessment.
   (e) Debt service financing of stormwater-related capital improvements which are defined in the Capital Improvement and Stormwater Management Elements of the Comprehensive Growth Management Plan.
   (f) Studies and programs, to meet the goals of the Stormwater Management Element of the Comprehensive Growth Management Plan, which will include the need for such information as can be generated from, among other things, water quantity and quality monitoring, aerial photography, and geotechnical work.

Section 11. SEVERABILITY.

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining portions hereof shall not be affected and shall remain in full force and effect.

Section 12. CONFLICTS.

All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are superseded to the extent of any conflict.

Section 13. EFFECTIVE DATE.

This ordinance shall become effective on the later of July 1, 1989, or upon receipt of official acknowledgment from the Department of State that said ordinance has been duly filed. Actual assessment shall begin as of January 1, 1990.

Section 14. HILLSBOROUGH COUNTY CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Code of Hillsborough County, Florida, as amended, which provisions may be renumbered or relettered, and that the word "ordinance" may be changed to "section", "article" or other appropriate word to accomplish such intention.

APPROVED BY COUNTY ATTORNEY
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH
1989

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of June 22, 1989, as the same appears of record in Minute Book 157, of the Public Records of Hillsborough County, Florida,

WITNESS my hand and official seal this 30th day of June,

RICHARD AKE
CLERK OF THE CIRCUIT COURT
DEPUTY CLERK

CITY OF SAVANNAH
STORMWATER MANAGEMENT ORDINANCE

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Article A
In General

Section 4-11001 Short Title.

This ordinance shall be known as the City of Savannah Storm Water Management Ordinance.

Section 4-11002 Definitions.

For the purpose of this ordinance, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connoted mandatory and not discretionary; the word "may" is permissive.

For the purposes of this ordinance, the following terms, phrases and words, and their derivatives, shall have the meaning given herein:

(1) "Accidental Discharge" shall mean a discharge prohibited by this ordinance into the City separate storm water system which occurs by chance and without planning or consideration prior to occurrence.

(2) "Agricultural Practices" shall mean practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land, farm ponds; and the construction of farm buildings.

(3) "Best Management Practices (BMPs)" shall mean a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.

(4) "City" shall mean the incorporated entity known as the City of Savannah, Georgia.

(5) "City Separate Storm Water System" shall mean a conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, City streets, catch basins, curbs, gutters, ditches, both natural and man-made channels, storm drains, detention ponds, drainage easements, other storm water facilities which meets all the following criteria:

- Owned or maintained by the City of Savannah;
- Designed or used for collecting or conveying storm water;
- Not a known combined sewer; and
- Not part of a Publicly Owned Treatment Works (POTW).

(6) "Conveyance" shall mean storm water facilities designed for the movement of storm water through the drainage system, such as concrete or metal pipes, ditches, depressions, swales.

(7) "Department" shall mean the City of Savannah Storm Water Management Department.

(8) "Development" shall mean:

- The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed;
- The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
- Clearing, scraping, grubbing, or other activities that significantly disturb the

soil, vegetation, mud, sand or rock of a site; or

- Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

(9)"Director" shall mean the Director of Storm Water Management Department.

(10)"Discharge"' shall mean the release of storm water to the City separate storm water system.

(11)"Drainage" shall mean the removal of storm water from a given area either by gravity or by pumping.

(12)'"Easement"' shall mean an acquired legal right for the specific use of land owned by others.

(13)'"Employee" shall mean any City employee as designated by the City Manager to have authority in storm water management, planning, maintenance, or construction.

(14)"Exempt" shall mean the release of the obligation to comply with specific sections of this ordinance.

(15)'"Flood" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; or,
- The unusual and rapid accumulation or runoff of surface waters from any source.

(16)"Illicit Connection" shall mean an unauthorized or illegal connection to a City separate storm water system which

runoff of surface waters from any source.

(16)"Illicit Connection" shall mean an unauthorized or illegal connection to a City separate storm water system which results in discharge that is not composed entirely of storm water runoff.

(17)"Indirect Discharge"' shall mean any discharge to the City's separate storm water system via another conveyance system that is not owned, operated, or maintained by the City.

(18)'"Maintenance"" shall mean any action necessary to preserve storm water facilities in proper working condition, in order to serve the intended purposes set forth in this ordinance.

(19)"Maximum Extent Practicable (MEP)" shall mean the discharge standards and controls necessary for the reduction of pollutants discharged into the City separate storm water system. These standards and controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from the City separate storm water system.

(20)"NPDES" shall mean the National Pollutant Discharge Elimination System permit granted by the Georgia Department of Natural Resources.

(21)'"Person"" shall mean any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two or more individuals having a joint or common interest, or any other legal entity.

(22)"Pollutant" shall mean any substance contributing to the contamination or

trust, estate, trust, partnership, association, two or more individuals having a joint or common interest, or any other legal entity.

(22) "Pollutant" shall mean any substance contributing to the contamination or alteration of storm water's physical, chemical or biological properties, including change in temperature, taste, color, turbidity, or odor; by the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters that will or is likely to create a nuisance or have a detrimental impact on the City's storm water system which would preclude the legitimate use of such a system.

(23) "Private Property'" shall mean property or facilities owned by individuals, corporations, and organizations other than the City, state, or federal government.

(24) "Procedure" shall mean the method adopted by the City, by and through the Director, to implement a regulation or regulations adopted under this ordinance, or to carry out other responsibilities as may be required by this code or other codes, ordinances or resolutions of the City of Savannah or other agencies.

(25) "Quality" shall mean those parameters of storm water that relate to the physical, chemical, biological or radiological integrity of storm water.

(26) "Quantity" shall mean those characteristics of storm water that relate to the rate, volume, and duration of concentration of storm water runoff.

(27) "Regulation" shall mean any local, state, or federal rule, ordinance, design directive or other policies adopted by the Mayor and Aldermen pursuant to the requirements of this ordinance.

storm water runoff.

(27) "Regulation" shall mean any local, state, or federal rule, ordinance, design directive or other policies adopted by the Mayor and Aldermen pursuant to the requirements of this ordinance.

(28) "Sanitary Sewer System'" means the complete sanitary sewer system of the City of Savannah which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances.

(29) "Sediment" shall mean solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice or gravity from its origin.

(30) "Site" shall mean any lot, plot, parcel or tract of land.

(31) "Storm Water'" shall mean precipitation runoff, snow melt runoff, and surface runoff.

(32) "Storm Water Management" shall mean the procedures and steps taken to minimize the impact of storm water as related to manmade changes in the land including, but not limited to, collection, conveyance, storage, treatment, and disposal of storm water runoff.

(33) "Storm Water Management Manual" shall mean the most recent manual of storm water management criteria of the City of Savannah.

(34) "Storm Water Management Facilities" shall mean any and all components of a storm water drainage system, designed to perform a particular function, or multiple functions, including, but not

(34) "Storm Water Management Facilities" shall mean any and all components of a storm water drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, streets, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural systems, modular pavement and pump stations.

(35) "Storm Water Management Plan" shall mean all documents that provide information and specifications for the drainage systems, structures, BMPs, concepts, and techniques that will be used to minimize the impact upon the storm water system by a particular development.

(36) "Storm Water Runoff" shall mean the direct response of a land surface to precipitation to include surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.

(37) "Variance" shall mean the modification of the minimum storm water management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this ordinance.

Section 4-11003 Applicability of Ordinance.

(a) This ordinance shall apply to all existing and future discharges to the City separate storm water system.

(b) If any term, requirement or provision of this ordinance becomes invalid or unenforceable, the remainder of this ordinance shall not be affected and any and all other requirements and provisions shall

(b) If any term, requirement or provision of this ordinance becomes invalid or unenforceable, the remainder of this ordinance shall not be affected and any and all other requirements and provisions shall remain valid and be enforced to the fullest extent.

(c) When this ordinance is in conflict with other ordinances, the ordinance with the most stringent requirements shall apply as determined by the Director of Storm Water Management.

Section 4-11004 Restrictions and Limitations on the Use of the City Storm Water System.

The primary purpose of the storm water system is the conveyance of storm water and other permissible discharges as outlined in Section 4-11027.

(1) No person shall discharge, spill, or dump substances or materials which are not entirely composed of storm water or discharges otherwise exempted in Section 4-11027 of this ordinance into the City separate storm water system or onto driveways, sidewalks, parking lots, streets, or other areas that discharge into the City separate storm water system.

(2) It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, modify, or tamper with any storm water structure, appurtenance, or equipment.

(3) It shall be unlawful, without prior written approval of the Director, to alter in any way any part of the storm water system including, but not limited to, rerouting, removing, deepening, widening, enlarging,

(3) It shall be unlawful, without prior written approval of the Director, to alter in any way any part of the storm water system including, but not limited to, rerouting, removing, deepening, widening, enlarging, filling or obstructing any part of the storm water system including fencing easements and rights-of-way which render the system unaccessible to equipment necessary to perform maintenance and repairs.

(4) It shall be unlawful for any person to connect any pipe, open channel, or any other conveyance system that discharges anything except storm water or exempted discharges listed in Section 4-11027 of this ordinance to the City separate storm water system. Illicit connections will be disconnected and redirected to the City sanitary sewer system upon approval by the Water Pollution Control Director, at the expense of the responsible person.

(5) It shall be unlawful to increase storm water quantity discharged to the City separate storm water system without an accepted Storm Water Management Plan.

Section 4-11005 Storm Water Management Department Responsibilities.

The Storm Water Management Department shall be responsible for the management, maintenance, and improvement of the City's separate storm water system, including activities necessary to control and monitor storm water runoff quantity and quality.

The Storm Water Management Department will:

(1) Administer the City's storm water management program;

(2) Coordinate acceptance of storm water

The Storm Water Management Department will:

(1) Administer the City's storm water management program;

(2) Coordinate acceptance of storm water management plans with City Engineering with final acceptance based upon recommendations from the City Engineering Department;

(3) Direct operations and maintenance of the City's storm water facilities to ensure optimal levels of service;

(4) Establish and update this ordinance and the Storm Water Management Manual to include development standards and guidelines for regulating quantity and quality of storm water runoff in compliance with NPDES permit requirements and changes in Federal and State regulations.

(5) Monitor private property discharges to the City separate storm water system;

(6) Take immediate steps to minimize effects of accidental discharges of pollutants into the City's storm water system;

(7) Develop storm water educational and public awareness programs.

Section 4-11006 Criteria for Variance.

For those situations when enforcement of this ordinance will not enhance storm water quality or reduce the impact of additional discharges, a variance may be granted. The following must be met prior to consideration of a variance request. If there is:

(1) No change to the rate, volume or concentration of runoff;

variance may be granted. The following must be met prior to consideration of a variance request. If there is:

(1) No change to the rate, volume or concentration of runoff;

(2) No negative impact on any wetland, watercourse, or water body;

(3) No degradation of water quality; and

(4) No increase in base flood elevation within the special flood hazard area based on National Flood Insurance Program maps.

Section 4-11007 Variance Procedures.

(a) All requests for a variance shall be submitted in writing to the Director and shall state the specific variance requested, with supporting data, and reasons why a variance should be granted.

(b) The Storm Water Management Director will conduct a review and render a decision within 10 working days of receiving the request.

Section 4-11008 Inspections.

The Storm Water Management Department may inspect, survey, and monitor any storm water facility, public or private, for reasons including, but not limited to the following:

(1) To ensure compliance with an accepted storm water management plan;

(2) To conduct sampling of any substance or parameters at any location;

(3) To investigate suspicious discharges including illicit connections and spills.

(2) To conduct sampling of any substance or parameters at any location;

(3) To investigate suspicious discharges including illicit connections and spills.

(4) To ensure all storm water facilities are operational to the maximum extent practicable.

Section 4-11009 Powers and Authority of Inspectors.

The Director of Storm Water Management and other employees of the City bearing proper identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing. The City reserves the right to perform emergency repairs or maintenance to any portion of any storm water system, public or private, when the storm water system impacts a public storm water system.

Section 4-11010 Discharge Violation; Remediation Plan.

(a) Whenever the Director or his designee finds that any person has violated or is violating this ordinance, he shall serve upon such person a written notice stating the nature of the violation, notice to cease all activities in violation of this ordinance, and the potential penalty involved.

(b) Upon determination that a violation of this ordinance has occurred, a formal Notice of Violation shall be sent to the person from the Director of Storm Water Management within five (5) working days.

(c) Upon receipt of Notice of Violation, the person shall submit a Remediation schedule to the Director within ten (10)working days. All corrective measures shall be completed within thirty (30) days

(c) Upon receipt of Notice of Violation, the person shall submit a Remediation schedule to the Director within ten (10)working days. All corrective measures shall be completed within thirty (30) days of the initial notice of violation.

Section 4-11011 Emergency Conditions.

If a condition presents an immediate danger to the public health, safety, or general welfare because of unsafe conditions or improper maintenance, the City shall have the right, should the owner not take immediate action, to make necessary corrections to protect the public and to make the facility safe at the expense of the responsible person.

Section 4-11012 Enforcement.

Enforcement of this ordinance is final unless the person submits a written request for a hearing within 10 days of the Notice of Violation being served.

Section 4-11013 Appeals.

(a) Any person aggrieved by a decision of the Director may appeal same by filing a written notice with the Director within 10 working days of the action by the Director. A notice of appeal shall state the specific reasons why the action of the Director has adversely affected the person.

(b) The Director shall prepare and send to the appellant a written response within 10 working days of receipt of the appeal.

(c) Shall the appellant be dissatisfied, an appeal with the City Manager may be requested within 10 working days. The hearing shall be held within 30 days after receipt or on a date mutually agreed upon by the appellant and the City Manager. The

(c) Shall the appellant be dissatisfied, an appeal with the City Manager may be requested within 10 working days. The hearing shall be held within 30 days after receipt or on a date mutually agreed upon by the appellant and the City Manager. The City Manager shall then make his findings in writing within 10 working days of the appeal hearing.

Section 4-11014 Penalty; Costs.

Any person who is found to have willfully and negligently failed to comply with any provision of this ordinance, and the orders, rules, and regulations, issued hereunder, shall be subject to a penalty not to exceed one thousand dollars ($1000) or imprisonment or both. Each day in which a violation shall occur or continue to occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, any person violating any provision of this article shall become liable to the City for any expense, loss, or damage incurred by the City by reason of such violation.

Section 4-11015 - 4-11018 Reserved

Article B
Storm Water Management for Development Activities

Section 4-11019 Exemptions from Storm Water Management Plan Submittal.

The following development activities are exempt from storm water management plan submittal:

(1) Mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, provided the storm water runoff

submittal:

(1) Mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, provided the storm water runoff from these operations is composed entirely of flows which are from conveyances or systems of conveyances used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product or byproduct located on the site of such operations;

(2) Minor development activities such as home gardens and individual home landscaping, individual residential repairs, individual residential maintenance work, and other individual residential activities which result in minor soil erosion as determined by the Director;

(3) Agricultural practices;

(4) Construction of a single family residence when constructed or under contract with the owner for his own occupancy.

Section 4-11020 Storm Water Management Plan Requirements.

A storm water management plan shall include as a minimum the following:

(1) Site plan which conforms to all provisions in Article H, Section 8-2019 of the Subdivision Regulation Ordinance;

(2) Soil Erosion/Sediment Control Plan;

(3) Drainage Report. This report should contain a narrative that discusses pre and post development conditions a brief description of location, capacity, and

(2) Soil Erosion/Sediment Control Plan;

(3) Drainage Report. This report should contain a narrative that discusses pre and post development conditions a brief description of location, capacity, and
proposed development impacts of all upstream and downstream storm water management facilities.

For development activities in the Special Flood Hazard Areas (Zones A, V, AE, and VE on the latest Federal Emergency Management Agency/National Flood Insurance Rate Maps) demonstration that the 100 year flood elevations will have zero increase -resulting from development activity.

Section 4-11021 Storm Water Management Plan Acceptance.

(a) Unless the development is specifically exempted in Section 4-11019 of this ordinance from requiring a Storm Water Management Plan, any person planning a development shall submit to the Permit Center, City Inspections Department, 3 copies of a storm water management plan for review and acceptance.

(b) All plans shall be reviewed by the Director, in conjunction with City Engineering, based on requirements of this ordinance and all federal and state requirements. Plans may be accepted, rejected, or conditionally accepted pending modifications.

(c) Acceptance of a storm water management plan will be acknowledged by an acceptance stamp which will include a signature and date from the Storm Water Management Department and will be valid for one (1) year. Acceptance of a plan is solely an acknowledgment of satisfactory

plan will be acknowledged by an acceptance stamp which will include a signature and date from the Storm Water Management Department and will be valid for one (1) year. Acceptance of a plan is solely an acknowledgment of satisfactory compliance with the requirements of these regulations and does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness, comprehensiveness, or effectiveness of any provision or omission from the Storm Water Management Plan.

Section 4-11022 Requirements and Procedures for Modifications and Renewals of Accepted Storm Water Management Plans.

(a) If construction does not begin within one year after storm water management plan acceptance, it will be necessary to renew the acceptance of the storm water management plan.

(b) All requests for modifications and renewals shall be submitted in writing to the Director and shall include justification for the request. The Director shall review and make a determination on the request within 10 working days.

Section 4-11023 Minimum Storm Water System Design Standards:

(a) There shall be no increase in the base flood elevation within the Special FloodHazard Area (SFHA), as delineated by the latest National Flood Insurance Program (NFIP) maps.

(b) Finished floor elevations for structures not included in the Special Flood Hazard Area shall be equal to or higher than that shown National Flood Insurance Program (NFIP) maps.

(b) Finished floor elevations for structures not included in the Special Flood Hazard Area shall be equal to or higher than that shown on the original subdivision plat or neighborhood grading and drainage plan or as determined by a registered civil engineer.

(c) The post development peak rate of runoff cannot exceed the pre-development peak rate of runoff for all storm events from the 2-year, 24-hour event up to and including the 25-year, 24-hour event.

(d) If drainage calculations indicate that post-development runoff will exceed predevelopment runoff, then on-site detention for all storm events from the 2-year, 24-hour event up to and including the 25-year, 24-hour event is required at a discharge rate equal to the pre-developed 24-hour peak rate of discharge for all storm events from the 2-year up to and including the 25-year event, or the capacity of the existing downstream conveyance system must be upgraded in capacity to accommodate the additional 25-year, 24-hour discharge generated by the new development.

Section 4-11024 - 4-11026 Reserved

Article C
Storm Water Quality

Section 4-11027 Exemptions.

The following discharges are exempt from the discharge limitations set forth in section 4-11028 of this ordinance:

(1) Water line flushing and other discharges

The following discharges are exempt from the discharge limitations set forth in section 4-11028 of this ordinance:

(1) Water line flushing and other discharges from potable water sources;

(2) Landscape irrigation and lawn watering;

(3) Irrigation water;

(4) Diverted stream flows;

(5) Rising groundwaters;

(6) Infiltration to separate storm drains;

(7) Uncontaminated pumped groundwater;

(8) Foundation and footing drains;

(9) Water from crawl space pumps;

(10) Air conditioning condensation;

(11) Springs;

(12) Individual residential car washing;

(13) Snow melt;

(14) Flows from riparian habitats and wetlands;

(15) Dechlorinated swimming pool discharges;

(16) Flows from firefighting;

Section 4-11028 Storm Water Discharge Limitations.

Discharges to the City's separate storm water system shall to the maximum extent practicable, not create a nuisance, cause interference with the legitimate use of City

Limitations.

Discharges to the City's separate storm water system shall to the maximum extent practicable, not create a nuisance, cause interference with the legitimate use of City separate storm water system, and shall not create the following conditions:

(1) Foam or floating, suspended or deposited macroscopic particulate matter;

(2) Bottom deposits or aquatic growth;

(3) Alteration of temperature, turbidity, or apparent color beyond present natural background levels;

(4) Visible, floating, suspended, or deposited oil, grease, or any products of petroleum origin;

(5) Toxic or deleterious substances to be present in concentrations or quantities which will cause harmful effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

Section 4-11029 Accidental Discharge Reporting Requirements.

In the event of an accidental discharge to the City's separate storm water system of any material or substance other than storm water runoff or those discharges specifically excluded in Section 4-11027, the Storm Water Department shall be contacted immediately of the nature, quantity and time of occurrence of the discharge. The responsible party shall take immediate steps to contain, treat or to otherwise minimize effects of the discharge on the City's system and receiving streams. Immediate steps shall be taken to ensure no

the nature, quantity and time of occurrence of the discharge. The responsible party shall take immediate steps to contain, treat or to otherwise minimize effects of the discharge on the City's system and receiving streams. Immediate steps shall be taken to ensure no recurrence of the discharge. A written report addressed to the Director of Storm Water Management detailing the date, time, cause, quantity, and characteristics, of the discharge and the corrective and preventative actions taken will be sent to the Director within five (5) working days of the incident.

Section 4-11030 Industrial/Commercial Activities.

(a) Any industry that discharges directly into the City of Savannah separate storm water system and is required to obtain an individual NPDES permit is required to submit a copy of the NPDES permit and EPA Form 2F, or any that supersede it to the Director. Additionally a site plan with drainage system and type and amount of discharge shall be included with the submittal.

(b) Any industrial or commercial activity not required to obtain an individual NPDES permit as defined by the Standard Industrial Codes (SIC)in 40 CFR Parts 122, 123, and 124 but discharges storm water to the City separate storm water system are required to submit to the Director the type of industrial/commercial activity, type of discharge, a site map with internal drainage system, and point of connection or discharge to the City separate storm water system.

CITY OF WICHITA
STORMWATER MANAGEMENT

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities such as the City, to implement stormwater management programs within the prescribed time-frames; and

WHEREAS, pursuant to the Federal Clean Water Act, 33 U.S.C. 1251 et seq., the United States Environmental protection Agency has published rules for stormwater outfall permits; and

WHEREAS, the City of Wichita is responsible for the ownership, maintenance and expansion of the existing Stormwater System which has been developed over a number of years for the purpose of collecting and disposing of stormwater; and

WHEREAS, the State of Kansas has adopted stormwater management legislation which encourages Proper management of stormwater runoff and water quality; and

WHEREAS, City of Wichita, Kansas, desires to develop a City stormwater management program, to be responsible for the operation, construction and maintenance of stormwater devices; for stormwater system planning; for review of development plans for compliance with stormwater management codes; and for lake and river quality management; and

WHEREAS, the cost of operating and maintaining all stormwater management systems, and the financing of existing and future necessary repairs, replacement, improvements, and extensions thereof, should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom; and

WHEREAS, the City of Wichita has determined that the adoption of this Ordinance, and the creation of a stormwater management program, under the terms, conditions and criteria set forth hereunder, is necessary to protect the health, safety and welfare of the citizens, residents, and inhabitants of the City of Wichita.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 16.30,010 of the Code of the City of Wichita, Kansas, shall read as follows:

"Definitions. In addition to the words, terms and phrases elsewhere defined in this Chapter, the following words, terms and phrases as used in this Chapter shall have the following meanings:

(a) "Bonds" means revenue or general obligation Bonds or notes heretofore or hereafter issued to finance the Costs of Improvements.

(b) "Certificate of Occupancy, means a certificate issued by the Office of Central Inspection that permits a newly constructed or a new addition to a Residential Developed Property or Non Residential Developed Property to be occupied.

(c) "City" means city of Wichita, Sedgwick County, Kansas.

(d) "City Council" means governing body of the City.

(e) "Costs of Capital Improvement, means costs incurred in providing capital improvements to the Stormwater Management System or any portion thereof including professional services and studies connected thereto; payment of principal and interest on Bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on Bonds that are otherwise payable from special assessments; studies related to the operation of the system; and the costs of the Rate Study performed heretofore in relation to establishing rates for the Stormwater Utility and other start up costs of the Stormwater Utility; costs related to the National Pollution Discharge Elimination System Permit study as mandated by Federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the Utility. (f) "Debt Service, means an amount equal to the sum of (i) all interest payable on Bonds during a Fiscal Year, plus (ii) any principal installments payable on such Bonds during such Fiscal Year.

(g) "Developed Property" means real property other than Undisturbed Property.

(h) "Director, means the person appointed by the City Manager to be the Director of the Stormwater Utility.

(i) "Drainage fee" or "Drainage Fees" means a fee authorized by Charter Ordinance 147, this Chapter and as set forth in a resolution heretofore adopted or hereafter amended by the City Council that has been established to pay Operation and Maintenance, Extension and Replacement and Debt Service associated with the Storm Water Management System.

(j) "Dwelling Unit" means a singular unit providing, independent living facilities for one or more persons in a single family, duplex, multi-family or condominium residential property.

(k) "Equivalent Residential Unit" ('ERU") means the average Impervious Area of Residential Developed Property per Dwelling Unit located within the City limits as established by City Council resolution as provided herein.

(1) "Equivalent Residential Unit Rate" or "ERU Rate" means a Drainage Fee charged on each ERU as established by City Council resolution as provided herein.

(m) "Exempt Property" means public rights of way, public streets, public alleys and public sidewalks, and also means public easements upon which publicly owned and maintained storm drainage facilities are constructed.

(n) "Extension and Replacement, means costs of extensions, additions and

capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the Stormwater Management System, or land acquisition for the Stormwater Management System and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of Capital Improvements or any other expense that is not Costs of Operation and Maintenance or Debt Service.

(o) "Fiscal Year" means a twelve month period commencing on the first day of January of any year.

(p) "impervious Area, means the number of square feet of hard surface areas which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as Undisturbed Property, and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as Undisturbed Property, including, but not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas.

(q) "In Lieu of Franchise Fee" means a fee of not to exceed 5% of gross revenues of the Utility that is imposed by the City Council and that is paid to the City for use of public streets, alleys, sidewalks, and other public rights of way from Revenues as if the Utility was a person, firm or corporation using public rights of way pursuant to K.S.A. 12-2001 et seq.

(r) "Nonresidential Developed Property" means Developed Property other than Residential Developed Property.

(s) "Operating Budget" means the annual utility operating budget adopted by the City for the succeeding Fiscal year.

(t) "Operations and Maintenance, means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the System, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, In Lieu of Franchise Fee payments, labor costs, and the cost of materials and supplies used for current operations.

(u) "Residential Developed Property, means Developed Property used for Dwelling Units.

(v) "Revenues, means all rates, fees, assessments, rentals or other charges or other income received by the Stormwater Utility in connection with the management and operation of the Stormwater Management System, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

(w) "Stormwater Management System,, "Sewer System,, or "System, means storm sewers that exist at the time this Ordinance is adopted or that are hereafter established and all appurtenance necessary in the maintaining and operating of the same, including, but not limited to, pumping

stations, lateral sewers, main sewers, interceptor sewers, outfall sewers, surface drains, channels, rivers, streams and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of storm or surface water.

(x) "Stormwater Utility, or "Utility, means the utility created by this Chapter to operate, maintain and improve the Stormwater Management System and for such other purposes as are set forth in this Chapter.

(y) "Undisturbed Property, means real property which has not been altered from its natural condition in a manner which disturbed or altered the topography or soils on the property to the degree that the entrance of water into the soil mantle is prevented or retarded.,

SECTION 2. Section 16.30.020 of the Code of the City of Wichita, Kansas, shall read as follows:

"Creation of Stormwater Utility. Pursuant to the provisions of K.S.A. 12-3101, et seq., as modified by City of Wichita Charter Ordinance No. 147, the Wichita City Council does hereby establish a Stormwater Utility and Stormwater Management System and declares its intention to be responsible for the operation, construction, maintenance and repair of a Stormwater Management System and Stormwater Utility.,

SECTION 3. Section 16.30.030 of the Code of the City of Wichita, Kansas shall read as follows:

"Findings and Determinations. It is hereby found, determined, and declared that the elements of the Stormwater Management System which provides for the collection, treatment and disposal of stormwater are of benefit and provide services to property within the incorporated City limits. The beneficiaries of the system include all real properties within the City which benefit by the provisions, operation and improvement of the system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff, improvement in general health and welfare through reduction of undesirable stormwater conditions, and improvement to the water quality in the storm and surface water system and its receiving waters."

SECTION 4. Section 16.30.040 of the Code of the City of Wichita, Kansas, shall read as follows:

"Administration. The Stormwater Utility, under the direction of the City Manager or his/her designee thereof, shall have the power to:

(a) Administer the acquisition, design, construction, maintenance and operation of the Stormwater Management System;

(b) Administer and enforce this Ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation

and alteration of the Stormwater Management System including, but not limited to, the quantity, quality and/or velocity of the Stormwater conveyed thereby;

(c) Advise the City Council on matters relating to the Stormwater Management System;

(d) Review plans concerning Extensions and Replacement of the Stormwater Management System and make recommendations to the City Council;

(e) Make recommendations to the City Council concerning establishing ordinances and regulations to protect and maintain water quality within the Stormwater Management System in compliance with water quality standards established by State, Regional and/or Federal agencies as now adopted or hereafter adopted or amended;

(f) Analyze the cost of services and benefits provided, by the Stormwater Management System and the structure of fees, charges, fines and other revenues of the Stormwater Utility annually.,

SECTION 5. Section 16.30.050 of the Code of the City of Wichita, Kansas, shall read as follows:

"Operating Budget. The City shall, as part of its' annual budget process, adopt an operating budget for the Stormwater Utility for the next following Fiscal year. The Operating Budget shall be prepared in conformance with the State Budget Law, City policy and general accepted accounting practices. The initial Operating Budget commenced January 1, 1993, and ends December 31, 1993."

SECTION 6. Section 16.30.060 of the Code of the City of Wichita, Kansas, shall read as follows:

"Drainage Fee.

(a) Fee Established. Subject to the provisions of this Chapter, there is hereby imposed on each and every Residential Developed Property and Non-Residential Developed Property, other than property that is not serviced by the Stormwater Management System or Exempt Property, a Drainage Fee. Such Drainage Fee shall be determined and set by the provisions of this Chapter in accordance with the ERU and ERU Rate which has been established by Resolution of the City Council and that may be amended from time to time by the City Council.

(b) Drainage Fee for Residential Developed Property. The Drainage Fee for Residential Developed Property shall be the ERU Rate multiplied by the number of individual Dwelling Units existing on the property. In the event of a newly constructed Dwelling Unit, the charge for the Drainage Fee attributable to that Dwelling Unit shall commence upon the issuance of the Certificate of Occupancy for that Dwelling Unit, or if construction is at least fifty percent (50%) complete and is halted for a period of three (3) months, then that Dwelling Unit shall be deemed complete and the Drainage Fee shall commence at the end of said three (3) month period.

(c) Drainage Fee for Non-Residential Developed Property.

(1) The Drainage Fee for Non-Residential Developed Property shall be the ERU Rate multiplied by the numerical factor calculated by dividing the total Impervious Area of a Non Residential Developed Property by the number of square feet in one ERU. The minimum Drainage Fee for any Non-Residential Developed Property shall be equal to one ERU Rate. In the event of newly developed Non-Residential Developed Property, the charge for the Drainage Fee attributable to that development shall commence, or increase in the case of additional development to property which is already Developed Property, upon the issuance of the Certificate of Occupancy for such additional development, or in the event that no Certificate of Occupancy will be issued for that development, or in the event development has halted, then on the date that the Director or the Director's designee determines in reasonable judgment that said development is substantially complete or has been halted for at least three (3) months.

(2) In the event of separately metered Non Residential Developed Property with joint users of common Impervious Areas, the Director shall calculate and allocate the pro-rata Drainage Fee among the users. Any owner or non-owner user disagreeing with the Director's calculation or allocation may appeal such determination to the Director as provided in Section 6 of this Chapter.

(d) Dwelling Unit and Impervious Surface Calculation. The Director or Director's designee shall initially, and from time to time, determine the number of Dwelling Units located on Residential Developed Property in order to establish the Drainage Fee provided by paragraph B of this Section. Non-Residential Real Property in the City of Wichita shall have its square footage of Impervious Area calculated in order to establish the Drainage Fee provided by paragraph C of this Section. The Director or the Director's designee shall make the initial calculation and may from time to time change this calculation from such information and data deemed pertinent by the Director or the Director's designee."

SECTION 7. Section 16.30.070' of the Code of the City of Wichita, Kansas, shall read as follows:

"Appeal Procedure.

(a) Any person disagreeing with the calculation of the Drainage Fee or disagreeing with whether storm water or surface water from their property flows into a lateral sewer, interceptor sewer, outfall sewer, surface drain, streets, channels, rivers, streams or other flood control facilities maintained and serviced by the Stormwater Utility may appeal such determination to the Director. Any appeals must be in

writing. The Director or his/her designee shall thereafter hold an informal hearing. The Director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing Dwelling Units, total property area, and Impervious Area as appropriate, if such information is deemed to be material by the Director or designee. Based upon information provided, the Director or designee shall make a determination of the Drainage Fee for such property. The Director shall notify parties in writing of the Director's or his/her designee's decision.

(b) A person shall have the right to appeal the decision of the Director to the Stormwater Appeals Board. Such appeal shall be made within 20 days of the date the Director notifies the person of the Director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the Director.

(2) The Stormwater Appeals Board shall consist of the following members:

City Manager or designee
Director of Water and Sewer or designee
Director of Planning or designee

(3) A hearing on such appeal shall be held within 30 days from the date the notice of appeal is received and the applicant shall be given seven days advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the Drainage Fee for the property in question and the Director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The Stormwater Appeals Board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the Stormwater Appeals Board shall be final and any further appeal of such decision shall be to the Eighteenth Judicial District Court of the State of Kansas by way of the provisions of K.S.A. 60-2101(d).

SECTION 8. Section 16.30.080 of the Code of the City of Wichita, Kansas, shall read as follows:

"Stormwater Drainage Fee Collection.

(a) The Drainage Fee shall be billed and collected monthly with the monthly water and sewer utility bill for those properties utilizing other City utilities and shall be billed and collected separately at intervals as set by the Director for those properties not utilizing other City utilities. The Drainage Fee for those properties utilizing other City utilities shall be part of a consolidated statement for utility customers which shall be paid by a single payment. In the event that a partial payment is received, the payment shall be applied to the water and Sewer portion of the account first and then to the Drainage Fee portion of the account. Unless otherwise provided

for herein, all bills for Drainage Fees shall become due and payable in accordance with Sections of the Code of the City and with rules and regulations that pertain to the Wichita Water and Sewer Utility that relates to the collection of utility charges. Drainage Fee bills for any given property shall initially be the responsibility of the person who is paying for water and/or sewer service for the property. If the property is not using water and/or sewer services, then Drainage Fees shall be the responsibility of the person in possession of the property, unless other arrangements are made. If no person is in possession of the property, then the Drainage Fees shall be the responsibility of the Property Owner. The Property Owner is responsible for Drainage Fees not paid by the occupant.

(b) Drainage Fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of Water and Sewer Utility charges. In addition to any other remedies or penalties provided by this Chapter or any other Ordinance of the City, failure of any user of the Storm Water Management system to pay said charges promptly when due shall subject such user to discontinuance of water services and the City Manager of the City, or the City Manager, s designee, is hereby empowered and directed to enforce this provision as to any and all delinquent users in accordance with provision set forth in Chapter 17.12. Users shall be entitled to notice and shall have the right to a hearing in accordance with Chapter 17.12 before such users water service is discontinued for failure to pay Drainage Fees.

(c) Drainage Fees authorized to be charged in this Chapter when delinquent may be certified by the Clerk of the City to the County Clerk of Sedgwick County to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as other taxes, and such charges shall, thereafter, constitute a lien upon the real estate served by the Stormwater Utility and against which such charges were made, regardless of whether the Drainage Fees were incurred when an Property Owner was in possession of the property or a non-owner was in possession of the property."

SECTION 9. Section 16.30.090 of the Code of the City of Wichita, Kansas, shall read as follows:

Stormwater Utility Enterprise Fund. Drainage Fees collected by the City shall be paid into an enterprise fund which is hereby created, to be known as the "Stormwater Utility Fund" Such fund shall be used for the purpose of paying the Extension and Replacement, Operations and Maintenance and Debt Service of the Stormwater Management System and to carry out all other purposes of the Utility.,

SECTION 10. Section 16.30.100 of the Code of the City of Wichita, Kansas, shall read as follows:

"ERU Rate. The ERU and the ERU Rate that is used to determine the

charge for each Residential Developed Property and Non Residential Developed Property shall be as established in a Resolution heretofore adopted or hereafter amended by the City Council.,

ADOPTED at a regular Council

SECTION 11. Section 16.30.110 of the Code of the City of Wichita, Kansas, shall read as follows:

"Ordinance Components. Should any part of this Chapter be declared invalid by a court of competent jurisdiction, the remaining portions hereof shall not be affected and shalI remain in full force and effect."

SECTION 12. Section 16.30.120 of the Code of the City of Wichita, Kansas, shall read as follows:

"Severability. In the event that any portion of section of this Chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Chapter which shall remain in full force and effect."

SECTION 13. Effective Date. This Ordinance shall take effect upon its adoption and publication in the official City paper, and upon the taking effect of the provisions of Charter Ordinance No. 147.

SECTION 14. Repeal of Ordinance No. 41-776. City of Wichita, Kansas, Ordinance No. 41-776 is hereby repealed.

LOUISVILLE & JEFFERSON COUNTY
STORM WATER ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF JEFFERSON COUNTY, KENTUCKY:

1. There is hereby established a Comprehensive Storm Water Drainage Authority coextensive with and under the Louisville and Jefferson County Metropolitan Sewer District ("MSD") with MSD having all powers, authority and approvals as set forth in the Agreement of Interlocal Cooperation ("Agreement"), attached hereto, and said Agreement is incorporated herein by reference as if fully set forth herein.

2. The power and authority possessed by the Fiscal Court of Jefferson County, Kentucky in managing, maintaining, constructing, repairing, rehabilitating, acquiring, regulating, operating, inspecting, removing, improving, and funding public flood control and storm and surface water drainage services is transferred to MSD pursuant to the terms of the Agreement.

3. Flood, storm and surface water drainage systems, equipment, facilities, owned, controlled, leased by or dedicated to the Fiscal Court of Jefferson County or dedicated to drainage uses in the public interest are transferred by lease to MSD pursuant to the terms of the Agreement.

4. The County Judge/Executive of Jefferson County, Kentucky is hereby authorized and directed to execute on behalf of Jefferson County, Kentucky, the Agreement and Lease.

5. This Ordinance shall become effective upon passage and approval.

Adopted this 19th day of December, 1986.
HARVEY I. SLOANE, M.D.
County Judge/Executive

ATTEST:

Fiscal Court Clerk

Approved as to Form and Legality:

JEFFERSON COUNTY ATTORNEY

MICHAEL E. CONLIFFE

CERTIFICATION

I, the Clerk of the Fiscal Court of Jefferson County, Kentucky, do hereby certify that the foregoing is a true, correct copy of ORDINANCE NO. 31, SERIES 1986, adopted by the Fiscal Court of Jefferson County, Kentucky, at its meeting held on Friday, December 19, 1986, and is in full force and effect.

WITNESS my hand this 23rd day of December, 1986.

August C. Scott
Fiscal Court Clerk

ESTABLISHMENT OF A COMPREHENSIVE STORM WATER DRAINAGE AUTHORITY COEXTENSIVE WITH AND UNDER THE LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT AND AGREEMENT OF INTERLOCAL COOPERATION

THIS AGREEMENT is made and entered into as of the 23rd day of December, 1986, by and between (i) the CITY OF LOUISVILLE, KENTUCKY a municipal corporation of the first class ("the City") and (ii) the FISCAL COURT OF JEFFERSON COUNTY, KENTUCKY, a political subdivision of the Commonwealth of Kentucky containing a city of the first Class ("the County") and (iii) the LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT, a public body corporate, duly created and existing pursuant to the provisions of Kentucky Revised Statutes 76.005, et seq., acting by and through its duly appointed Board, its statutory governing body ("MSD").

RECITALS:

WHEREAS, in the interest of the public health and for the purpose of providing adequate sewer and drainage Facilities, the City and County created and established MSD pursuant to KRS 76.010; and

WHEREAS, upon creation of MSD, the existing sewer and drainage systems and Facilities of the City were assigned, transferred, and dedicated to the use of and came into the possession and under the jurisdiction, control and supervision of MSD; and

WHEREAS, the existing drainage Facilities and systems transferred to MSD were inadequate to solve the drainage needs of all the real property located within the City; and

WHEREAS, since the creation of MSD, the City and County have experienced industrialization, commercialization and attendant residential development at a high rate; and

WHEREAS, the City, County and MSD have implemented additional Storm and Surface Water Drainage systems and have constructed, created and maintained Storm and Surface Water Drainage Facilities; and

WHEREAS, the City, County and MSD have developed Surface Water maintenance programs consisting of Facilities, equipment and personnel and have instituted capital improvement projects and constructed capital improvements consisting of drainage Facilities; and

WHEREAS, there is a particular public need to establish a single authority for planning, acquisition, improvement, construction, inspection, development, installation, modification, management, operation, maintenance, repair, replacement, control, demolition, abandonment, regulation, and funding of Storm and Surface Water Drainage services, systems and Facilities in the interest of protecting, preserving and enhancing the public safety and welfare; and, in order to enable the City and County to meet these public needs, it is deemed essential by all of the parties hereto that MSD be vested with the authority, assistance and cooperation of the parties for it to plan, acquire, improve, construct, inspect, develop, install, modify, manage, operate, maintain, repair, replace,

control, demolish, abandon, regulate and fund systems, Facilities and associated services and activities necessary for the collection, control, treatment and disposal of storm and Surface Water in a safe, proper and efficient manner and that MSD have the authority, assistance, agreement, approval and cooperation of the City and County to fund flood control and Storm and Surface Water Drainage services, systems and Facilities by fixing rates, fees and charges throughout the City and the County for the furnishing of such services, systems and Facilities and that the charges for the furnishing of Storm and Surface Water Drainage services, systems and Facilities be based on an reflective of each property's use of MSD's Facilities and contribution to Storm and Surface Water runoff and the services received as a result of MSD's, services and use of said Facilities; and

WHEREAS, MSD is empowered pursuant to KRS 76.080(1)-(12) to construct additions, betterments and extensions to the drainage Facilities of MSD, within or without MSD's District Area and is empowered to acquire all drainage systems and Facilities owned, controlled, operated or maintained by the City and County; and

WHEREAS, MSD may enter into agreements for the management of Storm and Surface Water Drainage Systems and Facilities and for the establishment and collection of drainage service rates subject to the approval of the City and County; and

WHEREAS, the County has established the Jefferson County Surface Water Drainage District and since the creation of the Drainage District said District has not procured, constructed nor maintained any Surface Water Drainage System or Facilities and the County intends to administer the District such that no Surface Water Drainage Facilities are acquired, constructed, nor maintained; and

WHEREAS, the County and City have authority, powers and personnel to provide for and finance government services and issue regulations making provisions for Storm and Surface Water disposal service and for the control of floods; and

WHEREAS, the City and County have personnel engaged to repair, maintain, rehabilitate and improve Storm and Surface Water drainage and flood control Facilities and systems; and

WHEREAS, it is in the public interest to transfer all Storm and Surface Water Drainage and flood Control responsibilities, management, property, interest, and authority to MSD and to empower and authorize and approve MSD in providing Storm and Surface Water Drainage services to all real property located within an expanded drainage service area and for MSD to charge service fees for flood and drainage services rendered by MSD; and

WHEREAS, it is the most efficient use of the powers of the City, County and MSD for said agencies to cooperate on the basis of mutual advantage to provide flood control and Storm and Surface Water Drainage services and Facilities in a manner and pursuant to a form of governmental organization that will accord best with geographic, economic, demographic and other factors influencing the needs and development of the City, County and MSD; and

WHEREAS, the City, County and MSD are public agencies as defined in KRS 65.230 and may enter into this Agreement in order to establish MSD as the Storm and

Surface Water Drainage and Flood Control authority for the City and County; and

WHEREAS, the City, County and MSD may enter into Agreements with each other for joint or cooperative action pursuant to the Interlocal Cooperation Act, under KRS 65.210, et. seq.;

NOW, THEREFORE, in consideration of the premises, and the mutual covenants, agreements and undertakings contained herein, the parties hereto agree, each with the others, as follows:

SECTION I - INCORPORATION OF RECITALS

The recitals are incorporated herein by reference as if fully set forth herein and are adopted as true and correct findings of fact by the parties.

SECTION II - DEFINITIONS

For the purposes of this Agreement, the words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning:

A. "Agreement" shall mean this Agreement.

B. "Average Residential Impervious Area" means the average square footage of impervious area on one and two family residential properties in the MSD service area as determined by sampling said one and two family residential properties.

C. "City" shall mean the City of Louisville, Kentucky.

D. "Class A Properties" means one (1) and two (2) family residential properties.

E. "Class B Properties" means all other properties, including, but not limited to, apartment buildings having units for three (3) or more families and institutional, commercial, industrial, agricultural, and governmental properties.

F. "Combined Sewer" shall mean a sewer which serves as a Storm Sewer and a Sanitary Sewer.

G. "County" shall mean the County of Jefferson, Kentucky.

H. "District Area" means the service area of MSD as defined in KRS 76.005(3).

I. "Developer" shall mean a person, firm, partnership, corporation or other entity that excavates, builds or otherwise improves a specific parcel or tract of land.

J. "Drainage Service Area" shall mean the area being a present part of the District Area as of the effective date of the Agreement. The Drainage Service Area shall also mean such unincorporated areas within the County and any area within the County containing all or any part of a city of the fifth or sixth class, as such area or areas are included within the District Area and receive Storm or Surface Water Drainage services or use the Storm or Surface Water Facilities of MSD. Drainage Service Area shall also mean portions of areas within cities of the second, third and fourth class, if any, as such areas are included in the District Area by agreement with the MSD.

K. "Equivalent Service Unit (ESU)" means the billing unit used in the formula for generating charges for properties. The ESU for all one and two family residential properties shall be one (1). The ESU for each Class B property is calculated by dividing the impervious area of a property by the average residential impervious area, and rounding to the next highest integer.

L. "Existing" shall mean present or in effect as of the time of the time of the adoption

of this Agreement.

M. "Facilities" shall mean various flood control, drainage works and Storm Water Systems that include but are not limited to inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention basins, detention basins, other structural components, ditches, floodwalls, basins, pipes, walls, channels, creeks, ponds, drainage easements, drainage rights-of-way, drainage dedications, and other interests in property used, dedicated, controlled, possessed, maintained or leased by the City, County or MSD for drainage purposes, together with all appurtenances which connect or assist in drainage of water or flood control.

N. "Impervious Surface" shall mean surfaces on or in a lot or parcel of real property which substantially reduces the rate of infiltration of Storm Water into the earth, including but not limited to surfaces or buildings, roofs, asphalt and concrete drives and walks, parking lots, patios, and other structures.

O. "MSD" shall mean the Louisville and Jefferson County Metropolitan Sewer District.

P. "Premises" shall mean a lot, and the building and other improvements situated thereon.

Q. "Service Charge" means a monthly charge for flood control and Storm and Surface Water Drainage services.

R. "Storm" and "Storm Water" and "Surface Water" as used in this Agreement are interchangeable terms.

S. "Storm Water Systems" or "Storm Water Drainage" shall mean all man-made Facilities, structures, and natural water courses used for collecting and conducting Storm Water to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: inlets, conduits, appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gulleys, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levies, and pumping stations.

T. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries Storm Waters, surface runoff, wash waters and drainage, but which excludes sanitary sewage and industrial waste other than unpolluted cooling water.

SECTION III - ESTABLISHMENT OF DRAINAGE AUTHORITY

MSD shall have all authority, powers and abilities held by the City and County relating to flood control and Storm and Surface Water Drainage Systems and Facilities and construction and maintenance of said Systems and Facilities and funding for said Facilities, and control over all said Facilities within its District Area and within its Drainage Service Area as provided for herein.

SECTION IV - PURPOSES OF ESTABLISHING DRAINAGE AUTHORITY

The purposes of the establishment of a drainage authority coextensive with and under the control of MSD is for MSD to take possession, control, use and domination of and over all Storm and Surface Water Drainage Facilities and Systems of the City and County, to be responsible for maintenance of all Storm Water Facilities, to improve, manage, operate and repair Storm Water Facilities, to provide for effective management and financing of a Storm Water System within the City and County, to provide methods for mitigating the damaging effects of uncontrolled and unplanned Storm Water runoff, to improve the public

health, safety and welfare by providing for the safe and efficient capture and conveyance of Storm Water runoff and the correction of Storm Water problems, to authorize the establishment and implementation of a master plan for storm Drainage including design, coordination, construction, management, operation, maintenance, inspection and enforcement, to establish reasonable Storm Water Service Charges based on each property's contribution of Storm Water runoff to the system and use of MSD's Facilities and services to real property and to encourage and facilitate urban water resources management techniques including detention of Storm Water runoff, minimization of the need to construct Storm Sewers, and the enhancement of the environment.

In order to accomplish such purposes, a Storm Water Service Charge shall be made on all real property within the City and County and included in the District Area or Drainage Service Area. The primary consideration in setting the Service Charge for all real property served by MSD's Facilities (including the Facilities assigned, transferred, leased or subleased to MSD), shall be each property's contribution to runoff. Service Charges for all single family residential property shall be uniform. MSD may give consideration to specific or unusual service requirements of some properties, and special and general benefits accruing to or from properties as a result of providing their own Storm Water management Facilities.

MSD's Storm Water Service Charge shall be fair and reasonable and bear a substantial relationship to the cost of providing service and Facilities. Rate studies shall be conducted periodically by MSD.

Service Charges for residential properties of two or fewer dwelling units shall reflect the relatively uniform effect that residential development has on runoff and services provided by Storm Water Facilities of MSD. Large residential lots generally have a lower overall intensity of development than small residential lots because a lesser percentage of larger lots is covered with hard surfaced area. The effect of large residential properties on Storm Water runoff and service provided by MSD's Facilities is lowered by less imperviousness.

Multi-family residential properties having three or more dwelling units and properties in land uses other than residential shall pay according to the amount of storm Water runoff and services provided by the Facilities of MSD as computed by multiplying the number of ESU's times a charge per ESU.

An Appeal and Service Charge adjustment process shall be created and employed by MSD to review Storm Water Charges when unusual circumstances exist which alter runoff characteristics or when either service or benefit varies from normal conditions or when computation of ESU is disputed.

SECTION V - FINANCING

The manner of financing the purposes of this Agreement shall be by the charging by MSD for flood control and Storm and Surface Water Services in accordance with a schedule of rates and charges.

SECTION VI - BUDGET

MSD shall establish and maintain a budget for the purposes of providing flood control and Storm and Surface Water Facilities and Systems and Services and to operate, repair, extend and improve said Storm and Surface Water Facilities and Systems and shall

prepare its budget in accordance with the estimated revenues to be derived from the schedule of rates and charges imposed by MSD for the furnishing of flood control and Storm and Surface Water Services, Systems and Facilities.

SECTION VII - DURATION

The duration of this Agreement shall be for a term of fifty years and renewed for a like term unless one of the parties to the Agreement gives written notice to the other parties of an intent to terminate. Said notices must be given at least one year but not more than three years prior to the expiration of the original term of this Agreement.

SECTION VIII - TERMINATION

The Agreement may be completely terminated upon the unanimous consent of the City and County. In the event the City and County agree to a termination of the Agreement, all property transferred from the City or the County pursuant to the terms of this Agreement shall be returned to the original transferor upon such termination of the Agreement. MSD shall be entitled to retain all property acquired by MSD that was not initially transferred to MSD by the City or County. The City and County agree that, in the event of termination, the City and County shall make adequate provision for payment of annual debt service on all outstanding debt issued by MSD for drainage purposes by MSD's continued imposition of Service Charges to retire the debt by MSD, said Service Charges to be approved by the City and County.

SECTION IX - GRANT OF AUTHORITY OVER STORM AND SURFACE WATER DRAINAGE

MSD is granted the authority to plan, acquire, improve, construct, develop, install, modify, manage, operate, maintain, repair, replace, control, demolish, abandon, regulate, employ and fund public flood control and Storm and Surface Water Systems within the District and Drainage Service Area, personnel, equipment and Facilities and associated services and activities necessary for the collection, control, treatment and disposal of Storm and surface Water in a safe, proper and efficient manner and is granted the authority to fund flood control and Storm and Surface Water Services, Systems and Facilities by fixing rates, fees and charges throughout the District Area and Drainage Service Area as herein elsewhere provided.

SECTION X - TRANSFER OF AUTHORITY

All power and authority possessed by the City and County in managing, maintaining, constructing, repairing, rehabilitating, acquiring, regulating, operating, inspecting, removing, improving, and funding public flood control and Storm and Surface Water Facilities and Systems and services is transferred to MSD and to the extent legally permissible MSD is designated as the exclusive agency responsible for public surface flood and Storm Water Services throughout the Drainage Service Area and District Area.

SECTION XI - TRANSFER OF DRAINAGE FACILITIES

All flood, Surface and Storm Water Systems, equipment, Facilities, owned, controlled, leased by or dedicated to the City or County or dedicated to drainage uses in the public interest are leased to MSD, granting MSD complete possession, use, custody, control and domination of and over all such Systems, equipment and Facilities. Such leases

are to be entered into simultaneously with execution of this Agreement, said leases being attached hereto and made an exhibit to this Agreement.

SECTION XII - DRAINAGE MASTER PLAN

MSD will, on a cooperative basis with the City and County, prepare and adopt a Storm and Surface Water drainage master plan for a system of Storm and Surface Water services, repairs, improvements and maintenance. The plan will include plans for the acquisition, improvement, construction, inspection, development, installation, modification, management, operation, maintenance, repair, replacement, control, demolition, abandonment and regulation of:

1. Public Storm and Surface Water drainage services, Systems and Facilities;
2. Collection, treatment, disposal or elimination of Storm and Surface Water;
3. Control of Storm and Surface Water drainage;
4. Storage and use of Storm and Surface Water drainage;
5. Storage of Storm and Surface Water to regulate flows within drainage Systems or Facilities or receding waters;
6. Facilities to prevent overflow and flooding of Storm and Surface Water onto real property;
7. The elimination or reduction of damage from flooding;
8. Correction of water conditions that may jeopardize public health, safety or welfare.

The Master Plan and revisions, as needed, shall be submitted to the City and County for their review and approval.

SECTION XIII - TRANSFER OF EMPLOYEES

County employees who are employed in full-time employment in the capacity of providing Surface Water drainage services shall be transferred to MSD. All such employees transferred shall retain their seniority and shall carry over accumulated sick leave and vacation up to the maximum allowed MSD employees and the use of said accumulated benefits shall be in accordance with the regulations of MSD; provided, however, that the amount of transferred benefits per employee which MSD will recognize shall be listed on Exhibit A hereto. After the transfer, such employees shall be entitled to receive only those benefits provided by MSD and shall be governed by MSD's employment practices. MSD shall use its best efforts to place such transferred employees into positions of comparable salary classification and duties.

Employees of the City who, as a result of the execution of the Agreement, are left without full-time duties and are subject to lay-off by the City pursuant to the applicable collective bargaining agreement, shall be offered employment by MSD. All such employees hired by MSD shall be granted seniority for city service and granted sick leave and vacation up to the maximum amount allowed MSD employees and the use of said accumulated benefits shall be in accordance with the regulations of MSD. Upon hiring, such employees shall be entitled to receive only those benefits provided by MSD and shall be governed by MSD's employment practices. MSD shall use its best efforts to place such hired employees into positions of comparable salary classification and duties.

SECTION XIV - TRANSFER OF DRAINAGE PROPERTY INTERESTS

A. The City and County hereby transfer and assign by leasing or subleasing to MSD all use, custody, control and domination of and over all Storm Water System Facilities, including, but not limited to, all ditches, inlets, headwalls, outlets, basins, floodwalls, pipes, channels, creeks, ponds, easements, rights-of-way, dedications, and other interest in real and personal property used, dedicated, controlled, possessed or maintained by the City or County for drainage purposes, together with all appurtenances which connect or assist the

drainage system or Facilities. Such leases or subleases are to be entered into simultaneous with execution of this Agreement, said leases being attached hereto and made an exhibit to this Agreement.

B. The City and County hereby transfer to MSD all obligations arising under the "Assurances" consummated between the City of Louisville and the United States Government regarding the Louisville, Kentucky Local Protection Project and the County of Jefferson, Kentucky and the United States Government regarding the Southwestern Jefferson County, Kentucky Local Protection Project and the "assurances" regarding the Mill Creek (Jefferson County, Kentucky) Channel Improvement Project. MSD, pursuant to this transfer, will maintain and operate all the work on each of the aforementioned projects after completion in accordance with regulations prescribed by the Secretary of the Army.

C. The Corps of Engineers will retain the right of review and approval of any work proposed within the right-of-way of the Local Protection Project as well as any work proposed on the flood control works prior to the initiating of said work. "Work" includes any proposed in, excavation, construction or alteration.

D. MSD shall provide to the Corps of Engineers report regarding the status of all appurtenances Protection Projects.

SECTION XV - GRANT OF EASEMENT

SECTION XV - GRANT OF EASEMENT

For the term of this Agreement, the City and County grant to MSD an irrevocable easement, license, right and privilege to construct, erect, operate, modify and maintain in, repair, replace and remove, upon, along, above, over and under the streets, alleys and public places of the City and County such Drainage Facilities and Systems deemed by MSD necessary for the operation of a comprehensive drainage system. "Street" shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land pass, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive or other public right-of-way, including utility or drainage easements or rights-of -way or other interests in property for drainage and flood control and any temporary or permanent fixtures or improvements located thereon, now or hereafter held by the City or County. After termination of the Agreement, MSD shall retain the right to operate, maintain the right to operate, maintain, modify, repair and replace any facilities, systems and equipment which MSD constructs or erects during the operation of the lease.

SECTION XVI - RESPONSIBILITY FOR DRAINAGE SERVICES

MSD shall have responsibility for operation and maintenance of public Storm Drainage Facilities in the Drainage Service Area and District Area and the City and County transfer such responsibilities and Facilities to MSD, including, but not limited to:

A. All public ditches, pipes, and drainage structures and channels except those outside the Drainage Service Area and those specifically the responsibility of the Kentucky Department of Transportation. Said drainage structures are understood to include boxed culvert and pipe, but not highway nor roadway bridges. Storm Drainage Facilities include all publicly dedicated Storm Water retention basins and include the floodwall and flood pumping station system.

B, MSD shall monitor the design, operation, maintenance, inspection, construction and use of all Storm Sewers, Storm Drains and Storm Water Facilities in the Drainage Service Area. MSD shall have exclusive jurisdiction for the design and construction of public Storm Water Facilities in the Drainage Service Area and shall inspect, operate and maintain such facilities.

MSD shall have exclusive jurisdiction for the inspection, maintenance, repair,

removal, construction and operation of Drainage Facilities on all City or County streets crossing, grade alleys, viaducts, sidewalks, curbs, street crossing, grade separation and other public ways and easements, and all drains, ditches, culverts, canals, streams, levees, tunnels and appurtenances thereof.

SECTION XVII - ROUTINE AND REMEDIAL MAINTENANCE.

MSD shall provide for inspection and routine maintenance of Storm and Surface Water Drainage Facilities. Maintenance may include catch basin cleaning, grating, and casting repair, inlet and outlet structure repair, channel clearing, erosion repair, and other incidentals. MSD shall provide for remedial maintenance of Facilities based upon the severity of Storm Water problems and potential hazard to the public.

SECTION XVIII- RULES AND REGULATIONS

In order to accomplish the purpose of this Agreement to protect the Drainage Facilities, improvements and properties owned by MSD, City and County, to secure the best results from the construction, operation, and maintenance thereof , and to prevent damage and misuse of any of the Drainage Service Area, MSD may make and enforce rules and regulations that are necessary and reasonable which include, but are not limited to the following:

1. To prescribe the manner in which storm sewers, ditches, channels, and otherwise changed.

2. To prescribe inspection and other fees permitted by this agreement.

3. To prescribe the manner in which such facilities are operated.

4. To facilitate the enforcement of this Agreement.

5. To prescribe the collection procedures and timing of Service Charge bills.

6. To protect the Drainage Facilities, improvements and properties controlled by MSD and to prescribe the manner of their use by any public or private person, fir or corporation.

7. To protect the public health, safety and welfare.

SECTION XIX - PLAN REVIEW

MSD shall be responsible for all drainage plan reviews for all development in the City and and County, including responsibility for enforcement of the Flood Plain Ordinance. Any person or organization removing, constructing, enlarging, altering, repairing, relocating, or demolishing a storm sewer, natural water course, or other Drainage Facility, must first file an application and obtain a permit from MSD.

Permits are required and may be granted by MSD for the following improvement categories:

1. Connection into the public Storm Water System, except unimproved creeks or streams.

2. Improvements which are or will become Public Facilities.

3. Improvements within dedicated but unimproved street rights-of-way.

4. Improvements which require detention or retention facilities.

Plans for all improvements made within the City or County that require Storm Water Facilities or changes or alterations to existing Storm Water Facilities or which use the Facilities of MSD must be submitted prior to construction or alteration to MSD for review and approval.

Every improvement shall be provided with a storm water system capable of handling storm waters flowing unto the improvement site from other areas, as well as storm water from the site itself. The Drainage System shall be designed to discharge into a water course, drainage channel or other storm water facility. MSD shall develop rules and regulations and guidelines concerning development or additions to property.

SECTION XX - FUNDING

Funding for MSD storm water activities shall include, but not be limited to:

1. Storm Drainage Service Charge;

2. Permit and Inspection Fees;

3. Direct Charges. This charge will be collected from Owners and Developers for the cost of designing and constructing Storm Water Facilities and administrative costs and related expenses where MSD designs and/or constructs or contracts for the construction of such Facilities.

4. Other income obtained from federal, state, local and private grants or revolving funds.

SECTION XXI - CAPITAL IMPROVEMENTS

MSD will implement a capital improvements program in accordance with the Drainage Master Plan to be funded through revenue bond issues and Service Charges. MSD shall submit its capital improvement program which lists the capital improvements to the City and County for their approval. Upon approval of the capital improvements program, MSD shall have complete authority to proceed with its plan of financing which may include the issuing of bonds, awarding of contracts, acquisition of property and construction of said projects that may be located in the Drainage Service Area and District Area and no other approval will be required. MSD shall continue to proceed with all pending projects to the extent interim funding is available and may issue revenue bonds for financing projects in the capital improvement program, to the extent necessary but subject to the availability of funds.

SECTION XXII - DRAINAGE RESPONSE SYSTEM

MSD will operate and maintain a complaint response system in order to assure effective and timely response to all Surface and Strom Water Drainage complaints and shall regularly and timely issue reports to the City and County as to the number and type of Drainage complaints received and the response made to the complaints by MSD.

SECTION XXIII - ANNUAL REPORT

MSD will issue at least annually a report to the City and County regarding the status of flood control and Storm and Surface Water Drainage services and shall respond in a timely manner to drainage issues which the City or County may bring to the attention of MSD.

SECTION XXIV - DRAINAGE LIAISON

The City and County each shall designate a representative to be liaisons with MSD relating to all flood control and Storm and Surface Water Drainage issues.

SECTION XXV - TECHNICAL INFORMATION

The City and County shall provide to MSD copies of all as-built plans, drainage studies, evaluations, surveys, maps, contracts and agreements, status of work in progress and other data related to flood control and Storm and Surface Water Drainage Facilities.

SECTION XXVI - LIABILITIES

The transfer of surface and Storm Water responsibility, Facilities, authority, and personnel to MSD by the City and County, does not include any financial obligations or other obligations including, but not limited to, pending legal actions that arose or are pending prior to or on the date of the effective date of this Agreement.

SECTION XXVII - STORM DRAINAGE SERVICE CHARGE

MSD is authorized to impose a Storm Drainage Service Charge for the furnishing of flood control and Strom and Surface Water Drainage Services to all real property located within the Drainage Service Area and District Area and served by the Facilities of MSD and is authorized to impose a Storm Water Drainage Service Charge on each lot, parcel or other unit of such real property within the Drainage Service Area and District Area and the owner thereof, excepting only public

streets, highways, boulevards, alleys, viaducts, sidewalks, curbing, street crossing, grade separation and other public ways. The Service Charge to property that has existing Storm Water Detention Facilities, may be reduced as determined by MSD, in accordance with generally accepted engineering standards and practices to more accurately reflect the contribution to runoff from the property and the the service provided by the Facilities of MSD to such property. The Detention Facilities must be in accord with the hydrologic, hydraulic and structural design requirements of the Rules and Regulations as may be adopted from time to time by MSD. Facilities of a temporary nature will not be allowed a decrease in their charges.

SECTION XXVIII - CLASSIFICATION OF PROPERTY FOR SERVICE CHARGES

There shall be two classifications of property for determination of Storm Drainage Service Charges as follows:

(i) Class A - One and two family residential properties

(ii) Class B - Multi-family (3 families or more) residential property and non-residential property.

SECTION XXIX - RATES

A. The rates for each property shall be computed by multiplying the number of ESU's times a charge per ESU as follows:

(i) The initial charge per ESU shall be $1.75

(ii) Class A properties. All Class A properties shall be billed for one ESU.

(iii) Class B Properties. All Class B properties shall be billed a service charge computed by multiplying the number of ESU's on a property times the rate per ESU.

B. The Storm Drainage Service Charge shall be subject to approval by the Board of Alderman of the City and Fiscal Court of the County, pursuant to KRS7 76.090. MSD, the City and County agree to pay Storm Drainage Service Charges according to the rate schedule set out at Section A above. MSD, the City and County shall approve a Schedule of Rates, Rental and Charges including this charge but shall pay the charge effective 1-1-87.

SECTION XXX - COLLECTION OF STORM DRAINAGE SERVICE CHARGE

The Strom Drainage Service Charge shall be paid by the owner of each lot or parcel which is subject to the charger on a periodic basis in accordance with Rules and Regulations established by MSD. The payment of the Service Charge shall be the responsible for the payment of charges for public water uses, or the responsibility of the owner if the owner is responsible for payment of charges for public water use. The owner shall also be responsible for Service Charges levied against vacant property and for all Service Charges which are delinquent.

SECTION XXXI - ADJUSTMENT OF CHARGE, APPEAL

Persons who consider the Storm Drainage Service Charges applicable to their lot or parcel to be unjust or inequitable may apply to MSD for adjustment thereof, stating in writing the grounds of the compliant. The compliant shall be considered by appropriate MSD staff and their recommendations delivered to the Executive Director shall determine whether an adjustment of the charges for any such lot or parcel is necessary to provide for the just and equitable application of the Storm Water Drainage Charge and adjust such charge, if appropriate.

An appeal may be taken from the decision of the Executive Director to the Board of MSD with notice and substance of the appeal to be sent to the Secretary of the Board within fifteen (15) day after receipt of the charge.

MSD may promulgate reasonable procedures to implement this section.

SECTION XXXII - DELINQUENT ACCOUNTS

When any Storm and Surface Water Drainage rates, fees, or charges remain unpaid

for a period of thirty (30) days after the same becomes due and payable, the property, the tenant and the owner thereof, shall be deemed delinquent until such time as all rates, fees, and charges are fully paid; and MSD may terminate public sewer, water and drainage services to that property and pursue its legal remedies against the tenant or owner to obtain payment. A penalty shall be applied to delinquent fees and charges, in the same manner penalties are applied to delinquent sewer and water charges by the Louisville Water Company, who will be MSD's billing and collection agent for drainage fees.

SECTION XXXIII - FLOODING, LIABILITY

Floods from Storm Water runoff may occasionally occur which exceed the capacity of Storm Drainage Facilities constructed, operated or maintained by funds made available. This Agreement does not imply that property subject to the fees and charges established herein will always be free from flooding or flood damage, or that Storm Water Systems capable of handling all storm events can be cost-effectively constructed, operated or maintained. Nor shall this Agreement create a liability on the part of, or cause of action against, any of the parties or employees thereof for any flood damage that may result from such storms of the runoff thereof. Nor does this Agreement purport to reduce the need or the necessity for obtaining flood insurance.

SECTION XXXVI - BILLING

The City and County agree that MSD shall begin charging for the services provided for in this Agreement on January 1, 1987. The City and County agree that they will use their best efforts to cooperate with the MSD in having the Louisville Water Company provide at its cost billing services to MSD.

SECTION XXXIV - EXPANSION OF DRAINAGE SERVICE AREA

MSD shall proceed with the development and implementation of a plan and procedure to expand MSD's Drainage Service Area for performing Storm and Surface Water Drainage services in all areas that are not presently within the District Area for the purpose of receiving drainage services.

SECTION XXXV - SEVERABILITY

Each and every provision hereof, including paragraphs of articles, shall be separate, several and distinct from each and every other provision thereof, and invalidity, unenforceability or illegality of any such shall not affect the enforceability of any other provision hereof.

SECTION XXXVI - CAPTIONS

The captions of this Agreement are for convenience only and are not to be construed as part of the Agreement, nor as definely nor limiting or intent of the provisions hereof.

SECTION XXXVII - SUCCESSORS AND ASSIGNS

Whenever in this Agreement the City, County or MSD is named o referred to, it shall be deemed to include its or their successors and assigns and all covenants and Agreements in this Agreement contained by or on behalf of the City, County or MSD shall bind and inure to the benefit of its or their successors and assigns whether so expressed or not.

SECTION XXXVIII - SUPPLEMENT

The parties agree that all authorizations, empowerments and all rights, title and interest referred or referenced to in this Agreement are intended to supplement the authority MSD has or may have under any other provision of law.

SECTION XXXIX - REVENUE BONDS AND DEBT SERVICE ADJUSTMENTS

In addition to any other methods MSD may have for the issuance of revenue bonds, it is agreed that revenue bonds may b issued by MSD in accordance with the provisions of KRS 65.270 subject to the approval of such bonds by the Board of Aldermen of the City and Fiscal Court of the County.

SECTION XL - EXTENT OF AGREEMENT AND AMENDMENTS

This Agreement constitutes the entire written understanding of the parties with

respect to the matters set forth herein and all prior agreements and understandings are merged herein. This Agreement may be modified or amended in writing, signed by each of the parties and subject to the approval of the Attorney General for the Commonwealth of Kentucky.

SECTION XLI - RETRANSFER OF AUTHORITY AND PROPERTY

Notwithstanding anything in this Agreement to the contrary, including but not limited to Section XXXV, the parties hereto agree that in the event a final and non-appealable decision is rendered by a court of competent jurisdiction, that the Storm Drainage Service Charge or Drainage Service Charges contained in MSD' Schedule of Rates, Rentals and Charges levied by MSD is unlawful, unconstitutional or for any reason not legally collectible or enforceable by MSD for any reason whatsoever in regards to any property whatsoever, then, if the Board of MSD, in its sole discretion decides that the aforesaid decision impairs the feasibility of MSD to continue performance of this Agreement, this Agreement shall be null and void and all authority shall be vested with the City and County to the extent that authority was transferred in this Agreement, and MSD shall be released from all obligations contained in this Agreement, and MSD shall reconvey all property to the City and County, which was conveyed by terms of this Agreement or by leases.

IN TESTIMONY WHEREOF, the Mayor of the City, the County Judge/Executive of the County and the Executive Director and the Board Chairman of the Louisville and Jefferson County Metropolitan Sewer District subscribe their signatures in their official capacities.

CITY OF LOUISVILLE
COUNTY OF JEFFERSON
Ordinance No. 387
Series 1986, Enacted 12-9-86

Series 1986, Enacted 12-9-86

JERRY E. ABRAMSON, Mayor
HARVEY I. SLOANE, M.D., County Judge/Executive

LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

By: GORDON GARNER, Executive Director and GERALD NEAL, Chairman

APPROVED AS TO FORM:
FRANK X. QUICKERT, JR., Director of Law and MICHAEL E. CONLIFFE, County Attorney

Insofar as sections of this Agreement comply with the Interlocal Agreement Act, this Agreement is in proper form and is compatible with the laws of the Commonwealth of Kentucky; it is approved this 26th day of December, 1986.
By: DAVID L. ARMSTRONG
Attorney General

JEFFERSON PARISH
DRAINAGE DISPOSAL LAW

On a motion of Mr. Hooper, seconded by Mr. DeViney, the following ordinance was offered:

SUMMARY NO. 14324

ORDINANCE NO. 17098

An ordinance regulating commercial and industrial wastewater discharges into the Jefferson Parish Storm Drainage System.

WHEREAS, commercial and industrial wastewater discharges into the Jefferson Parish Storm Drainage System have been regulated in the Jefferson Parish Drainage and Sewerage Disposal Law, Ordinance No. 13127, as amended, and

WHEREAS the of the United States Environmental Protection Agency has required that a sewerage disposal law be rewritten and separated from drainage discharge regulations, and

WHEREAS, there is a need to protect the Jefferson Parish Storm Drainage System from adverse commercial and industrial wastewater discharges,

THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

Section 1

THIS ORDINANCE MAY BE CITED AS JEFFERSON PARISH DRAINAGE DISPOSAL LAW

Section 2 - Definitions as used in this Ordinance

Unless the context specifically indicates otherwise, the following terms are defined as follows:

1. BOD - (denoting Biochemical Oxygen Demand) the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° centigrade, expressed in milligrams per liter (mg/l)

2. Clean Water Act - the Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

3. COD - (denoting Chemical Oxygen Demand) the quantity of oxygen utilized in the chemical oxidation of the chemically oxidizable carbonaceous contents found within the waste water sample, expressed in milligrams per liter (mg/l)

4. Color - (true Color) the color of a water solution (that has been filtered to remove all turbidity) as determined by visual comparison with a series of cobalt-platinum standard solutions

5. Department - the Jefferson Parish Department of Public Utilities or their duly authorized representative

6. Director - the Director of the Jefferson Parish Department of Public Utilities or his duly authorized representative

7. Discharge - when used without

qualification, includes any discharge of wastewater, whether discharged to the public sanitary sewerage system or to the public storm drainage system, or to a private sewage disposal system or to any other natural or man-made outlet

8. Discharger - any person who discharges, or causes or permits to be discharged, any wastewater

9. Domestic Discharger - any person who discharges, or causes or permits to be discharged, any domestic waste

10. Domestic Waste - liquid wastes; (1) from non-industrial sources; (2) containing human excrement and similar matter from sanitary conveniences (e.g., toilets, sinks, washing machines, dishwashers, lavatories, bathtubs, etc.)

11. Effluent - wastewater discharged into the public sanitary sewerage system, the public storm drainage system or any other receiving stream

12. Effluent Limitation - a restriction or limitation on discharges of pollutants established by EPA under the Clean Water Act, as amended, and/or any other state regulations or law

13. EPA - the United States Environmental Protection Agency

14. Halogen - that class of inorganic chemicals which includes fluorine, chlorine, bromine and iodine

15. Industrial Discharger - any person who discharges, or causes or permits to be discharged, any industrial waste

16. Industrial Waste - liquid wastes resulting from industrial, manufacturing, trade or business establishments as distinct from domestic wastes

17. Industry - any individual, partnership or corporation engaged in the manufacture, packaging, processing or handling of any item of commerce for resale purposes within the Parish or any such establishment outside the limits of the Parish, whose discharges flow into the Parish

18. LWDPS - (Louisiana Water Discharge Permit System) - the State program for issuing, conditioning, and/or denying permits for the discharge of pollutants into waters of the State pursuant to the Louisiana Environmental Quality Act (L.R.S. 30: 1051 et seq., as amended)

19. Non-Chemically Treated Cooling Water - any water used for the process of cooling machinery, equipment, or devices of any kind and which has not been chemically altered by or for that process such as but not limited to, the addition of algicides, fungicides and/or corrosion inhibitors

20. NPDES - (National Pollutant Discharge Elimination System) the Federal program for issuing, conditioning and/or denying permits for the discharge of pollutants from point sources pursuant to Section 402 of the Clean Water Act

21. Parish - The Parish of Jefferson, State of Louisiana

22. Person - any individual, his heirs, executors, administrators, or assigns and includes firms, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female

23. pH - the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution

24. Private Sewage Disposal System - any privately owned or operated devices, facilities, structures, equipment or works used for the purpose of transmission, storage, treatment, recycling, and reclamation of industrial and domestic waste

25. Public Sewer - a sewer in which all owners of abutting properties have equal rights, and is controlled by the Parish

26. Receiving Stream - any bayou, canal, stream, river, pond, lake or estuary into which a liquid waste ultimately flows, irrespective of intervening treatment or conveyance processes

27. Sanitary Sewage - liquid wastes consisting of discharges from sinks, lavatories, water closets, bathtubs, washing machines, dishwashers and residential garbage grinders

28. Sanitary Sewerage System - any devices, facilities, structures, equipment or works owned or used by the Parish for the purpose of transmission, storage and treatment of sanitary sewage and any other compatible industrial and domestic waste, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof

29. Sanitary Sewer - any sewer designed to carry sanitary sewage or compatible industrial wastes or a combination of both, and to which storm, surface and ground water are not intentionally admitted

30. Sewage - any combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be adventitiously present. Sewage includes domestic waste and acceptable industrial waste.

31. Sewage Treatment Plant - any arrangement of devices and structures used for treating sewage

32. Sewer - any pipe or other conduit outside a building for conveying sewage

33. Shall - is mandatory; May - is permissive

34. Storm Drain - any sewer or natural or man-made drainage channel which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water, etc.

35. Storm Drainage System - the system of pipes, canals, pumping stations and other equipment owned or operated by the Parish or

connected thereto, and designed to convey unpolluted water such as storm water, rain water, surface water, ground water and roof run-off to a legal point of disposal, but does not include the mains or other components of the sanitary sewerage system or a private or public sewage treatment or disposal plant

36. Suspended Solids - solids that float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering

37. Threshold Odor Number - ratio of dilution of the sample of wastewater with odor free water at which odor is just detectable

38. Unsanitary - contrary to sanitary principles - injurious to health

39. Wastewater - the liquid and water discharged from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be adventitiously present

40. Other Terms - terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation

Section 3 - Basic Requirements

(a) Unlawful discharge. Except as in compliance with this ordinance, the discharge of any wastewater into the storm drainage system by any person shall be unlawful.

(b) Domestic waste discharges.

(1) Except as provided in Section 3 (b)(2) all discharges of domestic waste shall be made into the public sanitary sewerage system.

(2) Where a public sanitary sewer is not within 300 feet of the property line of the discharger, domestic waste shall be discharged either to a private sewage disposal system complying with the provisions of Section 4 or to the sanitary sewerage system at the option of the discharger.

(c) Industrial waste discharges. Discharges of industrial wastes shall be made to the sanitary sewerage system, the storm drainage system, or with special permission of the Director, to a private disposal system.

(d) Further prohibitions and limitations.

(1) Prohibited discharges on property. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Parish of Jefferson or in any area under the jurisdiction of said Parish, any human or animal excrement, garbage or other commercial or industrial wastes or waste liquids.

(2) Prohibited discharges in natural outlets. It shall be unlawful to discharge to any natural outlet within the Parish or in any area under the jurisdiction of the Parish, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(3) Prohibited waste disposal. It shall be unlawful to transport any waste materials from one site to another site and subsequently discharge said materials into the

public storm drainage system without the express written authorization of the Director. Further, it shall be unlawful to discharge any waste materials directly into manholes, storm drains, cleanouts or sampling ports without the express written consent of the Director.

(4) Privies, similar facilities prohibited. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(5) Duty of property owner. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Parish is hereby required at his expense to install suitable sewage disposal facilities. Said facilities shall be connected to the public sewer in accordance with the provisions of this ordinance, provided that said public sewer is within three hundred (300) feet of the property line, in accordance with State laws, (LSA-R.S. 33: 4041-49). If there is no public sewer within three hundred (300) feet of the property line at the time the owner applies for his building permit, the owner shall install a private sewage disposal system. If a public sewerage line becomes available within three hundred (300) feet of the property line, the owner shall connect to said sewerage line according to the requirements of the Department of Public Utilities.

(6) Protection against accidental discharges. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of the ordinance.

(e) Permits Required.

(1) No discharge of industrial waste shall be made except pursuant to and in compliance with a permit issued therefore by the Director pursuant to Section 6.

(2) No discharge of domestic waste shall be made into any private sewage disposal system except in accordance with a permit issued pursuant to Section 6.

(f) Report of Discharge Violations. The Director shall report to appropriate Parish, State and Federal agencies any violations detected regarding disposal of harmful and dangerous wastes into the Parish sewerage and drainage systems.

Section 4 - Private Disposal Systems

(a) Where a sewer line is available within 300 feet of the property line, private disposal of industrial waste is prohibited unless the Director determines that reasonable grounds exist for permitting private disposal.

(b) In those cases where private disposal of industrial waste is permitted by the Director, applicable requirements of this section shall be included in the permit issued to the discharger pursuant to Section 6.

(c) Requirements Applicable To All Private Sewage Disposal Systems.

(1) Permit. Before commencing construction of a private sewage disposal system owner or disposer or prospective disposer shall obtain a written construction permit signed by the Director. The application for such permit shall be made on a form furnished by the Director, which the applicant shall supplement with plans, specifications and any other information or documents deemed necessary by the Director. If the wastewater to be discharged is industrial waste for which a discharge permit is required pursuant to Section 6, the permit process shall be governed by Section 6 except as may be expressly provided otherwise by this Section.

(2) Inspection. Approval Required. A discharge permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director. Authorized personnel of the Director shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Director in writing when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Department of Public Utilities and, if all the requirements of this section have been met, a certificate of final inspection shall be given by the Department which will allow the system to become operative.

(3) Operation and Maintenance. The owner shall operate and maintain at his expense the private sewage disposal facilities in full compliance with all requirements of this ordinance and all applicable Federal and State laws and regulations.

(4) Time Limit To Connect To Public Sewer. Domestic waste serviced by a private sewage disposal system pursuant to Section 3(b)(2) shall within sixty (60) days after the date when a public sanitary sewer becomes available within three hundred (300) feet of the property line of the discharger, connect with said sewer. The private sewage disposal system shall then be cleaned of sludge and filled with clean bank run gravel or dirt at the owner's expense.

(d) Industrial Waste Discharges Into Private Sewage Disposal Systems.

(1) Any discharge of industrial waste into a private sewage disposal system and any discharge from such a system into any lands, waters, or receiving streams, shall comply with the prohibitions, limitations and requirements set forth in Section 5. No person shall discharge or permit to be discharged, from a private sewage disposal system to any public or private lands, waters or receiving streams, any wastewater which exceeds any of the prohibitions or limitations listed in Section 5(c).

(2) The owner and operator of any private disposal system shall be responsible for the final disposition and disposal of the waste or other product of the system.

Section 5 - Prohibitions and Limitations of Discharges into the Storm Drainage System

(a) Policy Statement.

(1) The public storm drainage system exists primarily to facilitate removal of storm water runoff from public and private land surfaces. The control of discharges into

the storm drainage system and thus in the receiving stream which ultimately receives storm water is manifestly in the public interest.

(2) No treatment of storm water is provided by the storm drainage system. Therefore, discharges into this system of any wastewater other than non-contact cooling water or storm water runoff shall be permitted only after receiving such treatment as may be necessary to bring such wastewater to acceptable levels as set by this ordinance.

(3) Nothing herein is intended to conflict with the State Sanitary Code, or with the Louisiana Water Control Law (R.S. 30: 1091 et seq.).

(4) If an NPDES or LWDPS permit is issued to a discharger, and if the provisions of said permit conflict with the provisions of this ordinance, then the provisions of the NPDES or LWDPS permit shall take precedence.

(b) General Prohibitions and Limitations. No person shall discharge or cause or permit to be discharged to the storm drainage system any waste or wastewater containing any pollutant or other material of such character or quantity which either alone or by combination or interaction with other substances will:

(1) Interfere with or damage the system or its efficiency.

(2) Constitute a hazard to human or animal life in the storm drainage system or the stream or water course receiving the discharge from the storm drainage system.

(3) Violate any standard or effluent limitation.

(4) Cause the storm drainage system to violate any applicable Federal or State water quality standard.

(5) Violate any of the specific prohibitions or limitations established by Section 5(c).

(c) Specific Prohibitions and Limitations. No person shall discharge or cause or permit to be discharged to the storm drainage system any wastewater which contains any of the following:

(1) Oils and Grease. Oils in such concentrations as to create a sheen on the surface; more than five (5) pounds per day of wax, grease or oil at a concentration of more than thirty (30) mg/l if emulsified.

(2) Flammable Mixtures. Any flammable liquid, solid or gas.

(3) Noxious Materials. Noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life. In no event shall the Threshold Odor Number of any industrial waste exceed a value of two (2), or the color (true color) of any industrial waste exceed fifty (50) color units.

(4) Radioactive Wastes. Radioactive wastes or isotopes of such half-life or concentrations that they do not comply with regulations or orders issued by the appropriate authority having control over their use or which exceed the standards of the Louisiana Department of Environmental Quality, Nuclear Energy Division, or which personnel operating the system, or to receiving waters or the biota therein.

(5) Solid or Viscous Wastes. Solid or viscous wastes which will or may obstruct the flow or otherwise interfere with the proper operation of the storm drainage system.

(6) Toxic Substances. Any substance at concentrations considered or found to be toxic to aquatic, human or animal

life. In no event shall any wastewater discharged into the system contain any substance in such concentration as has been or is declared to be toxic by the EPA pursuant to Section 307(a) of the Clean Water Act.

(7) Incompatible Wastes. Any materials which form coatings on the sides or deposits on the bottoms of the drainage system; any other material harmful to or incompatible with the drainage system.

(8) pH. A pH of less than 5.5 or greater than 9.0.

(9) Temperature. A temperature greater than on hundred thirty five degrees (135°) Fahrenheit (fifty seven degrees (57°) Celsius).

(10) Suspended and Dissolved Solids. Total Dissolved Solids (TDS) at a concentration greater than five thousand (5000) mg/l; Total Suspended Solids (TSS) at a concentration greater than fifty (50) mg/l.

(11) BOD and COD. BOD at a concentration greater than thirty (30) mg/l; COD at a concentration greater than two hundred fifty (250) mg/l.

(12) Dissolved Oxygen. A dissolved oxygen concentration less than one mg/l.

(13) Heavy Metals. Any of the following elements at concentrations greater than those indicated opposite the element:

Element	mg/l
Arsenic	0.05
Cadmium	0.02
Chromium	0.10
Copper	0.50
Iron	15.00
Lead	0.10
Mercury	0.001
Nickel	0.50
Silver	0.05
Tin	1.00
Zinc	2.00

(14) Other elements and substances.

(A) Pathogenic bacteria or the indicator organisms of pathogenic bacteria in quantities greater than the densities prescribed by the EPA and the Louisiana Department of Environmental Quality as the maximum limit for safe recreational contact waters.

(B) Cyanides or Cyanogen compounds in excess of 0.1 mg/l as CN in the discharge waste.

(C) Taste or odor producing substances in such concentrations as to effect a change in the taste or odor of the receiving stream.

(D) Hydrogen sulfide in excess of 1.0 mg/l as sulfide ion.

(E) Phosphorus as ortho-phosphate ion in excess of twenty-five (25) mg/l.

(G) Any foaming or frothing agents of a persistent nature, such as, but not limited to, synthetic surfactants, in such concentrations as to create foaming or frothing.

(d) Treatment. In any case where treatment is required pursuant to Section 8(a)(3) or is used to meet the requirements of this Section with respect to a particular discharge, the treatment methods and system used must be approved by the Director prior to the installation of any treatment facility.

(e) Provisional Discharges. Exceptions to specific prohibitions and limitations of Section 5(c) may be granted by the Jefferson Parish Council upon recommendation of the Director,

provided that the following conditions and requirements are met:

(1) Discharges pursuant to this subsection shall be termed "provisional discharges"

(2) Provisional discharges shall be connected to the public sanitary sewerage system when the public sanitary sewerage system is capable of accepting the wastewater discharge. The Director shall determine when the public sanitary sewerage system is capable of accepting the discharge and shall notify the discharger by certified mail. The discharger shall within sixty (60) days from date of notification provide plans and an acceptable schedule for connection into the public sanitary sewerage system for the disposal of wastewater.

(3) Permission for a provisional discharge may be revoked at any time by the Jefferson Parish Council when the Director determines that such revocation is necessary to protect the receiving stream, or the public health and welfare, or fulfill any requirement of any applicable Federal or State Law or regulation

(4) Any permit which allows a provisional discharge within the meaning of this subsection shall remain in effect for a period of four (4) years. Upon recommendation by the Director and subject to ratification by the Parish Council, extensions of time may be granted upon the same terms and conditions.

Section 6 - Permits for Industrial Waste Discharge

(a) Permits Required.

(1) Dischargers shall be required to obtain a Jefferson Parish wastewater discharge permit.

(2) No person shall commence any construction, modification or addition to any industrial facility which discharges or will discharge industrial waste without first submitting a discharge permit application pursuant to this section.

(b) Permit Application.

(1) A discharger seeking a wastewater discharge permit shall complete and file with the Director an application on the form prescribed by the Director accompanied by the applicable fee. In support of this application, the discharger may be required to submit the following information:

(A) Name, address, and SIC number of applicant.

(B) Volume of wastewater to be discharged.

(C) The identification of the system to which the discharge will be made, whether the storm drainage system, the sanitary sewer system, or a private disposal system.

(D) Wastewater constituents and characteristics pertinent to the respective processes involved including, but not limited to, those set forth in Section 5 of this ordinance.

(E) Time and duration of discharge.

(F) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.

(G) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.

(H) Description of activities, facilities, and plant processes on the premises including all materials and types of materials which are, or could be, discharged.

(I) Each product produced.

(J) Number and type of employees, and hours of work.

(K) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

(2) The Director will evaluate the data furnished by the discharger and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a wastewater discharge permit subject to terms and conditions provided herein.

(3) Where an applicant is discharging pursuant to a valid and current NPDES permit or LWDPS permit, a true and complete copy of the NPDES or LWDPS permit will be accepted in lieu of a Jefferson Parish wastewater discharge permit.

(c) Permit Conditions.

(1) Wastewater discharge permits issued in accordance with this section shall remain valid for a period of four (4) years.

(2) Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other regulations, charges and fees established by the Parish.

(d) Special Provisions Applicable To Private Disposal of Industrial Wastewater. Where the discharge is proposed to be made by means of a private disposal system pursuant to Section 4, in addition to the other requirements of this Section, the following provisions shall apply:

(1) The permit application shall include a full and adequate description of the proposed private disposal system, and shall be supplemented with plans, specifications and other information and documents as may be necessary for a complete description of the system. In addition, the applicant shall set forth the grounds why special permission should be granted for private disposal in lieu of disposal into the sanitary sewerage or storm drainage systems. The applicant shall also state whether the discharge is or will be regulated by any federal or state permit; if so, a copy of each such permit or proposed permit shall be attached to the application, or, if such permit or proposed permit is not yet available, same shall be submitted to the Director as soon as one is available.

(2) Any permit issued by the Director to an industrial discharger using a private sewage disposal system shall include, in addition to the provisions required elsewhere in this section, any monitoring system required of the permittee pursuant to Section 7.

(3) Any modification, termination, renewal, revocation, suspension or other change in any federal or state permit applicable to the discharge shall be immediately furnished to the Director.

(e) Industrial wastewater connection permit modification provisions. The terms and conditions of the permit may be subject to modification by the Director during the life of the permit as limitations or requirements are modified. The discharger shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Transfer of a Permit. Wastewater discharge permits are issued to a specific

discharger for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(g) Revocation of Permit. Any user who violates the conditions of his permit or of this Ordinance, or of applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit included, but are not limited to, the following:

(1) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(2) Failure of the user to report significant changes in operations, or wastewater constituents or characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

(4) Violation of conditions of the permit.

(h) Violation of Permit. Violation of a permit issued pursuant to this Section shall be deemed a violation of this Ordinance.

Section 7 - Monitoring and Reporting

(a) Discharge Reports

(1) Industrial dischargers may be required to file a discharge report on a form supplied by the Department at such times as may be designated by the Director.

(2) The discharge report shall include, where appropriate, the following: nature of the process, volume, rates of flow, volume of water irreversibly used in production, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste.

(b) Records. All persons who discharge or propose to discharge industrial waste may be required to maintain such records as effluent flows and pollutant concentrations as are necessary to demonstrate compliance with the requirements of this ordinance. Such records shall be made available upon request by the Director.

(c) Monitoring.

(1) The owner or operator of any premises or facility discharging industrial wastes may be required to install at his own expense suitable monitoring equipment, including, but not limited to, control manholes and/or sampling ports with approved meters and appurtenances to facilitate accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(2) The monitoring equipment shall be located and maintained on the industrial disposal premises outside the building. When such a location would be impractical or cause undue hardship on the user, the Director may allow a facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. All sampling ports shall be constructed above ground and not subject to any ground or rain water infiltration or dilution.

(3) When more than one discharger can discharge into a common sewer, the Director may require installation of separate monitoring equipment for each. When there is

a significant difference in wastewater characteristics produced by different operations of a single discharger, the Director may require that separate monitoring facilities be installed for each separate operation.

(4) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Director's requirements and all applicable construction standards and specifications.

(d) Frequency of Monitoring. The Director may require a discharger to monitor his discharge and report the results of said monitoring at specified intervals.

(e) Pollutants to be Monitored. The Director shall provide to each discharger who is determined to require self-monitoring a complete list of wastewater constituents for which the discharger must provide monitoring. The Director shall provide information regarding discharge prohibitions and limitations for pollutants to be self-monitored.

(f) Inspection, Sampling and Analysis

(1) Compliance Determination. Compliance determinations with respect to Section 5 prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined necessary by the Director to meet the needs of specific circumstances.

(2) Analysis of Industrial Wastewaters. Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standard Methods" or other procedures approved by the Director.

(g) Reporting of Accidental Discharges. If, for any reason, a discharger does not comply with any prohibition or limitation in this Ordinance, the discharger shall immediately notify the Director so that corrective action may be taken to protect the storm drainage system. In addition, a written report addressed to the Director detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action shall be filed by the discharger within five (5) days of the occurrence of the noncompliance.

Section 8 - Control of Prohibited Wastes; Powers and Duties of Director

(a) Regulatory Actions. If wastewater is discharged or proposed to be discharged in violation of this ordinance, the Director and/or the Parish Attorney may take such action necessary to:

(1) Prohibit the discharge.

(2) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the violation.

(3) Require treatment to reduce or eliminate the violation.

(4) Require the person making, causing or allowing the discharge to pay any additional cost or expense or damages incurred by the Parish for handling excess loads imposed on the storm drainage system.

(5) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this ordinance.

(6) For waste discharges defined as hazardous or toxic by EPA, the Director may require the discharge to be halted and the discharger to verify in writing that the

hazardous/toxic waste components are being stored, treated, and/or disposed in full compliance with EPA and Louisiana Department of Environmental Quality regulations.

(b) Admission to Property.

(1) Whenever it shall be necessary for the purpose of this ordinance, the Director, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

(A) copying any records required to be kept under the provisions of this ordinance

(B) inspecting any monitoring equipment or method

(C) sampling any discharge or wastewater.

(D) inspecting any treatment and/or disposal system

(E) the Director may enter upon the property at any hour under emergency circumstances.

(2) The Director when under the authority of this subsection shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection. Except when caused by negligence or failure of the company to maintain safe conditions, the Parish shall indemnify the company against loss or damage to its property by Parish employees and against liability claims and demands for personal injury or property damage asserted against the company caused by any negligent act of the Parish while on the property.

(c) Confidential trade secrets. No person acting under authority of this subsection may inquire into any confidential trade secret processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

Section 9 - Enforcement

(a) Compliance Order.

(1) Whenever, on the basis of any information available to him, the Director finds that any person is or is about to be in violation of this ordinance, or of any condition of a permit issued under this ordinance, he may issue a Compliance Order in accordance with this subsection, or he may bring a civil action in accordance with Section 9(b). He may also issue notice of termination of service in accordance with Section 9(c).

(2) Any compliance order issued under this subsection shall be sent by Certified mail, addressed to the principal place of business in Jefferson Parish, state with reasonable specificity the nature of the violation, and specify a time for compliance which the Director determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. The order shall also provide an opportunity for the person to whom it is directed to confer with the Director concerning the alleged violation.

(b) Civil Action. The Director and/or Parish Attorney is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction for any violation for which the Director is authorized to issue a compliance order under Section 9(a).

(c) Termination of Service. The Director may take action to terminate service to any

person for any violation for which he is authorized to issue a compliance order under Section 9(a). The procedure for termination of service shall be as follows:

(1) Revocation of Permit and Termination of Service. Prior to the suspension or revocation of a permit and the termination of Public Utilities services, except as provided in Section 5(e)(3), the Director shall notify the holder of the permit in writing. Said notice shall advise that the Parish will consider suspension or revocation of the permit, termination of service or disconnection. Said notice shall state the date of proposed suspension or revocation, termination of service, and disconnection of service, the reason therefore, and the time, date and place that the Director shall hold a hearing upon said proposed suspension or revocation, termination or disconnection. Such hearing shall be not less than ten (10) days subsequent to the receipt of notice. Said notice shall be mailed to the owner at the address shown on the permit application or as known to the Department. A copy may be delivered to the permit holder or the person in charge of the facility or posted conspicuously on the property affected. The Parish may (but shall not be required to) give such further additional notice as in the discretion of the Director or Parish Attorney is convenient or desirable. Upon conclusion of the hearing the Director shall determine whether grounds exist for suspension or revocation, for termination and/or for disconnection of service. If such grounds are found to exist, the permit shall forthwith be suspended or revoked and service shall forthwith be terminated and sanitary and waste disposal and water facilities forthwith disconnected. A copy of said decision shall be sent by Certified Mail to the owner at the address shown on the permit or as known to the Director and a copy shall be delivered to the facility or posted conspicuously on the property. The service of said copy of the decision shall not be a condition precedent or subsequent to suspension or revocation, termination or disconnection.

(d) Restoration of Service. Any person whose permit has been suspended or revoked, or for whom service has been terminated and disconnected, may petition the Director for reinstatement of service.

(1) Said petition shall be verified under the oath or declaration under penalty of perjury of the person petition. The petition shall contain a detailed statement of the corrective action taken by the petitioner or others to remove the grounds for suspension or revocation, termination or disconnection, and of corrective measures to prevent a repetition of the violation. The petition shall contain the name and address of the petitioner for purposes of receiving notice.

(2) The petition shall be filed with the Director. Said Petition shall be heard within 35 days of the date of receipt by the Director. A written notice of time, date and place of hearing shall be given to the petitioner at least 10 days before the hearing by Certified Mail to the petitioner at the address shown on the petition. The petitioner may waive the notice. At the hearing the director shall consider evidence presented by the petitioner in support of his petition and evidence in opposition. The Director may restore the permit, service and connection if he finds that the grounds for suspension or revocation, termination or disconnection have been corrected, and that there is adequate assurance

of corrective measures to prevent a repetition of the offense for which the permit was suspended or revoked and service terminated or disconnected, or for any other reason deemed appropriate in the premises by the Director.

(3) The Director may, as a condition to the restoration of the permit, service and connection:

(A) Require the petitioner to provide reasonable safeguards and security to avoid a repetition of the offense for which the permit was suspended or revoked and service terminated and disconnected.

(B) Impose reasonable charges to compensate the Parish for expenses incurred in connection with the suspension or revocation, termination or disconnection and in connection with the reinstatement of the permit and the restoration of service.

(C) Make such other reasonable conditions as are necessary to protect the public health, safety, and property, and to prevent a nuisance.

(D) Take such other action as may be necessary and proper.

(e) Violations.

(1) Any person who willfully or negligently violates this ordinance or any condition of a permit issued under this ordinance, shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than thirty (30) days, or both. Each day on which the violation occurs shall be considered a separate offense.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this ordinance, shall upon conviction, be punished by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than thirty (30) days or both.

(3) Any person who violates any compliance order issued by the Director under Section 9(a) shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than thirty (30) days or both.

(4) These penalties are in addition to the other penalties provided by this ordinance. Said remedies do not exclude or supersede the penalties provided by State and Federal law.

Section 10 - Severability and Conflict Provisions

If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of the ordinance which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

Section 11

That the codifier shall assign the appropriate section numbers, oathlines, etc. to Sections 1 through 9 of this ordinance in accordance with Section 1-7 of the Code of Ordinances.

Section 12

That all laws or parts of laws in conflict herewith, including but not limited to the Jefferson Parish Drainage and Sewerage Disposal Law, Ordinance No. 13127, as amended, (Section 27-142 through 27-174 of the Code of Ordinances) are hereby repealed.

The foregoing ordinance having been submitted to vote, the vote thereon was as follows:

YEAS: 4 NAYS: None
ABSENT: (3) Lawson, Giardina & Evans

The ordinance was declared to be adopted this the 3rd day of December, 1986, to become effective ten (10) days after final adoption.

CITY OF ST. PAUL
STORMWATER MANAGEMENT ORDINANCE

Chapter 81. Storm Sewer System Charge

Sec. 81.01. Statement of purpose.

For the purpose of paying for the construction, reconstruction, repair, enlargement and improvements necessitated by the separation of the combined sewer system Saint Paul and for the maintenance, operation and use of the separated storm sewer system, the City of Saint Paul acting pursuant to Chapter 14, Article 19, 1st Special Session, Laws of Minnesota, 1985, and all other laws and Charter provisions applicable hereto, hereby establishes an annual storm sewer system charge to be made against all properties located within the city limits of Saint Paul but excluding all public street and alley rights-of-way. All charges shall be established, collected and accounted for in the manner as set forth under this chapter. The storm sewer shall be under the jurisdiction of the Department of Public Works together with existing sewer systems. (Ord. No. 17359, 6-3-86)

Sec. 81.02. Findings of the council.

The determination of the annual storm sewer system charges is in part based upon expected storm water runoff and, therefore, cannot be done with mathematical precision but can only be accomplished within reasonable and practicable limits. The provisions of this chapter undertake to establish a just, equitable and practical methodology for making such changes. (Ord. No. 17359, 6-3-86)

Sec. 81.03. Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) Land use classification is that classification designated for a parcel in the sub-usage code list of properties as established in the record of the Ramsey County Department of Taxation or as otherwise determined by the department of public works.

(2) Area is the total square footage of all the improved and unimproved property contained within the boundaries of each parcel of land in the City of Saint Paul as determined from the records of the Ramsey County Department of Property Taxation or from other appropriate records.

(3) Storm sewer system rate is that portion of the total annual expenses which the city council determines is to be charged to a one-acre parcel with a specific land use classification to provide such services as the management and operation of the storm sewer system as well as the construction, reconstruction, repair, enlargement, maintenance, use and operation of all improvements necessitated by the separation of the combined sewer system.

This per-acre rate is a function of the expected peak rate of storm water runoff for

the land use classification under consideration, based on hydrological data developed by the Soil Conservation Service of the United States Department of Agriculture for a Type II rainfall distribution, soil group "B" with a normal antecedent moisture condition for the Saint Paul five-year design storm. The five-year design storm is a storm that has a statistical probability of occurring in the City of Saint Paul once every five (5) years.

(4) Storm sewer system charge is the actual charge imposed against each parcel of land within the City of Saint Paul.
(Ord. No. 17359, 6-3-86)

Sec. 81.04. Determination of the storm sewer system rates.

The council may from time to time, by resolution, establish the storm sewer system rate for the various land use classifications which will be based upon the data provided by the department of public works. Prior to the adoption or any amendment of these rates, the council shall conduct a public hearing and shall publish a notice of the hearing in a newspaper of general circulation at least ten (10) days prior to the hearing.
(Ord. No. 17359, 6-3-86)

Sec. 81.05. Calculation of the storm sewer system charges.

(a) Each year, the department of finance and management services, applying the current storm sewer system rates established pursuant to Section 81.04, shall calculate the storm sewer system charge to be applied to each parcel of land within the City of Saint Paul. The charges, including any administrative costs incurred by the finance department in processing the charges, shall then be collected by billing all parcels within the city. These charges are due any payable on or before October 1st of the billing year.

(b) All billing invoices shall include the parcel's Ramsey County property tax identification number, its area, the applicable storm sewer system rate, the storm sewer system charge and notice of the owner's right to request a review of this charge pursuant to Section 81.06. All invoices shall be sent to the person or persons shown to be the owners of the parcel in the records of the Ramsey County Department of Property Taxation or other appropriate records. All charges when collected shall be maintained in a separate activity object code account established for management of the storm sewer system.
(Ord. No. 17359, 6-3-86)

Sec. 81.06 Review of the storm sewer system charge.

(a) Property owners may seek review of their storm sewer system charge by filing a written request for review with the department of public works. The request must be filed within thirty (30) days of the mailing of the annual bill and shall set forth the particular grounds upon which the review is sought.

(b) Grounds for review are limited to questions relating to the city's determination of the parcel's area and its determination of the parcel's hydrological response established as part of the storm sewer system rate. Any person who fails to file the request for review

within the thirty-day time period shall be barred from raising these issues in any other proceeding.

(c) The council, by resolution and upon the recommendation of the director of public works shall adopt guidelines and policies for the review of these petitions. The director shall follow these guidelines and policies and consider all pertinent data including that provided by the property owner before making a determination of the merits of each petition.

(d) The payment of the annual storm system charge shall not be deferred when a property owner files a petition for review. The property owner shall pay the annual charge when due, and if not so paid, certification and collection shall be made pursuant to Section 81.07. Upon the director's determination of the merits of the petition any adjustments or credits shall be paid or refunded without interest.
(Ord. No. 17359, 6-3-86)

Sec. 81.07. Certification of unpaid charges.

Any unpaid storm sewer system charges as of October 1 of any year shall be certified to the Ramsey County Department of Property Taxation for collection with real estate, taxes, in the following year pursuant to Minnesota Statues, Section. 444.075, Subdivision 3.
(Ord. No. 17359, 6-3-86)

CITY OF CHARLOTTE
STORM WATER MANAGEMENT

AN ORDINANCE TO AMEND CHAPTER 18 "SOIL EROSION AND SEDIMENTATION CONTROL" OF THE CITY CODE.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1 Chapter 18 of the City Code shall be amended by a new title, "Storm Water Management," and addition of an Article to be entitled "Article I, Storm Water Services" at the beginning of the Chapter to read as follows:

***ARTICLE 1. STORM WATER SERVICES**

Section 18-1. Findings and purpose.

The City Council makes the following findings:

(1) Storm water poses a serious threat to the public health, safety and welfare. This threat cannot be eliminated entirely. Factors affecting this threat which are beyond the city's control include: frequency and intensity, of precipitation events; the topography in and around the city; the types of soils and other geologic structures found in and around the city; body of law established under State and Federal authority concerning water rights generally and including but not limited to navigable and non-navigable waters, surface waters, and underground waters; unauthorized interference with the city's storm water drainage system; and the amount of impervious surface associated with a reasonable level of development.

(2) The management of storm water can reduce this threat through:

(2) The management of storm water can reduce this threat through:

a. Constructing, operating and maintaining needed facilities;
b. Regulating and controlling the use and development of land to reduce the adverse effects of storm water; and
c. Improvements to the quality of groundwater, streams rivers, and lakes in and around the city.

(3) a. In order to provide an effective and long-term approach to storm water management, an adequate funding source must be identified.
b. Equitable and adequate funding is provided by a system of charges that is related to volume and quality of storm water runoff from developed land.

Section 18-2. Definitions.

As used in this article, unless the context clearly indicates otherwise, the following definitions apply:

a. Base rate charge shall mean the fixed portion of storm water service charges applied to each stormwater account to recover fixed costs such as billing and accounting for storm water service charges and other related expenses.
b. CMUD shall mean the Charlotte-Mecklenburg Utility Department. Committee shall mean the storm water services citizens advisory committee as established by the joint resolution of the Council of the City of Charlotte and the Mecklenburg County Board of County Commissioners, together with any amendments thereto.
c. Customer shall mean the person or firm to which a bill for storm water service charges is sent.

Commissioners, together with any amendments thereto.

c. Customer shall mean the person or firm to which a bill for storm water service charges is sent.

d. Detached dwelling unit shall mean developed land containing one (1) structure Which is not attached to another dwelling unit and which contains one {1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family and shall include houses, manufactured homes, and mobile homes located on individual lots or parcels of land.

e. Developed land may be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings.

f. Detached dwelling unit shall not include developed land containing: structures used primarily for nonresidential purposes; manufactured homes and mobile homes located within manufactured home or mobile home parks; or other multiple unit properties. Developed land shall mean property altered from a natural state by construction or installation of more than six hundred forty (640) square feet of impervious surfaces.

g. Impervious surfaces shall mean those areas within developed land which prevent or significantly impede the infiltration of storm water into the soil. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways,-parking lots, storage areas, brick or concrete pavers, and other surfaces which prevent or significantly impede the natural infiltration of storm water into the soil.

h. Manager shall mean the manager of storm water services or his designee.

i. Other residential and nonresidential land shall mean any developed land not fitting the definition of detached dwelling unit. Other residential and nonresidential land shall include, but not be limited to, attached single-family houses, duplexes, townhouses, condominiums, and apartments, boarding houses, hotels and motels, churches, commercial properties which-include dwelling units, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, airports: agricultural uses involving impervious surfaces, water reservoirs; and water and wastewater treatment plants.

k. Service rate charge shall mean the portion of storm water service charges applicable to a parcel of developed land which is generally reflective of a parcels impact on the cost of providing services and facilities to properly control storm water runoff quantity and quality. The service rate charge will vary from one (1) parcel of developed land to another based upon the amount of impervious surfaces.

j. Undeveloped land shall mean land that does not meet the definition of developed land.

Section 18-3. Systems operation.

Storm water service charges will be determined and modified, from time to time, so that the total revenues generated by said charges will be used to pay the principal of and interest on the

debt incurred for storm water purposes and such expenses as are reasonably necessary or convenient in the construction, operation, and maintenance of the storm water system.

Section 18-4. Storm water service charges

(a) Storm water service charges shall accrue beginning on January 1, 1993, and shall be billed periodically thereafter to customers for all developed-land in the city, except as specific exemptions and adjustments may apply. The Storm water service Charges shall be established by city council. Storm water service charges shall include a service rate charge and a base rate charge.

(b) Payment will be applied to a customer's bill in the following order: delinquent fees for water and/or sewer; storm water; and water and/or sewer.

Section 18-5. Exemptions and credits applicable to service charges.

Except as provided in this section, no public or private property shall be exempt from storm water service charges or receive a credit or offset against such service charges. No exemption or reduction in storm water service charges shall be granted based on the age, tax or economic status, race,. or religion of the customer, or other condition unrelated to the cost of providing storm water services and facilities.

(1) The following exemptions shall be allowed:

a. Undeveloped land shall be exempt from storm water service charges.

b. Public road rights-of-way which have been conveyed to and accepted for maintenance by the State of North Carolina and are available for use in common-by the general public for motor vehicle transportation shall be exempt from storm water service charges. This exemption shall not apply to any other uses of developed land for public purposes such as, but motor vehicle transportation shall be exempt from storm water service charges. This exemption shall not apply to any other uses of developed land for public purposes such as, but not limited to, public street rights-of-way Conveyed to and accepted for maintenance by the city of Charlotte; offices; airports; maintenance yards; water-and wastewater treatment plants, and water reservoirs; parking lots or garages; parks; recreation facilities; libraries; schools; colleges; universities; social service centers; public housing; hospitals; convalescent centers; and other developed land used for public purposes. This exemption shall not apply to internal site roadways within such public facilities. This exemption shall not apply to private roads or drives, or to internal roads, drives, and parking areas in privately owned properties.

c. Railroad tracks shall be exempt from storm water service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

(b) The following credits shall be allowed:

1. Other residential and nonresidential land, and residential homeowners associations which provide measures to mitigate the impacts of runoff on the storm water system will be eligible for one (1) or more credits to the service rate charge, proportional to the extent those measures address the impacts of peak discharge, total runoff volume, and annual pollutant loading from the site. Portions of the service rate charge are available for credit as follows:

1. Peak discharge	50%
2. Total runoff volume	25%
3. Annual pollutant loading	25%

Portions of the service rate charge are available for credit as follows:

1. Peak discharge 50%
2. Total runoff volume 25%
3. Annual pollutant loading (water quality) 25%

2. The Credit Application Instruction Manual ("manual") is approved by the city council and on file with the city clerk, and shall be followed in establishing applicable credits to a customer's service rate charge.
3. Each customer maintaining an approved National Pollutant Discharge Elimination System (NPDES) permit for storm water from the State of North Carolina or the United States Environmental Protection Agency (EPA) for any developed land will receive full credit for the water quality portion. Of the charge.
5. Each credit allowed against the service rate charge is conditioned on continuing compliance with the city's performance standards as set forth in the manual and/or the Charlotte Mecklenburg Land Development Standards Manual existing at the time of construction of such facilities, and may be-rescinded for noncompliance with these standards.
6. Each credit for which a customer applies shall be subject to review and approval by the manager. The manager may approve or reject any application for a credit in whole or in part (f). If one hundred (100) percent credit is given for the service rate charge, no storm water service charges will be levied for the affected property.

Section 18-6. Bills mailed or delivered.

A storm water bill will either be sent through the United States mail or delivered by an alternate method, notifying all customers of the amount of the bill, the date the payment is due and the date when past due. Failure to receive a bill is not justification for nonpayment. The owner of each parcel of developed land shall the United States mail or delivered by an alternate method, notifying all customers of the amount of the bill, the date the payment is due and the date when past due. Failure to receive a bill is not justification for nonpayment. The owner of each parcel of developed land shall be ultimately obligated to pay such fee.

Section 18-7. Delinquent fees and charges; conditions; notice.

(a) Current charges are due when billed and are considered delinquent if not paid within twenty-five (25) days of the billing date.

(b) If, at the time of next billing, the account has an unpaid balance:

(1) A one-and-one-half (1.5) late percent charge will be assessed against the unpaid balance. This charge shall be called a late payment variable charge.

(2) If the customer does not inform the revenge division, billing, center of any complaint concerning accuracy of the bill(s) constituting the past due balance, and if the customer does not pay the past due balance within ten (10) days from the most recent billing date, the account is delinquent and the city may pursue such remedies as are available.

Section 18-8. Complaints regarding bill.

(a) A customer having a grievance or complaint that a bill is excessive must file written or verbal notice with the revenue division, billing center, If it is determined that the bill is in error, an adjustment will be made accordingly.

(b) No adjustment will be made for more than a three-year period.

Section 18-9. Backbilling.

If a customer is underbilled or if no bill is sent for developed land, the city may backbill up to three (3)years.

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Section 18-10. Charge and duties of storm water services citizens advisory committee.
The committee shall have the following charge and duties:

(a) Policy. The committee shall review and recommend to the city council storm water management
policies, policy changes, long range plans, and their budgetary and rate impacts.

(b) Capital improvements end operations program. The committee shall review and comment to the city council on the annual capital improvement program and operating budget, and review an make comments on proposed mid-year changes to the program.

(c) Appeals. The committee shall hear appeals and reach decisions on service charges, credits and adjustments; and hear appeals and make recommendations to the city council on application, modification, and enforcement of storm water policies.

(d) Council and staff resource. The committee shall respond to the city council and city staff requests for advice on matters related to storm water services.

(e) Reporting. The committee shall present the city council with an annual report of key actions and issues.

Section 18-11 Appeal.
Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:

(a) An appeal must be filed in writing with the manager. At the discretion of the. manager, the appeal shall include a survey prepared by a registered land surveyor and such other information that show the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the the appeal shall include a survey prepared by a registered land surveyor and such other information that show the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.

(b) Using the information provided, the manager shall conduct a technical review based on the general criteria contained in the manual. The manager may adjust the service rate charge as long as the adjustment is in conformance with the general purpose and intent of the manual including Storm Water Services an adjustment to the charge for a detached dwelling unit. At the conclusion of the review, the manager shall issue a written determination stating whether an adjustment to the service rate charge is appropriate, and if so the amount of such adjustment. If the adjustment is for one hundred (100) percent of the service rate charge, no Storm water service charges will be levied for affected property.

(c) An appeal may be taken from any decision of the manager which is adverse to the customer by giving notice of appeal to the manager within thirty (30) days after service of the manager's written decision on the customer. Notice of appeal shall be given by the customer by delivery of a written statement to the manager stating the grounds for the appeal. The manager shall transmit to the committee and the customer all documents constituting the record upon which the manager's decision was made along with the notice of appeal. When an appeal is from a decision authorizing an adjustment to the customer's bill the manager's decision shall remain in effect until and unless reversed or otherwise modified by the committee. The committee shall fix a reasonable time for the hearing of an appeal, shall give due notice of such hearing to the customer and

bill the manager's decision shall remain in effect until and unless reversed or otherwise modified by the committee. The committee shall fix a reasonable time for the hearing of an appeal, shall give due notice of such hearing to the customer and the manager, and shall render its decision within a reasonable time. The customer and the manager may appear in person or by agent or attorney before the committee and present evidence. The committee may reverse or affirm, wholly or partly, or may modify the decision of the manager and may make such decision as, in its opinion, ought to be made in the matter. To this end, the committee shall have all the powers of the manager. When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, the committee shall have the power in passing upon appeals to vary or modify any of the provisions of this article so that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done. The committee shall keep accurate records of all of its proceedings. Either the customer or the manager may seek the review of any decision by the committee in proceedings in the nature of certiorari initiated within fifteen (15) days after service of the decision of the Committee.

(d) All decisions of the manager and the committee shall be served on the customer personally or by registered or certified mail. Service shall be based upon the billing address of the customer.

(e) No adjustment to a customer's bill may be made by the manager or the committee for more than the three-year period immediately preceding the date that the customer's appeal is received by the manager.

Section 18-12. Limitations of responsibility.

(a) The city shall be responsible only for the

immediately preceding the date that the customer's appeal is received by the manager.

Section 18-12. Limitations of responsibility.

(a) The city shall be responsible only for the portions of the drainage system which are in city maintained street rights-of-way and permanent storm drainage easements conveyed to and accepted by the city. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.

(b) The city's acquisition of storm drainage easements and/or the construction or repair by the city of drainage facilities does not constitute a warranty against storm water hazards, including, but not limited to, flooding, erosion, or standing water.

Section 18-13. Unlawful to Obstruct flow of storm water runoff.

It shall be unlawful for any person to place, cause to be placed or permit to be placed any obstruction on or within any portion of the city's storm water drainage system. For purposes of this section, "obstruction" shall mean anything which, by itself or in conjunction with any other thing or things, impede Or tend to impede the flow of storm water.

Section 18-14. Severability.

If any section or sections of this article is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and remain in effect.

Section 2. This Article shall become effective on January 1, 1993

Section 3. The remainder of this Chapter beginning with the present Section 18-1 and ending with Section 18-24 shall become "Article II." However, Sections 18-1 through

on January 1, 1993

Section 3. The remainder of this Chapter beginning with the present Section 18-1 and ending with Section 18-24 shall become "Article II." However, Sections 18-1 through 18-24 shall be renumbered accordingly.

Approved as to Form:
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference have been made in the Minute Book, and is recorded in full in Ordinance Book 41, at page(s)226 -235.

CITY OF CHARLOTTE ORDINANCE NUMBER 3477-x

AN ORDINANCE TO ESTABLISH MONTHLY STORM WATER SERVICE CHARGES FOR PROPERTIES WITHIN THE CITY OF CHARLOTTE.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte , North Carolina that:

Section 1. Storm water service charges shall consist of a service rate charge and a base rate charge, and shall be billed to all properties in the City on a Monthly basis, except as specific exemptions and adjustments pursuant to Chapter 18 of the City Code may apply.

Section 2. The service rate charge, as defined in Chapter 18, shall be billed in accordance with the following:

a. Detached dwelling units with less than 2,000 square feet of impervious surfaces:
   $1.42 per month
b. Detached dwelling units with 2,000 or more square feet of impervious surfaces:
   $2.12 per month
c. Other residential on non-residential land:
   $35.34 per month for each acre of impervious surfaces.

Section 3. The base rate charge, as defined in Chapter 18, shall be $0.48 per month for each storm water account.

Section 4. This ordinance shall be effective January 1, 1993.

CITY OF CHARLOTTE ORDINANCE NUMBER 3478-x

AN ORDINANCE TO ESTABLISH THE PROCEDURE FOR APPLYING STORM WATER SERVICE CHARGE CREDITS TO STORM WATER BILLS.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1. Chapter 18 of the City Code allows credits to the service rate charge for qualifying applicants. Credit applications received on or before April 30, 1993 shall be eligible for retroactive credits for the period from January 1, 1993 to the date of application, provided the qualifying storm water controls were existing prior to January 1, 1993.

Section 2. After receipt of a proper and complete credit application, the Manager, as defined in Chapter 18, shall estimate the available credit. The estimated credit shall be applied to the next monthly storm water bill. The Manager shall review the engineering analysis submitted as part of the credit application. Only after a complete and thorough review of the credit application shall any retroactive credits be applied.

Section 3. The applicant is responsible for submitting a revised credit application within 30 days of receiving City review comments.

application. Only after a complete and thorough review of the credit application shall any retroactive credits be applied.

Section 3. The applicant is responsible for submitting a revised credit application within 30 days of receiving City review comments. Failure to comply will result in the monthly credit being rescinded and any past credited amounts becoming due and payable with the next monthly bill.

Section 4. After a complete and thorough review of the credit application, the Manager shall determine the adjustment, if any, to be made to the next monthly storm water bill. Any undercharged amount shall be due and payable with said bill. Any overcharged amount shall be posted as a credit to the storm water account.

Section 5. This ordinance shall be effective January 1, 1993.

CHAPTER 23 OF THE CITY CODE

ARTICLE I. IN GENERAL

Section 23-1. Definitions.

For the purposes of this chapter, the following terms are defined as follows:

City. The City of Charlotte or the city council of Charlotte.

CMUD. The Charlotte-Mecklenburg Utility Department, the director or his designated representative.

Complete Service connection. A three-quarter-inch or one-inch water service connection consists of the connection to a public water main of a service line, a meter yoke, a meter box, required appurtenances, and a stubbed out connection point for connection of the applicant's private plumbing system. Water service connections larger than one-inch consist of the connection to a public water main of a service line, a meter box or vault, piping to the property line, a valve at the property/line, and other required appurtenances.

Commercial water users. Those customers who desire water service for commercial use or main of a service line, a meter box or vault, piping to the property line, a valve at the property/line, and other required appurtenances.

Commercial water users. Those customers who desire water service for commercial use or for use in the transaction of their business.

late payment, fixed. The customer service cost for processing a delinquent account listed on a delinquent account register.

Late payment, variable. The cost of carrying outstanding balances in customer accounts.

Meter removal. The physical removal of the meter from the connections inside the meter box.

Partial service connection. Connection to water main, service line to the point of future meter location and shall include meter box and other required appurtenances

Temporary water users. Water customers who are not the owners of the premises served and who desire water service for less than six (6) months annually and for a given period of time.

Turnoff. The physical turnoff of the meter in the meter box.

Turnoff at main. The physical disconnection of the waterline at the water main.

Turn-on. The physical turn-on of the meter in the meter box.

Yoke removal. The physical removal of the yoke, located inside the meter box, that is used to secure the inlet and outlet pipes for meter installation.

Section 23-2. Deposit Requirements

a. Deposits are not required from residential customers except those accounts which are delinquent under policies set by the city manager. Cash deposits are required from all temporary and commercial users in such amount as set, by the city manager.
b. In the event that any user fails to pay the amount due for water and/or sewer service. according to the requirements of section 23-5, or for storm water service, according

all temporary and commercial users in such amount as set, by the city manager.

b. In the event that any user fails to pay the amount due for water and/or sewer service. according to the requirements of section 23-5, or for storm water service, according to the requirements of Article I of Chapter 18 of the Code, then the city shall have the right without further notice to the user to discontinue water and/or sewer service to the user and charge against the deposit the amount due.

c. Any deposit will be held by the city to the credit of the customer, making the deposit as a guarantee that the bills will be paid for water and/or sewer services and for storm water service as set forth in Article I of Chapter 18 of the Code. The deposit will be applied to the depositor's account balance(s) in the order listed in section 23-3(6).

d. Refunds of less than one dollar ($1.00) will be withheld and will escheat to the State of North Carolina. Such refunds will be processed upon receipt of specific written request and provision of a stamped, self-addressed envelope. Final bills for less than one dollar ($1.00) will not be issued.

SECTION 7.200 OF THE CITY OF CHARLOTTE SUBDIVISION ORDINANCE

Lots subject to flooding. The City Engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of storm water or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in one hundred years significant overland flow of storm water or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in one hundred years (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the City or County Engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. Upon request and subject to available staff and any applicable fees, the City Engineer will make the necessary determination of the 100-year flood crest if the necessary existing and proposed conditions are provided by the subdivider. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "Building Restriction Floodline." In addition, a "Flood Protection Elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the County Engineer based on the Building Restriction Floodline, or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater. All habitable buildings or structures shall be located outside the Building Restriction Floodline or the lowest usable and functional part of the structure shall not be below the Flood Protection Elevation. "Usable and functional part of the structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawl spaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or

defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawl spaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the Flood Protection Elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the building restriction flood line. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in a unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized storm water drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the County that are covered by the provisions of the Floodway Regulations, the Floodway Regulations will supersede the provisions of this ordinance regarding land within the regulatory floodplain.

CITY OF DURHAM

STORM WATER UTILITY ORDINANCE

ORDINANCE #10183 - Adopted June 6, 1994
ORDINANCE #10243 - Amendment July 18, 1994

AN ORDINANCE TO AMEND CHAPTER 23 "WATER AND SEWER SYSTEMS" OF THE DURHAM CITY CODE TO ADD ARTICLE VIII ENTITLED "STORMWATER UTILITY SERVICE" AND TO MAKE MINOR CONFORMING CHANGES TO ARTICLE II "SERVICE CHARGES, RATES, AND RENTALS.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Durham that: Section 1. Chapter 23 of the Durham City Code is hereby amended by adding a new article, Article VIII, entitled "Storm Water Utility" to read as follows:

ARTICLE VIII STORM WATER UTILITY SERVICE.

23-200. Findings.

(a). Stormwater poses a serious threat to the public health, safety, and welfare because it floods properties, erodes watercourses and channels, and pollutes streams and rivers. The federal government has mandated that cities control the quality of storm water discharged to the waters Of the United States.

(b) By constructing, operating, and maintaining facilities that will manage the flow of stormwater and pollutants within storm water and by establishing a storm water management program the City will comply with this federal mandate, reduce the adverse effects of storm water, and improve the quality of groundwater, streams, rivers, and lakes in and by establishing a storm water management program the City will comply with this federal mandate, reduce the adverse effects of storm water, and improve the quality of groundwater, streams, rivers, and lakes in and around the City.

(c) The establishment and operation of a storm water management program can best be accomplished through the creation of a storm water utility. Such a utility will benefit owners and occupants of developed land in the City and other Durham citizens.

(d) The amount of impervious surface on a property is the single most important factor affecting the peak rate of runoff, the total volume discharged, and pollutant loadings of stormwater that flows from property. It is equitable to fund a storm water utility through a system in which service charges are based on the amount.of impervious surface on developed land.

23-201. Definitions applicable to article

All definitions found elsewhere in Chapter 23 apply in this article, in addition to the ones below, unless the context of the ordinance language clearly indicates otherwise.

"Customer" or "consumer" means the person or entity to which a bill for storm water service charges is sent. This may include the owner, occupant, or tenant of property, a homeowner's association with responsibility for property or for common areas associated with property, or a person or entity who has requested in writing to be billed for storm water service charges for a property.

"Developed land" means property that contains impervious surface, and land on which and includes improved land without

requested in writing to be billed for storm water service charges for a property.

"Developed land" means property that contains impervious surface, and land on which and includes improved land without structures improvements are under construction.

"Equivalent Residential Unit" ("ERU") is 2,400 square feet of impervious surface, which is the average amount of impervious surface on a single family property in the City.

"Impervious surface" means a surface which, because of its composition or compacted nature, impedes or prevents natural infiltration of water into the soil, including but not limited to roofs, solid decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, or compacted gravel surfaces. Wooden slatted decks and the water area of swimming pools are considered pervious.

"Other residential and nonresidential land" means any developed land not fitting the definition of a residential unit. It includes, but is not limited to, land upon which there are residential structures that contain more than two units, such as triplexes, townhouses, condominiums, apartments, boarding houses; churches; institutional buildings, whether public or private; commercial, office, and industrial buildings; parking lots and streets; and land containing improvements under construction or impervious surfaces that are not structures- "Property owner" or "owner" means the owner of a parcel of land as shown on the Durham County tax records.

"Residential unit" means a detached single family house, a duplex, or a manufactured home or mobile home located on an individual lot or parcel of land rather than in a manufactured home park.

"Storm water" means the runoff from precipitation that travels over natural or developed surfaces to the nearest stream, other conduit, or impoundment and appears in lakes, rivers, ponds, or other bodies of water.

"Storm water management program" means the various methods employed by the City to manage storm water It includes, but is not limited to, the planning, design, construction, operation, maintenance, and administration of the storm water system, and the development of ordinances, policies, technical materials, inspections, monitoring, outreach, and other activities related to the control of stormwater quantity and quality.

"Storm water system" or "storm sewer system" means the system of natural and constructed devices for collecting and transporting storm water- It includes, but is not limited to, lakes, ponds, rivers, creeks, open ditches, catch basins, pipes, sewers, drains, culverts, and other storm water management facilities.

"Storm water utility" means a management structure that is responsible solely and specifically for the storm water management program and system and that is supported through a rate structure that is based on the amount of storm water generated by individual properties.

23-202- Creation of storm.water utility; use of revenues-

The City hereby creates a storm water utility to develop and operate the storm water management program. Storm water utility revenues, including all storm water service charges, shall be placed in a separate City

account to be used by the utility for the operational costs, debt principal and debt service, and establishment of a reserve fund for the storm water management program.

23-203. Storm water service charges-

(a) All developed land in the City, whether public or private, shall be subject to a storm water service charge. Exemptions shall not be allowed based on age, tax exemption, or other status of an individual or organization. Service charges may be subject to a credit system as further provided in this ordinance.

(b) Service charges on all developed land shall begin on July 1, 1994 and shall be computed as follows:

(1) Residential units shall be charged at two rates: $2.17 for residential units with less than 2,000 square feet of impervious surface and $3.25 for residential units with 2,000 square feet or more of impervious surface.

(2) Other residential and nonresidential land shall be charged $3.25 for each equivalent residential unit (ERU) ERUs of less than five-tenths shall be rounded down and those of five-tenths or greater shall be rounded up to the nearest whole number. There will be no service charge for other residential and nonresidential property that contains less than .5 ERU of impervious surface.

23-204. Billing method, responsible parties.

(a) Bills for storm water service shall be sent at regular, periodic intervals. Storm water service charges may be billed on a combined utility bill that also contains charges for water and/or sewer service. Storm water service charges that are shown on a combined utility bill may be for a different service period than that used for water and/or sewer service.

(b) Storm water service bills for a property that receives water and/or sewer for water and/or sewer service. Storm water service charges that are shown on a combined utility bill may be for a different service period than that used for water and/or sewer service.

(b) Storm water service bills for a property that receives water and/or sewer service may be sent to the customer receiving such service. However, where multiple water and sewer accounts exist for a single parcel, the storm water service bill may be sent to the property owner. For properties such as town homes and condominiums which contain impervious surface that is commonly owned,the storm water service bill for all properties within the development maybe sent to the homeowners' association. Additional guidelines concerning billing will be developed by the City.

(c) The property owner is ultimately responsible for payment of the storm water service charge for property for which the party billed has not paid.the service charge.

(d) Owners and occupants of property may designate which party shall receive the storm water service bill by completing and properly executing a form provided by the City. Such transfer does not relieve either the owner or occupant from liability for storm water service charges if they are not paid by the party billed.

23-205- Payment provisions, utility termination.

(a) Where storm water service charges appear on a combined utility bill, and a customer does not pay the service charges for all the utilities on the bill, the partial payment will be applied to the respective service charges in the following order: delinquent storm water charges; delinquent water and/or sewer charges; current stormwater charges; current water and/or sewer charges.

(b) Storm Water service charges are due at the collection office in city hall within 21 days after a bill has been issued.

charges; delinquent water and/or sewer charges; current stormwater charges; current water and/or sewer charges.

(b) Storm Water service charges are due at the collection office in city hall within 21 days after a bill has been issued. Bills not paid within this time shall be charged interest at the rate of one per cent per month.

(c) Where a property receives water and/or sewer service, if storm water service charges for that property are not paid, water and/or sewer service to that property may be terminated, whether storm water charges were included on a combined or not the utility bill. Termination will be handled in accordance with Sections 23-47, 23-47-1, and 23-48 of this ordinance regarding notice, appeal, and termination of utility service. Where storm water service charges have not been included on a combined utility bill for a property, water and/or sewer service to that the City has sent the property will not be terminated unless
occupant notice of the unpaid storm water service charge and possible utility termination at least 30 days prior to the termination.

(d) No property for which storm water service charges are outstanding is entitled to receive water and/or sewer service until the outstanding storm water service charge on that property is paid. No customer with a delinquent storm water service account is entitled to open a water and/or sewer account at the same or different location until the delinquency has been satisfied.

(e) If property is incorrectly billed, or not billed, or a bill is sent to the wrong party, the City may back bill a property for up to a three year period.

(f) Customers with complaints about the accuracy of storm water service charges are entitled to a review as provided in Sec. 2347.1. No charge will be adjusted unless the complaining customer has filed a written complaint with the City within one year of the date the City first sent the customer notice of about the accuracy of storm water service charges are entitled to a review as provided in Sec. 2347.1. No charge will be adjusted unless the complaining customer has filed a written complaint with the City within one year of the date the City first sent the customer notice of the charge.

23-206. Credits.

(a) The City may provide a system of credits against storm water service charges which will be applied to properties on which storm water facility construction and/or upkeep substantially mitigates the effect of storm water on the City's storm water system or materially reduces the cost' for the City to provide storm water service. The City may make credits retroactive tote date of initiation of storm water service charges-

(b) A 100% credit, conditioned upon the continued maintenance of the drainage systems on such properties to City standards, shall be provided to the following properties:

(1) improved public roads, not including internal roads within public facilities, which have been conveyed to and accepted for maintenance by the North Carolina Department of Transportation and which are used by the public for motor vehicle transportation; and

(2) railroad corridors and tracks.

(c) The above credits are provided based on the use and utility of the above properties as transportation corridors that pass through numerous private and public properties and that provide independent drainage systems that are independently improved and maintained and which collect and control the runoff from properties through which the corridors pass.

23-207 Severability

control the runoff from properties through which the corridors pass.

23-207 Severability

If any section or sections of this article are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and remain in effect.

Section 2. The following changes shall be made to Article II, "Service Charges, Rates, and Rentals":

Sec. 23-47 shall be retitled "Payment of Water, Sewer, and Storm Water Bills"

The first clause of the first line of Sec. 23-47(a) shall be reworded by replacing the phrase "water and/or sewer service" with the phrase "water, sewer, and storm water service" so that it reads: "All bills due the city for water, sewer, and storm water service."

The following sentence shall be added to the end of Sec. 23.47(a). "Where storm water service charges are being paid by the owner of property or other designated customer who is not the occupant and water and/or sewer charges are being paid by the occupant of property, water and sewer service will not be terminated. on account of unpaid storm water charges unless the City has sent the occupant notice of the unpaid storm water service charge and possible utility termination at least 30 days prior to the termination."

The first clause in the first line of Sec. 23-47.1(b) shall be reworded by replacing the phrase "water and sewer" with the phrase "water, sewer, and storm water" so that it reads: "The city manager or the manager's designee shall notify water, sewer, and storm water customers whose service may be terminated.

Sec. 23.47.1(c) shall be replaced with the following: "Neither water service nor sewer service shall be terminated for failure to pay a water, sewer and/or storm water bill until seven (7) days after the notice required by this section has been mailed. Additional time shall

Sec. 23.47.1(c) shall be replaced with the following: "Neither water service nor sewer service shall be terminated for failure to pay a water, sewer and/or storm water bill until seven (7) days after the notice required by this section has been mailed. Additional time shall be given if the provisions in Sec. 23-47(a) concerning separate payment of the storm water bill are applicable."

Sec. 23-50 shall be reworded by inserting in the first sentence the phrase "water and/or sewer" in front of the word "bill" so that it reads: "When premises are vacant for not less than thirty (30) days, no water and/or sewer bill shall be rendered for such period...."

Section 3. This ordinance shall become effective upon adoption.

APPROVED BY CITY COUNCIL
DEPUTY CITY CLERK
ORDINANCE #10243

AN ORDINANCE TO AMEND CHAPTER 23 "WATER AND SEWER SYSTEMS" OF THE DURHAM CITY CODE TO MAKE MINOR TECHNICAL CHANGES TO ARTICLE VIII, "STORMWATER UTILITY SERVICE"

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Durham that:

Section 1. Article VIII, "Storm Water Utility" of Chapter 23 of the Durham City Code is hereby amended as follows:

By changing the definition of "impervious surface" in Sec. 23-201 to delete the words "composed of any material that" and to substitute for the deleted words the following: "which, because of its composition or compacted nature,"

By deleting the second sentence of Sec. 23-204(a) which reads: "A different interval may be used for residential units than is used for other residential and nonresidential land."

Section 2. This ordinance shall become effective upon adoption.

By deleting the second sentence of Sec. 23-204(a) which reads: "A different interval may be used for residential units than is used for other residential and nonresidential land." Section 2. This ordinance shall become effective upon adoption.

APPROVED BY CITY COUNCIL JULY 18, 1994, CITY CLERK

Storm Water Utility Ordinance - Amendment Sec. 23-204(e) Townhouse & Condominium Developments

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Durham that:

Section 1. Article I, "In General" of Chapter 23 of the Durham City Code is hereby amended as follows:

By deleting the present Sec. 23-2 "Right of entry of city manager" and the wording of such such section, and replacing it with the following: "23-2. Right of Entry.

The City manager and city employees and contractors may enter property receiving any service described in this chapter to take meter readings or for purposes of examination, inspection, or repair related to utility service, operation, or charges."

Section 2. Article VIII, "Storm Water Utility" of Chapter 23 of of the Durham City Code is hereby amended as follows:

By deleting the third sentence in Sec. 23-204(b) beginning "For properties such as town homes and condominiums..."; By adding to Sec. 23-204 a new subsection (e) worded as follows: (e) "Townhouse and condominium developments and other similar properties containing impervious surface in common ownership shall be charged for the total impervious surface of all commonly owned and individually owned property within the development. The storm water service bill shall be sent to the homeowners' association or, upon official request of the association reflecting a vote in accordance with the association's bylaws, shall be divided in equal shares amongst each unit within the development. The storm water service bill shall be sent to the homeowners' association or, upon official request of the association reflecting a vote in accordance with the association's bylaws, shall be divided in equal shares amongst each unit within the development and sent to the owner or occupant of each unit. A request for per unit billing must contain all information required by the City and shall be binding for the period of time specified by the City."

Section 3. This ordinance shall become effective upon adoption.

APPROVED BY CITY COUNCIL

DEPUTY CITY CLERK

Stormwater Utility ORDINANCE .

AMENDMENT ORDINANCE #10599 AN ORDINANCE TO AMEND THE STORM WATER ORDINANCE TO FURTHER DEFINE POLICIES CONCERNING STORM WATER SERVICE FEE CREDITS, TO ADD PROVISIONS REGARDING USE OF STORM WATER FUNDS FOR STORM DRAINAGE WORK, AND TO MAKE VARIOUS MISCELLANEOUS CHANGES

WHEREAS, the Durham City Council. wishes to amend the Durham Code to make the changes generally described above to the stormwater ordinance,

NOW THEREFORE BE IT ORDAINED:

SECTION 1. That Chapter 23 of the Durham City Code be amended to add the attached text described with the same caption of this ordinance, and to make the substitutions and deletions indicated in the attached text.

SECTION 2. That this ordinance become effective upon adoption.

APPROVED BY CITY COUNCIL

Storm Water Utility ORDINANCE

AMENDMENT ORDINANCE #10600

AN ORDINANCE TO AMEND THE STORM WATER ORDINANCE TO FURTHER

APPROVED BY CITY COUNCIL

Storm Water Utility ORDINANCE
AMENDMENT ORDINANCE #10600
AN ORDINANCE TO AMEND THE STORM WATER ORDINANCE TO FURTHER DEFINE POLICIES CONCERNING STORM WATER SERVICE FEE CREDITS, TO ADD PROVISIONS REGARDING USE OF STORM WATER FUNDS FOR STORM DRAINAGE WORK, AND.TO MAKE VARIOUS MISCELLANEOUS CHANGES

Add a new Division heading after the wording "Article Vlll Storm Water Utility Service" titled "DIVISION 1. GENERAL"

Make the following changes to the definitions in Section 23-201:

Add, after the first sentence, which currently ends with the word "otherwise" the following sentences: "The City Engineer is authorized to interpret and to apply these definitions. If a property could be interpreted to fall into more than one category the City Engineer shall determine the applicable category."

After Section 201 and before Section 202 add the division heading titled "DIVISION 2. ESTABLISHMENT OF UTILITY, FEES, AND CREDITS"

In Section 23-206 "Credits", delete existing Section 23-206(a) and replace with the following:

"(a) The City may provide a system of credits against storm water service charges for properties on which storm water facility construction or maintenance substantially mitigates the peak discharge or runoff pollution flowing from such properties or substantially decreases the City's cost of maintaining the storm water system. The Engineering Department will develop written policies to implement the credit system. The amount of credit for maintenance may be limited to properties that have a specified minimum impervious surface area. The City's policies may make credits retroactive to the storm water system. The Engineering Department will develop written policies to implement the credit system. The amount of credit for maintenance may be limited to properties that have a specified minimum impervious surface area. The City's policies may make credits retroactive to the date storm water service charges were initiated."

Delete Section 23-207 and replace with the following:

"Sections 23-207 through 23-209: reserved"

Add after the above reservation section the following new Division and Sections:

APPROVED BY CITY COUNCIL
DEPUTY CITY CLERK

DIVISION 3. USE OF STORM WATER UTILITY FUNDS FOR CONSTRUCTION, IMPROVEMENT AND MAINTENANCE

23-210. Purpose and Definitions.

This Division establishes the conditions under which funds from the storm water utility will used for stormwater system construction, improvement, repair or. maintenance on private and public property. The City has an interest in helping to assure that components of the storm water system that carry in whole or in part runoff from publicly maintained streets are maintained and/or improved, whether located on public or private property. The intent of this section is not to transfer responsibility or liability to the City for components on private property that carry such runoff. Rather, it is to facilitate the maintenance and improvement of components that carry runoff from publicly maintained streets by setting forth a uniform system of financial assistance available from the storm water utility for different types of work.

In addition to definitions previously appearing in this ordinance, the definitions below also apply to this section. Interpretation and application of this Division shall be by the City Engineer, whose decisions are final and not subject to appeal.

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"Capital projects" mean drainage construction projects undertaken by the City as part of the Capital Improvement Program, which are part of the City's long range storm water management master plan. These include but are not limited to major channel improvements and construction of storm water management facilities to reduce peak flow or pollution.

"Major improvements" mean the installation of pipe or other conduit, or channel improvements where the design capacity of the system to accommodate the ten year storm exceeds the capacity of a 24 inch pipe. These include but are not limited to examples listed under minor improvements plus major dredging.

"Minor improvements" means the installation of pipe or other conduit, or channel improvements where the design capacity of the system to accommodate the ten year storm is at least as great as the capacity of a 12 inch pipe but does not exceed the capacity of a 24 inch pipe. These include but are not limited to the installation of pipe, catch basins or junction boxes, channel enlargement and minor dredging, installation of riprap or other erosion control measures, and slip lining.

"Remedial maintenance" means repair costing less than $50,000 of the damaged storm drainage system to restore it to the same functional state it was in when new. These include but are not limited to replacing broken or missing grates, repair/rebuilding broken inlets, repair/rebuilding headwalls, pipe joint repairs, replacing crushed pipes, major repair of erosion control measures, clearing and snagging channels and any other replacement of a component with the same size or performance capacity.

inlets, repair/rebuilding headwalls, pipe joint repairs, replacing crushed pipes, major repair of erosion control measures, clearing and snagging channels and any other replacement of a component with the same size or performance capacity.

"Routine maintenance" means maintenance which allows the drainage system to function properly by keeping it clean and free of blockage, but does not include construction or major repair. These include but are not limited to cleaning grates and inlets, flushing pipes, removing blockages in pipes., removing litter and debris from channels and ditches, minor clearing of over-grown vegetation and minor repair of erosion control measures.

23-211 Criteria for Use of Storm Water Utility Funds for Construction and Maintenance

The storm water system component for which storm water utility funds are proposed to be spent must carry, in whole or in part, runoff from publicly maintained streets. In addition, such component must not be owned by an entity which is receiving a 100 per cent credit or by an entity which is getting credit for the same type of work. The determination as to whether a component is eligible for storm water utility funding, and the priority category into which the project falls, shall be made by the City Engineer and this decision is not subject to appeal. In addition, projects must meet the following criteria:

(a) the property owner, if the owner is not the City, must dedicate an easement at no cost to the City of a width, length, and type specified by the City. The dedication of such easement shall not relieve the property owner of responsibility or liability for storm water system maintenance;

(b) the project must not be located on property which is undergoing development or redevelopment unless the development/redevelopment project is funded

the property owner of responsibility or liability for storm water system maintenance;

(b) the project must not be located on property which is undergoing development or redevelopment unless the development/redevelopment project is funded in part by other City

(c) the project shall be the most cost effective to correct the existing problem, as determined by the City Engineer. Any excess costs shall be borne entirely by the property owner;

(d) the owner of the private property must pay the owner's share of the cost of the work, based on the preliminary cost estimate prepared by the City Engineer, to the storm water utility prior to initiation of the work. However, the owner of residential property may pay this share on an installment basis in accordance with an installment payment method approved by the City Council for storm water system projects;

(e) major improvements, minor improvements, and remedial maintenance shall fall within one of the priority categories listed in 23-212.

23-212 Priority Categories for Major Improvements, Minor Improvements, and Remedial Maintenance

The following priority categories shall be used to determine eligibility for funding and the order in which projects are initiated:

(a) Priority one - A clear and immediate danger exists and poses a threat to personal safety or a building's structural integrity;

(b) Priority two - A threat exists to personal safety or a building's structural integrity, but the threat is not immediate

(c) Priority three - Neither of the conditions specified in (a) or (b) above exists, but the work would reduce damage to property and Financial loss.

structural integrity, but the threat is not immediate

(c) Priority three - Neither of the conditions specified in (a) or (b) above exists, but the work would reduce damage to property and Financial loss.

23-213 Amount of Funding from Storm Water Utility Funds

The use of storm water utility funds for new construction, improvement, or maintenance projects on property not owned by the City shall be limited as set forth below. The size and scope of the project shall be determined by the City Engineer, and this decision is not subject to appeal.

Capital Projects: 100 percent funding from storm water utility funds unless specified otherwise by the City Council.

Major Improvements: 50 percent storm water utility, 50 percent property owner, with a maximum cost to each property owner of $10,000 for residential units and $15,000 for other residential and non-residential property.

Minor Improvements: 50 percent storm water utility, 50 percent property owner, with a maximum cost to each property owner of $5,000 for residential units and $10,000 for other residential and non-residential property.

Remedial Maintenance: For projects costing up to $5000, 65 percent storm water utility, 35 percent property owner, with a maximum cost to each property owner of $500 for residential units and $1,000 for other residential and non residential property. For projects costing more than $5000, 90 percent storm water utility and 10 percent each property owner for residential units and 80 percent storm water utility and 20 percent each property owner for other residential and nonresidential property.

Routine Maintenance: 100 per cent storm water utility.

23-214 Severability.

property owner for other residential and nonresidential property.

Routine Maintenance: 100 per cent storm water utility.

23-214 Severability.

If any section or sections of this article are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and remain in effect.

Section 23-154 is renumbered as 23-150 and is included in Division 1.

Article V, Division 2. "Limited Acceptance of Storm Sewers for Public Maintenance" and all sections therein are deleted.

CITY OF GREENSBORO
STORM WATER MANAGEMENT

AMENDING THE GREENSBORO CODE OF ORDINANCES:

An ordinance amending the Greensboro Code of Ordinances with respect to storm water management.

Section. 1. That the Greensboro Code of Ordinance is hereby amended by adopting a new Chapter as follows:

CHAPTER 27
CITY OF GREENSBORO
STORM WATER MANAGEMENT
ORDINANCE

ARTICLE I. IN GENERAL

Section 27-1. Title.

This chapter shall be and is collectively referred to and cited as "The Storm Water Management Ordinance of Greensboro, North Carolina."

Section 27-2. Purposes

The purpose of this ordinance is to protect and promote the public health, safety and welfare by preventing the introduction of potentially harmful materials into the City storm sewer system; to protect property from potential storm water damage; to maintain and enhance water quality; and to meet the requirements in the City of Greensboro's National Pollutant Discharge Elimination System permit for Storm Water Discharges.

Section 27-3. Objectives

(a). To provide for the enforcement of the City's Storm Water Quality Management

Section 27-3. Objectives

(a). To provide for the enforcement of the City's Storm Water Quality Management Program;

(b). To reduce the discharge of pollutants to the storm sewer system to the maximum extent practicable by requiting, where appropriate, the use of best management practices, structural and/or nonstructural storm water quantity and quality control measures and other provisions;

(c). To provide for the inspection and proper maintenance. of structural and nonstructural storm water controls and the municipal separate storm sewer;

(d). To prohibit non-storm water discharges to the City storm sewer and require the removal of illicit connections in the City storm sewer;

(e). To prevent improper disposal of materials that degrade water quality;

(f) To permit sampling and monitoring for pollutants such as those associated with illicit discharges. improper disposal, industrial and construction activities, and the application of pesticides, herbicides. and fertilizers; and,

(g). To reduce erosion associated with storm water runoff.

Section 27-4. Jurisdiction

The provisions of this Ordinance shall apply to all the territory encompassed in the City of Greensboro, North Carolina and shall govern the development and use of land and structures therein.

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The provisions of this Ordinance shall apply to all the territory encompassed in the City of Greensboro, North Carolina and shall govern the development and use of land and structures therein.

Section 27-5. Authority

This Ordinance is adopted pursuant to the following authorities in NCGS: Chapter 15 (Criminal Procedure), Chapter 113A (Pollution Control and Environment). Chapter 130A (Public Health), Chapter 160A (Cities and Towns).

Section 27-6. Abrogation

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued.

Section 27-7. Definitions

(a). Best Management Practice (BMP): A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. (Ref: Chap. 30, Section 30-2-2.2)

(b). Built-upon area: That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: wooden slated decks and the water area of a swimming pool are not considered built-upon area.)

(c). Connection: Any ditch, pipe, or other

(e.g. tennis courts), etc. (Note: wooden slated decks and the water area of a swimming pool are not considered built-upon area.)

(c). Connection: Any ditch, pipe, or other device for the diversion or transmission of storm drainage which will in any way affect the operation or maintenance of the city storm sewer.

(d). Conveyance: Any feature of the landscape or earth, manmade or natural, that carries water in a concentrated flow,

(e). Developer: A person engaged in land, site, or building development. (Ref. Chap. 30, Section 30-22.7.)

(f). Discharge: Additions of pollutants into waters of the United States from: Surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyance owned by a State, municipality, or other person which does not lead to a treatment works; and discharges through pipes, sewers, or other conveyance, leading into privately owned treatment works. (Ref: 40 CFR § 122.2)

(g), Ditch/Swale: Open channel that infiltrates and/or transports runoff waters.

(h). Drainage: The flow of runoff into a conveyance.

(i). Drainage easement: An easement which grants to the City Council the right to maintain conveyances or drainage structures. (Ref: Chap. 30, Section 30-2-2.4)

(j). Easement: A grant of one or more of the property rights, by the property owner, 10, or for use by, the public, a corporation, or other entity. (Ref: Chap. 30. Section 30-2-2.4)

(k). Erosion: The wearing away of land surface by the action of wind, water, gravity, or any

(j). Easement: A grant of one or more of the property rights, by the property owner, 10, or for use by, the public, a corporation, or other entity. (Ref: Chap. 30. Section 30-2-2.4)

(k). Erosion: The wearing away of land surface by the action of wind, water, gravity, or any combination thereof. (Ref: Chap. 30, Section 30-2-2.5)

(l). Garbage: Animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto. (Ref: Chap. Section 25- I)

(m). Having control over: Shall mean but not be limited to any person using, transferring, storing or transporting a hazardous material immediately prior to release of such hazardous material on to the land of into the air or waters of the city. (Ref: Chap. 10, Section 10-33)

(n). Hazardous material: Any substance which, when discharged in any quantity, may present an eminent and substantial danger to the public health or welfare or to the environment. (Ref: Chap. 10, Section 10-33)

(o).: Hazardous material response. The sending of fire department equipment to abate hazardous materials which endanger the health or safety of persons or the environment, REF: Chap. 10, Section 1033)

(p). Illicit discharge: Any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities. (Ref: 40 CFR 122.26 (b)(2))

(q). Impervious surface: an area composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious CFR 122.26 (b)(2))

(q). Impervious surface: an area composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious area shall include but are not limited to roofs, decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, crushed stone and gravel surfaces.

(r). Municipal Separate Storm Sewer: A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains). (Ref: 40 CFR 122.26 (b)(8))

(s). National Pollutant Discharge Elimination , System (NPDES): A permitting system established by Section 402 of the Clean Water Act. Permits are issued by the State of North Carolina for discharges directly to the surface waters of the State.

(t). New development: Any activity for which a building permit or a grading permit is required, or any of the following without regard to a permit requirement: clearing, stripping, dredging, grading, excavating, transporting, and filling of land.

(u). Outfall.' A point source at the point where a municipal separate norm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States. (Ref: 40 CFR 122.26(b)(9))

(v). Person: Any individual, partnership, copartnership, firm, company, corporation. association, joint stock company, trust, estate, governmental entity or their legal representative agents or assigns.

(v). Person: Any individual, partnership, copartnership, firm, company, corporation. association, joint stock company, trust, estate, governmental entity or their legal representative agents or assigns.

(w). Preliminary plat: A map indicating the proposed layout of the subdivision showing lots, streets, water, sewer, storm drainage, and any other information required in Appendix 2 (Map Standards) (Ref: Chap. 30, Section 30-2-2.7.)

(x). Refuse: Solid waste, including but not limited to garbage, rubbish and ashes. (Ref: Chap.25, Section 25-1).

(y). Soil Erosion and Sedimentation Control Plan: The graphic plan, including narrative where appropriate, required by the Development ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation. (Ref: Chap, 30, Section 30-2-2.5.)

(z). Substantial redevelopment: An increase or change in impervious area that impacts the municipal ' storm sewer system.

(aa). Storm water: Storm water runoff, snow melt runoff, and surface runoff and drainage. (Ref: 40 CFR 122.26(b)(13)

Section 27-8. Acronyms.

ABEQ - Advisory Board for Environmental Quality

BMP - Best Management Practice

CFR- Code of Federal Regulations

ABEQ - Advisory Board for Environmental Quality

BMP - Best Management Practice

CFR- Code of Federal Regulations

DEHNR - Department of Environment, Health, and Natural Resources

DEM- Division of Environmental Management
GW/A - General Watershed Areas

NCGS - North Carolina General Statutes

NPDES - National Pollutant Discharge Elimination System SWPPP- Storm Water Pollution Prevention Plans

SWQMP - Storm Water Quality Management Program

WCA - Watershed Critical Area

Section 27-9. Right-Of-Entry

(a). The City Manager or his designee shall have right-of-entry on or upon the property of any person subject to this ordinance and any permit/document issued hereunder. The City Manager or his designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this ordinance.

(b). Where a person has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City Manager or his designee will be permitted to enter without delay for the purposes of performing specific

clearance before entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City Manager or his designee will be permitted to enter without delay for the purposes of performing specific responsibilities.

(c). The City Manager or his designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations.

(d). Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the City Manager or his designee. The costs of clearing such access shall be borne by the person.

(e). The City Manager or his designee may inspect the facilities of any user in order to ensure compliance with the ordinance. Such inspection shall be made with the consent of the owner, manager, or signatory official. If such consent is refused the City Manager or his designee may seek issuance of an administrative search warrant.

Section 27-10-27-20. Reserved.

ARTICLE II. COMMERCIAL AND RESIDENTIAL

Section 27-21. New Development.

(a). Drainage

(1). It shall be the duty of all property owners, in order to abate and prevent nuisances resulting from improper drainage. to provide at their own expense a proper and adequate drainage system of their respective premises, such drainage system to conform to the design

(1). It shall be the duty of all property owners, in order to abate and prevent nuisances resulting from improper drainage. to provide at their own expense a proper and adequate drainage system of their respective premises, such drainage system to conform to the design established by the city. (Ref: Section 29-30)

(2). Rainwater leaders shall not extend beyond the building or property line, but shall be built in chases or on the inside of the wall. and shall not empty on any street or sidewalk. (Ref: Section 6-27)

(3). No person shall construct or install any ditch, pipe or other device for the diversion or transmission of storm drainage which will in any way affect the Operation or maintenance of city street, water, sanitary sewer or storm $sewer facilities without a permit issued by the City Manager or his designee upon a finding that such city facilities will not be adversely affected by such construction Or installation. (Ref: Section 29-29)

(b). Subdivisions

(1). Requirements

(A). For drainage requirements refer to Chapter 30 Zoning, Planning and Development, Article VI. Subdivisions: Procedures and Standards, See. 30-6-13.7. Drainage.

(B). Street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities shall be submitted to the City following Preliminary Plat review but shall not be reviewed until the street and utility network on the Preliminary Plat has been found generally satisfactory by the Technical Review Committee. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section, as well as all water,

on the Preliminary Plat has been found generally satisfactory by the Technical Review Committee. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section, as well as all water, sanitary sewer, and storm sewer lines lying outside that section and being required 10 serve that section. No street and utility construction plans shall be approved until the Preliminary Plat has been approved. (Ref: Section 30-6-8.1)

(2). Maintenance

(A). Rights-of-way and Easements: The approval and recordation of a plat constitutes dedication to and acceptance by the City and the public of the right-of-way of each public street, alley or utility or drainage easement shown on such plat. The approval and recordation of a plat does not constitute acceptance of maintenance responsibility within such right-of-way or easement. Improvements within such rights-of-way or easements, such as utility lines, street paving, drainage facilities, or sidewalks, may be accepted for maintenance by the City Council or by the administrative officer authorized to inspect and, where appropriate, accept the dedication of such improvements. (Ref: Section 30-6-3.3(A))

(B). In accordance with City policy the developer shall be responsible for establishing proper connections with existing storm sewer lines and shall bear ultimate responsibility for the correction of any problems associated with that connection. (See Greensboro's Roadway and Utility Design Manual)

(c). Soil Erosion And Sedimentation Control

(1). Plan and Permit Required: No person shall initiate any land-disturbing activity without a soil erosion and

(c). Soil Erosion And Sedimentation Control

(1). Plan and Permit Required: No person shall initiate any land-disturbing activity without a soil erosion and sedimentation control plan and a grading permit approved by the City, if the land disturbing activity:

(A) Exceeds one (1) acre (contiguous lands under one ownership or diverse lands being developed as a unit shall be aggregated);

(B) Will take place on highly erodible soils with a "k" factor greater than 0.36 in a watershed Critical Area;

(C) Includes a pond or retention structure in a Watershed Critical Area; or

(D) Will take place in Tier 1 or Tier 2 of a Watershed Critical Area.

(Ref. Section 30-7-4.1(A))

(2). The design and maintenance of storm water and erosion controls for use during the construction phase shall be in accordance with City policy. (See City of Greensboro's Roadway and Utility Design Manual)

(d). Water-Supply Watershed Districts

(1). Referral

Any person developing property, in a water-supply watershed district shall refer to Section 30-7, Water Supply Watershed Districts, and follow its guidelines.

(2). Coverage

This Section 30-7- 1 (Water Supply Watershed Districts applies to all sites containing new development in the Watershed Critical Area or General Watershed Area, including grading, paving, gravel placement, and construction of buildings and other structures, except for the exempt activities listed in Section 30-7-1.3(B). Section 30-7-2 (General Watershed Areas) and Section 30-7-3

Critical Area or General Watershed Area, including grading, paving, gravel placement, and construction of buildings and other structures, except for the exempt activities listed in Section 30-7-1.3(B). Section 30-7-2 (General Watershed Areas) and Section 30-7-3 (Watershed Critical Areas) impose additional requirements specific to their overlay district. (Ref: Section 30-7-I ,3(A))

(3). Improvements

(A) Design of Improvement:

(i) Design of improvements shall:

a) Be performed by North Carolina registered professional engineer;

b) Be subject to approval by the Enforcement Officer; and

c) Meet or exceed the Water Quality Protection Manual Guidelines issued by the Guilford County Planning Department, dated March, 1990 as amended.

(ii) The Enforcement Officer may recommend, and the Technical Review Committee may require, that a given runoff control structure(s) be modified or that the structure(s) be repositioned on a site such that water quality protection is improved. The construction plans for required runoff control structures shall be approved prior to issuance of any building permit on a site. For subdivisions, construction plans shall be submitted in accordance with Section 30-6-8. I (Plans).

(B). Construction of Improvements:

(i) The construction of all improvements designed lot watershed protection and shown on an approved watershed development plan shall be substantially completed prior to any plat recordation or issuance of any building certificate of compliance. Final approval of installed runoff control structures shall be

designed lot watershed protection and shown on an approved watershed development plan shall be substantially completed prior to any plat recordation or issuance of any building certificate of compliance. Final approval of installed runoff control structures shall be

required at finalization of the grading permit or at issuance of the final building certificate of compliance, whichever comes later. If neither a building permit nor a grading permit is required for a site, then any required runoff control structure shall be substantially completed prior to installation of any built-upon area on the site. An engineer's certification of completion (Table 30-7-1-2) shall be required prior to final approval by the Enforcement Officer.

(ii) Recordation of Permanent Improvements:

All permanent runoff control structures and associated access/maintenance easement(s) (specific or general. at the owner's Option) shall be recorded on a Final Plat. and a mechanism to ensure their maintenance shall be established concurrent with or prior to plat recordation.

(C) Maintenance Responsibility_

(i) When runoff control structures serve more than one lot, an owners' association or binding contract for the purpose of maintenance shall be required.

(ii) Maintenance of runoff control structures shall be performed at such time as the designated sediment storage volume of the structure has been lost to sediment or a part of the installation is not functioning as originally designed. The Enforcement Officer shall have the responsibility to inspect runoff control structures annually, to record the results on forms approved or supplied by the N. C. Division of Environmental Management, and to notify the responsible property owner or owners' association when maintenance or repairs are required. All required repairs and

structures annually, to record the results on forms approved or supplied by the N. C. Division of Environmental Management, and to notify the responsible property owner or owners' association when maintenance or repairs are required. All required repairs and maintenance shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform such maintenance or repairs within the stated period, the City may perform such maintenance or repairs and recover all costs attendant thereto from the property owner or owners' association. (Ref: Section 30-7-1.6(A)(B)(C))

(D) General Watershed Areas (GWA)

(i) Runoff Control

(a) When runoff control is required for development using the low density option (see definition in Section 30-2-2.2 and Table 30-2-2-1), the runoff control structure(s) may be any one of the following meeting the Guilford County Water Quality Protection Manual Guidelines dated March, 1990 as amended:

Wet detention pond Retention pond Natural infiltration area Filter basin

Any other technology that the Technical Review Committee (TRC) finds which may be shown to equal or exceed watershed protection standards. The Greensboro Planning Board and/or the Advisory Board for Environmental Quality (ABEQ) will review proposed new technology and give a recommendation to the TRC within sixty (60) days of submission. When runoff control is required for development using the high density option (see definition in Section 30-2-2.2 and Table 30-2-2-1), the runoff control shall be by use of a wet detention pond.

{Ref: Section 30-?-2,1{D))

(E) 7-3 Watershed Critical Areas (WCA)

(i) Runoff Minimization

The density and built-upon area coverage limits defined in Table 30-73-1 shall apply pond.

{Ref: Section 30-?-2,1{D))

(E) 7-3 Watershed Critical Areas (WCA)

(i) Runoff Minimization

The density and built-upon area coverage limits defined in Table 30-73-1 shall apply within the WCA. (Ref: Section 30-7-3.3)

(ii) Storm Water. Management

(a) Control of Runoff

Runoff from built-upon areas shall be controlled as follows:

1) If the built-upon area is twelve percent (12%) or less, the runoff control may be accomplished through use of a permanent infiltration area. If the Guilford County Water Quality Protection Manual Guidelines dated March, 1990 as amended are met.

2) If the built-upon area is greater than twelve percent (12%) and less than twenty-four percent (24%), the first one-half (1/2) inch of runoff from built-upon area shall be controlled. However, the runoff control storage volume shall not be less than the runoff from a one-inch (1) rainfall over the site drainage area flowing into the runoff control structure.

3) If the built-upon area is greater than twenty-four percent (24%), the first one (1) inch of runoff from built-upon area shall]l be controlled.

(d) Design Approval

All designs for runoff control structures shall meet the requirements of Section 30-7-1.6 (Improvements) and shall be subject to the approval of the Enforcement Officer. (Ref: Section 30-7-3.6(A)(B))

(e). Additional Requirements

(1). Parking Lot Construction and Paving

approval of the Enforcement Officer. (Ref: Section 30-7-3.6(A)(B))

(e). Additional Requirements

(1). Parking Lot Construction and Paving

No new parking lot, loading dock construction, or the construction of similar structures or the grading and]or paving of existing parking lots, loading docks, or similar structures shall be undertaken until the developer obtains a permit from the city. The site shall be inspected before, during and after construction. Any violation of the permit shall result in permit revocation and cessation of construction until the violations are corrected.

(2). Reserved for: Best Management Practice (BMP) Guidance Manual

(3). Reserved for: Development Policy Manual

(4). Responsibility of property owner

It shall be the responsibility of the property owner to correct drainage controls on individual properties that do not function properly or are not constructed according to their design.

(5). New storm sewer design and construction

All new storm sewers shall be constructed according to the City of Greensboro Storm' Sewer Design Manual.

(6). Detention pond required

Storm water quantity detention ponds may be required where new development will overload the existing municipal separate storm sewer. This determination shall be based on an analysis of site runoff according to practices dictated in the City of Greensboro Storm Sewer Design Manual.

Section 27-22-27-30. Reserved.

ARTICLE III. ILLICIT DISCHARGES AND

Sewer Design Manual.

Section 27-22-27-30. Reserved.

ARTICLE III. ILLICIT DISCHARGES AND
IMPROPER DISPOSAL

Section 27-31. Prohibited Discharges

(a). Illicit Connections

(1). It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, bathtub or privy, or 10 carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial or institutional process, including uncontaminated water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local state and federal permits. (Ref: Section 18-5(e))

(2). Street and Utility Construction

(A) Plans: When required, street and utility construction plans for all public or private greets and water, sanitary sewer, and storm sewer facilities shall be submitted to the City following conditional approval or approval Of the Site Plan. For each phase of the Site Plan, Street and utility construction plans shall include all improvements lying within or adjacent to that phase and all water, sanitary sewer, and storm sewer lines lying outside that phase and being required to serve that phase. '

(B) No Construction Without Plan Approval: None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been' reviewed and approved by the City.

(C)Inspections: Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the City. (Ref: Section 30-3-11.3(A)(B)(C))

improvements have been' reviewed and approved by the City.

(C)Inspections: Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the City. (Ref: Section 30-3-11.3(A)(B)(C))

(3). It shall be unlawful, willfully or negligently to injure, deface, mutilate, destroy, tamper or interfere with any city-owned property or any property used in the city's water, sanitary. sewer or storm sewer, police or fire alarm system. (Ref: Section 18-2)

(4). In accordance with City policy permits shall be required before the construction of any connection to the municipal separate storm sewer. (See City of Greensboro's Roadway and Utility Design Manual)

(b). improper Disposal

It shall be unlawful for any person to discharge non-storm water to any storm water conveyance with the exception of the following:

(1). water line flushing,
(2). diverted stream flows,
(3). rising ground waters,
(4). uncontaminated ground water infiltration (as deemed at 40 CFR 35.2005[20)) to separate storm sewers,
(5). uncontaminated pumped ground water discharges from potable water sources,
(6). foundation drains,
(7). air conditioning condensation,
(8). irrigation water,
(9). springs,
(10). water from crawl space pumps,
(11). footing drains,
(12). lawn watering,
(13). car washing at one's residence, not for hire,
(14). flows from riparian habitats and wetlands,
(15). dechlorinated swimming pool discharges,
(16). street wash waters,
(17). and discharges from fire fighting.

(c). Litter and Refuse Control

(1). It shall be unlawful to throw, place or deposit any refuse in any street, public place, on any private property, or in any conveyance within the city limits, except in garbage cans or garbage receptacles as provided in this chapter (25), or as approved by the city manager or his designee (Ref: Section 25-3(a))

(2). It shall be unlawful for any person to throw any garbage,peelings or miscellaneous litter upon any of the sidewalks in the city or upon the floors of any churches, public halls, theaters, buses or other public places. It shall be unlawful for any person 10 place, drop or throw any liner, garbage, refuse, grass, shrubbery, tree clippings, bottles, cans, or containers of any kind upon any median strip, alleyway, street or street right-of-way, park or grass strip, or in any conveyance, or upon the private premises of another without permission of the owner or person in control of such premises, or upon any public property; provided, however, that, the provisions of this section do not apply to those materials required 10 be placed for collection on the grass or park strip by chapter 10 of this Code. (Ref: Section 26-11)

d). Organic Waste:

required 10 be placed for collection on the grass or park strip by chapter 10 of this Code. (Ref: Section 26-11)

d). Organic Waste:

(1). Loose leaves shall be collected at curbside by city forces from October 1 through the second Wednesday in January. All other times during the year, leaves shall be bagged or containerized in approved receptacles. (Ref: Section 25-32(c))

(2). It shall be the duty of the property owner to keep leaves that have been piled for fall leaf collection out of the gutter, inlet, catch basin, or side ditch.

(3) It shall be unlawful to place stumps or any other organic materials on any property, public or private, except in those specific areas designated for such use by the city, manager or his representative. (Ref: Section 25-3(b))

(4). It shall be unlawful to place grass clippings, leaves, tree and shrub clippings, or any other yard wastes in any street, storm drain, stream, storm water conveyance, or any other location where concentrated storm water flows will wash such wastes into the storm sewer.

(5). No privy, pigpen or stable of any kind shall be permitted to stand so near any stream, ditch, drain, or storm water conveyance of any kind that the droppings therefrom will run into such stream, ditch, drain, or storm water conveyance or in any way poison or contaminate the water therein; nor shall the urine from any privy be allowed to fall or be emptied into any stream, ditch, drain, or storm water conveyance. (Ref: Section 18-5(d))

(6) Every owner and every person in possession of any premises across or through which any stream or open ditch runs, or on

emptied into any stream, ditch, drain, or storm water conveyance. (Ref: Section 18-5(d))

(6) Every owner and every person in possession of any premises across or through which any stream or open ditch runs, or on
which any body of water is impounded, shall keep the banks and edges free and clear of all vegetation which might overhang into the water in such stream, ditch or other body of water and which thereby results in impeding the flow, creating stagnation, and/or impacting the water body's performance for water quantity or quality control.

Section 27-32. Spill Response.

(a). Purpose and authority

The Greensboro Fire Chief or his designee shall have the authority to summarily abate,control and contain hazardous materials which are emitted into the environment in such a manner as to endanger the health or safety of the general public or the environment. The fire chief or his designees shall have the authority to enter public or private property with or without the owners consent, to respond to such hazardous materials emergencies. The fire chief or his designee shall determine the type, amount and quantity of equipment and personnel required to adequately abate, control and contain all hazardous materials which are emitted into the environment. (Ref: Section 10-30)

(b). Responsibility; fees and charges.

The property owner and/or the person exercising control over the hazardous materials that create the hazardous material emergency shall be held Financially liable for the response, control, containment, equipment, and materials costs incurred by the city fire department during the emergency. The property owner and/or person exercising control over such hazardous material, may

shall be held Financially liable for the response, control, containment, equipment, and materials costs incurred by the city fire department during the emergency. The property owner and/or person exercising control over such hazardous material, may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of state and federal laws. The City of Greensboro shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:

(1). Informing fire department personnel of all matters pertaining to the incident.
(2). Supplying emergency response plan information for the site,
(3). Supplying emergency response equipment, personnel and materials.

The city will charge for abatement, control and containment of hazardous material responses or fire incidents involving hazardous materials which accrue more than one hundred dollars ($100.00) in charges. In all cases the first one hundred dollars (100.00) of expenses shall not be charged to the person in default.

Charges for hazardous materials emergency response on behalf of the city by the fire department shall be based upon the following schedule;

(A) Engine response shall be one hundred dollars ($100.00) for each hour. or any part thereof,

(B) Additional engine response shall be one hundred dollars ($100.00) for each hour, or any part thereof

(C) Hazardous materials unit response shall be one hundred seventy-five dollars ($175.00) for the initial hour, or any part thereof, and one hundred dollars ($100.00) for each additional hour, or any part thereof.

(D) Ladder truck response shall be one shall be one hundred seventy-five dollars ($175.00) for the initial hour, or any part thereof, and one hundred dollars ($100.00) for each additional hour, or any part thereof.

(D) Ladder truck response shall be one hundred dollars ($100.00) for each hour, or any pan thereof.

(E) Squad truck response shall be fifty dollars ($50.00) for each hour, or any part thereof.

(F) Battalion chief response shall be no charge for the initial hour, twenty-five dollars ($25,00) for each additional hour or any part thereof.

(G) Any other actual costs of abatement, control and containment of the hazardous materials other than set out above.

Failure to pay the charges as assessed Shall give the city a right to levy a lien upon the land or the premises where the hazardous material emergency arose and the levy shall be collected in the same manner as unpaid taxes pursuant to the authority, of N.C.G.S. 160A-193. (Ref: Section 10-31)

(c). Fire incidents involving hazardous materials.

In fire incidents that involve hazardous materials or an exposure to hazardous materials, no fee will be assessed for resources normally associated with firefighting operations. Fees shall be assessed for those activities and resources (reference sec. 10-31) associated with the abatement, control and containment of the hazardous materials involvement or exposure which accrues more than one hundred dollars ($100.00) in charges. (Ref: Section 10-32)

Section 27-33--27-40. Reserved.

ARTICLE IV INDUSTRIAL AND RELATED FACILITIES

Section 27-41. Review of Storm Water

Section 27-33--27-40. Reserved.

ARTICLE IV INDUSTRIAL AND RELATED FACILITIES

Section 27-41. Review of Storm Water Pollution Prevention Plans

The City may review the Storm Water Pollution Prevention Plans required under a facility's NPDES storm water discharge permit when outfall monitoring or the illicit discharge/improper disposal program locates a suspected violator.

Section 27-42-27-45. Reserved.

ARTICLE V, CONSTRUCTION SITE RUNOFF PROGRAM

Section 27.-46. Self Inspection Records,

The City's Manager or his designee may review on request the self-inspection record required for sites with land-disturbing activity greater than five acres. Site operators who do not supply the requested information shall be reported to DEM for permit noncompliance.

Section 27-47. Runoff Control Structures.

Runoff control structures shall be constructed and maintained according to the specifications in the
Development Ordinance (Chapter 30) and the North Carolina Erosion and Sediment Control Planning and Design Manual.

Section 27-48--27-50. Reserved.

ARTICLE VI. ENFORCEMENT

Section 27-51. Violations.

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided

ARTICLE VI. ENFORCEMENT

Section 27-51. Violations.

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by State law.

(a), Development without permit.

To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.

(b). Development inconsistent with permit.

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

(c). Violation by act or omission.

To violate, by act or omission, any term, variance, modification. condition, or qualification placed by the City Council or its agent boards upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.

(d). Use in violation.

To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Ordinance or any other regulation made under the authority conferred thereby.

(e). Continuing violation.

To continue any of the above violations is a separate and distinct offense each day.

Section 27-52. Civil Penalties.

(e). Continuing violation.

To continue any of the above violations is a separate and distinct offense each day.

Section 27-52. Civil Penalties.

(a). Illicit Connections

(1). Any person who is found responsible for an illicit connection shall receive a notice of violation when the connection is discovered. The person shall have 30 days to remove the connection. At the end of that time if the connection has not been removed, the City may enter the property, and take measures necessary to remove the connection and perform whatever clean-up or abatement is necessary. If the person fails to remove the connection in the time prescribed, the City may petition the Superior Court of Justice, for the issuance of an injunction 10 compel removal and payment;. however, removal of the illicit connection shall be immediate upon the determination of the Storm Water Services Division that the connection poses an imminent threat to public health.

(2). If any person who previously has been found to have an illicit connection reconnects to the municipal separate storm sewer, he shall be assessed a civil penalty not to exceed $5000. The penalty shall increase by twenty-five percent (25%) of the previous penalty amount lot every subsequent illicit connection made by the same person, The penalty shall be additional to the cost of clean-up and abatement If the person has or is required to have a storm water discharge permit from the State Division of Environmental Management, the city shall alert the appropriate stale authorities of the violation. In determining the amount of the penalty the City Manager or his designee shall consider the following:

(A) The degree and extent of the harm to the natural resources, to the public health, or the city shall alert the appropriate stale authorities of the violation. In determining the amount of the penalty the City Manager or his designee shall consider the following:

(A) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

(B) The duration and gravity of the violation;

(C) The effect on ground or surface water quality or on air quality;

(D) The cost of rectifying the damage;

(E) The amount of money saved by noncompliance,

(F) Whether the violation was committed willfully or intentionally;

(G) The prior record of the violator in complying or failing to comply with the storm water quality management program, and;

(H) The costs of enforcement to the City of Greensboro.

(b). Improper Disposal

(1). Process wastewater

Any person who is found to have improperly disposed of process wastewater to the municipal separate storm sewer shall be assessed a civil penalty not to exceed $5000. In determining the amount of the penalty the City Manager or his designee shall consider the following:

(A) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

(B) The duration and gravity of the violation;

(C) The effect on ground or surface water quality or on air quality; (D) The cost of rectifying the damage;

(E) The amount of money saved by noncompliance;

(F) Whether the violation was

(C) The effect on ground or surface water quality or on air quality; (D) The cost of rectifying the damage;

(E) The amount of money saved by noncompliance;

(F) Whether the violation was committed willfully or intentionally;

(G) The prior record of the violator in complying or failing to comply with the storm water quality management program, and;

(H) The costs of enforcement 10 the City of Greensboro.

(2). Bulk sales

Any person who is found to have improperly disposed of any substance that was purchased at a bulk sales location which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the City to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed $5000. In determining the amount of the penalty the City Manager or his designee shall consider the following:

(A) The degree and extent of the harm to the natural resources, to the public health. or to the public or private property resulting from the violation;

(B)The duration and gravity of the violation;

(C) The effect on ground or surface water quality or on air quality;

(D) The cost of rectifying the damage;

(E) The amount of money saved by noncompliance;

(F) Whether the violation was committed willfully or intentionally;

(G) The prior record of the violator in complying or failing to comply With the storm water quality management program, and;

(H) The costs of enforcement to the City of Greensboro.

(3) Household products

Any person who is found to have improperly disposed of any substance that was purchased over-the-counter for household, in quantities considered normal for household purposes which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the City to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed $500. In determining the amount of the civil penalty the City Manager or his designee shall consider the following:

(A) The degree and extent of the harm to the natural resources, to the public health. or to the public or private property resulting from the violation; (B) The duration and gravity of the violation;

(C) The effect on ground or surface water quality or on air quality; (D) The cost of rectifying the drainage;

(E) The amount of money saved by noncompliance;

(F) Whether the violation was committed willfully or intentionally;

(G) The prior record of the violator in complying or failing to comply with the storm water quality management program, and;

(1) The costs of enforcement to the City of Greensboro.

(4). Yard waste

Any person who is found to have improperly disposed of leaves. grass clippings, or other yard wastes shall be assessed a civil penalty not to exceed $500. In determining the amount of the penalty the City Manager or his designee shall consider the following:

(A) The degree and extent of the harm to the natural resources, to the public health, or

or other yard wastes shall be assessed a civil penalty not to exceed $500. In determining the amount of the penalty the City Manager or his designee shall consider the following:

(A) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

(B) The duration and gravity of the violation;

(C) The effect on ground or surface water quality or on air quality;

(D) The cost of rectifying the damage;

(E) The amount of money saved by noncompliance;

(F) Whether the violation was committed willfully or intentionally;

(G) The prior record of the violator in complying or failing to comply with the storm water quality management program. and;

(H) The costs of enforcement 10 the City of Greensboro.

(5). Repeat violations

If a person is found to be responsible for more than one instance of improper disposal, the penalty shall increase by twenty-five percent (25%) of the previous penalty mount for each subsequent improper disposal, The penalties shall be additional to the cost of up and abatement.

(6). Watershed Areas

The penalty assessed for any of the above violations shall be increased by twenty-five percent (25%) of the amount assessed if it occurs in any designated water-supply watershed area.

(7). Failure to Report Spills

The penalty assessed for any of the above violations shall be increased by twenty-five percent (25%) of the amount assessed for any spill not promptly reported by the violator once he has knowledge of the violation.

The penalty assessed for any of the above violations shall be increased by twenty-five percent (25%) of the amount assessed for any spill not promptly reported by the violator once he has knowledge of the violation.

(c) In the event there are subsequent penalties assess by the State against the City for improper disposal or
illegal dumping, or illicit connections into the municipal separate storm sewer system as identified in Section 27-52 (a) and (b), caused by any person, such person shall be assessed the equivalent amount of
Civil Penalty.

Section 27-53. Public Nuisances.

(a). Nuisances

The following enumerated and described conditions are found, deemed and declared to constitute a detriment, danger and hazard to the health. safety, morals and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful:

(1). Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.

(2). An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and robes, garbage, trash, refuse, brush. old clothes, rags, or any other combustible materials or objects of a like nature.

(3). An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.

(4). Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.

(5). Any condition which blocks,

rotten or putrescible matter of any kind.

(4). Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.

(5). Any condition which blocks, hinders, or obstructs in any way the natural flow of branches. streams. creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
(Ref: Section 17-1(1)(3)(4)(6)(7))

Notice to abate; emergency abatement by city.

If any person shall violate the provisions of section 17-1, it shall be the duty of the City Manager or his designee to give notice to the owner or to any person in possession of the subject property, as provided by section 17-3, directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice; provided, that if, in the opinion of the City Manager or his designee, the unlawful condition is such that it is of imminent danger or peril to the public, then an authorized public works representative may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property as is provided in Sec. 17-5. (Ref: Section l 7-2)

(c). Abatement by city where owner fails to abate.

Upon the failure of the owner or person in possession of any premises to abate any unlawful condition existing thereupon with the time prescribed the section 17-2, it shall be the duty of an authorized public works representative to cause the removal and abatement of such unlawful condition therefrom pursuant to Section 17-5(a).

Section 27-54. Remedies

Any or all of the following procedures may be used to enforce the provisions of this Ordinance.

Section 27-54. Remedies

Any or all of the following procedures may be used to enforce the provisions of this Ordinance.

(a). Injunction

Any violation of this Ordinance or of any condition. order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to State law.

(b). Civil Penalties

Any person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 27-52 (Civil Penalties).

(c). Denial of permit

The City Manager or his designee shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit certificate, or other authorization previously granted.

(d). Conditional permit or temporary certificate

The City Manager or his designee may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

(C). Revocation of permit

The City Manager or his designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation.

(C). Revocation of permit

The City Manager or his designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirement of State or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable State or local law may also be revoked.

(f). Criminal Penalties

Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4. Each violation shall be subject to a floe not to exceed $500.00.

(g). Notification of the state enforcement officials

(1). Industrial and related facilities

When a City Manager or his designee discovers an apparent violation of an industrial or related facility's NPDES storm water discharge permit or that the facility is not operating pursuant to its storm water pollution prevention plan, the city shall notify the appropriate state officials immediately.

(2). Construction sites

If the City Manager or his designee discovers an apparent violation of the NPDES storm water discharge permit required by the state for sites with land-disturbing activity greater than five acres, he shall report the violation immediately to the appropriate state officials.

(3)- Abatement

When the discharge from the facility interferes significantly with the municipal violation immediately to the appropriate state officials.

(3)- Abatement

When the discharge from the facility interferes significantly with the municipal separate storm sewer, and the facility fails to take appropriate actions upon notification by the city, the city may take immediate and appropriate measures to control the problem whether or not the facility is violating its NPDES permit and recover the cost from the facility.

(13.). Judicial Enforcement

When any person is in violation of the provisions of this ordinance, the City Manager or his designee, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

Section 27-55---27-60. Reserved.

ARTICLE VII. APPEALS

Section 27-61. Appeal Hearing.

(a). Any person assessed a civil penalty under this ordinance shall have the right to a hearing before the Storm Water Services Division upon making a written demand to the division specifying the issues to be contested, within thirty (30) days following receipt of the assessment.

(b). Unless such written demand is made within the time specified heroin, the action shall be final and binding.

(c). The Storm Water Services Division shall make a final decision on the contested penalty within thirty (30) days of the receipt of the written demand for a hearing.

shall be final and binding.

(c). The Storm Water Services Division shall make a final decision on the contested penalty within thirty (30) days of the receipt of the written demand for a hearing.

(d). The Storm Water Services Division shall transmit a copy of the decision by registered or certified mail.

(e). The decision of the Storm Water Services Division shall be considered the final administrative action for the purposes of judicial review.

Section 27-62. Judicial Review.

Any person may seek judicial review of a final administrative decision by the Storm Water Services Division by filing a petition for writ of certiorari within thirty (30) days after receipt of notice by registered or certified mail, but not thereafter, with the Superior Court of Guilford County and with a copy to the City of Greensboro.

Section 27-63-27-65. Reserved.

ARTICLE VIII. SERVICE CHARGES AND RATES.

Section 27-65, Definitions for Rate Calculations.

(a) Equivalent Residential Unit (ERU): two thousand five hundred forty three (2543) square feet of impervious surface.
(b) Impervious Surface: an area composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious area shall include but are not limited 'to roofs, decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, crushed stone and gravel surfaces.
(c) Other Property Unit: a parcel of land that is

infiltration of water into the soil. Impervious area shall include but are not limited 'to roofs, decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, crushed stone and gravel surfaces.
(c) Other Property Unit: a parcel of land that is
not a single family residential unit.
(d) Single family residential unit: a building detached from other structures used as a residence for four or fewer family units.

Section 27-67. Purpose of Service Charge,

Storm Water Management Services shall be funded through the operation of a storm water utility, as authorized by State Law, and charges shall apply to all property within the city limits, without regard to ownership, Such charges shall be based on the presence of impervious surface on each parcel as determined by the unit standard set forth in Section 27-66. The city shall set a base rate for single family residential units and calculated charges for Other Property units utilizing the Equivalent Residential Unit as a multiplier.

Section 27-68. Rate for Service Charges.

(a) Single Family Residential Unit shall pay a flat rate Service charge of $2.44 per month.
(b) Other Property shall pay a service~ charge of $2.44 l~r month for each Equivalent Residential Unit or
portion of an Equivalent Residential Unit on the parcel. No charge shall be made on parcels with less than 600 square feet of impervious surface.

ARTICLE IX.. ANNEXATION.

Section 27-69. Annexation of storm water sewers and drainage systems.

Upon annexation of property that includes dedicated public sweets containing storm sewers and other such storm water drainage

Section 27-69. Annexation of storm water sewers and drainage systems.

Upon annexation of property that includes dedicated public sweets containing storm sewers and other such storm water drainage system, such storm sewer systems and features shall become the property of the city without cost to the city and shall be incorporated into the city storm sewer and drainage system as if they were originally constructed by the City.

Section 2. That, if any section, clause, provision or potion 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.

Section 3. All other ordinances and regulations and parts of other ordinances and regulations inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 4. This Ordinance shall be in full force and effect on and after July 1, 1994.

CITY OF BUFFALO
SEWER USE REGULATIONS

CHAPTER LXXXII
Buffalo Sewer Authority

PART 10075
Buffalo Sewer Authority Sewer Use Regulations

Sec.

10075.1 Definitions
10075.2 General provisions
10075.3 Fees
10075.4 Sanitary facilities required
10075.5 Construction of sewers and connections
10075.6 Wastewater discharge permits
10075.7 Wastewater discharge regulations
10075.8 Pretreatment and control facilities
10075.9 Discharge monitoring, reporting and inspections
10075.10 Enforcement
10075.11 Confidentiality
10075.12 Severability

Historical Note

Part (§§ 10075.1-10075.12) filed Nov. 27, 1992 eft.

Section 10075.1 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in these regulations shall be as follows:

(a) *Abnormal strength sewage* shall mean any waste having a total suspended solid, B.O.D., or total phosphate concentration in excess of that found in normal strength sewage, but which is otherwise acceptable into a public sewer under the terms of these regulations.

(b) *A.S.T.M.* shall mean the American Society for Testing and Materials.

(c) *Approval authority* shall mean the Director of the State of New York Pretreatment Program or the Administrator of the United States Environmental Protection Agency (E.P.A.).

(d) *Authorized representative of an industrial user* shall mean an authorized representative who may be:

(1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(e) *B.O.D., (denoting five-day Biochemical Oxygen Demand)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C. expressed in milligrams per liter.

(f) *B.P.D.E.S. Permit (Buffalo Pollution Discharge Elimination System Permit)* shall mean a permit to discharge industrial waste into any sanitary sewer under jurisdiction of the B.S.A. or. in a contracted service area, under the jurisdiction of the B.S.A. and the contracted service area representative.

(g) *B.S.A., control authority, the authority, sewer authority* shall mean the Buffalo Sewer Authority.

(h) *Building drain* is that part of the horizontal piping of a building drainage system which receives the discharge of all soil, waste and other drainage from inside the walls of any building and conveys the same to the building service sewer five feet outside the foundation wall of such building.

(i) *Building service sewer* is that part of the horizontal piping of a building drainage system beginning five feet from the foundation wall and terminating at its connection with the main sewer, cesspool, bacterial tank or other disposal terminal.

(j) *Collecting sewer* shall mean a sewer that receives wastewater from a relatively small area and discharges into a main sewer serving more than one collecting sewer.

(k) *Combined sewer* is a public sewer or drain intended to receive domestic sewage. industrial water carried wastes, as well as surface, and storm waters.

(1) *Commercial establishments* shall mean private establishments such as restaurants, hotels, stores, filling stations, or recreational facilities. Private nonprofit entities such as churches, schools, hospitals, or charitable organizations are considered to be commercial establishments.

(m) *Common sewer* shall mean a building

facilities. Private nonprofit entities such as churches, schools, hospitals, or charitable organizations are considered to be commercial establishments.

(m) *Common sewer* shall mean a building service sewer or building drain that receives wastewater from more than one discharger before it empties into a collecting sewer.

(n) *Compatible pollutant* shall mean Biochemical Oxygen Demand (B.O.D.), total suspended solids (T.S.S.), pH, fecal or total coliform bacteria, phosphate and phosphorus compounds, fats, oils, and greases of animal or vegetable origin, except as prohibited herein or identified on the Buffalo Sewer Authority's State Pollution Discharge Elimination System Permit.

(o) Composite sample, Composite shall mean a combination of individual (or continuously taken) samples obtained at regular intervals over the entire discharge day. The volume of each sample shall be proportional to the discharge flow rate. For a continuous discharge, a minimum of 48 individual grab samples (at half hour intervals) shall be collected and combined to constitute a 24-hour composite sample. For intermittent discharges of four to eight hours duration. grab samples shall be taken at a minimum of 30 minute intervals. For intermittent discharges of less than four hours duration grab samples shall be taken at a minimum of 15-minute intervals.

(p) *Contact cooling water* shall mean water used in a process for cooling purposes which has come in direct contact with the process reactants or products.

(q) *Contracted service area* shall mean a geographic area outside the immediate city boundaries (e.g., sewer district) of the B.S.A. which, through contractual agreement, is connected to the B.S.A. sewage collection system in order to have sewage generated in

(q) *Contracted service area* shall mean a geographic area outside the immediate city boundaries (e.g., sewer district) of the B.S.A. which, through contractual agreement, is connected to the B.S.A. sewage collection system in order to have sewage generated in that area treated at the B.S.A. treatment plant.

(r) *Direct contributor* shall mean any user conveying waste from a building service directly to a B.S.A. public sewer.

(s) *Direct discharge* is the discharge of treated or untreated wastewater directly to the waters of the State of New York.

(t) *Domestic sewage* shall mean a combination of the water-carried normal strength sewage from residences, business buildings, institutions and industrial establishments.

(u) Domestic user shall mean any user not covered under the definition of industrial user.

(v) *E.P.A.* shall mean the United States Environmental Protection Agency.

(w) *Fine* shall mean a sum of money imposed as a penalty for violation of these regulations.

(x) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food. and from the handling, storage and sale of produce.

(y) *General manager* shall mean the Chief Executive Officer of the Buffalo Sewer Authority or his designated deputy, agent or representative.

(z) *Grab sample* shall mean an individual sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(z) *Grab sample* shall mean an individual sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(aa) *Groundwater* shall mean water within the earth that supplies wells and springs.

(ab) *Incompatible pollutant* shall mean any pollutant which is not a compatible pollutant.

(ac) *Indirect contributor* shall mean any person who contributes waste to a public B.S.A. sewer by any means other than that defined in subdivision (r) of this section.

(ad) *Indirect discharge* shall mean the introduction of pollutants into a POTW from any source.

(ae) *Industrial user* shall mean an industrial source of indirect discharge.

(af) *Industrial waste* means the liquid, solid, and gaseous waste, including suspended solids resulting from the processes employed in industrial or commercial establishments.

(ag) *Industrial waste surccharge* shall mean a charge, as specified in the latest edition of the Buffalo Sewer Authority Schedule of Sewer Rents and Other Charges {see Appendix 52 of this Title }, levied on industrial users of the sewerage treatment works for the additional cost of treating waste discharges of abnormal strength sewage. This charge may include capital, as well as operating and maintenance costs.

(ah) Interference shall mean an inhibition or disruption of the authority's facilities, its treatment processes or operations, or its sludge processes, use or disposal.

(ai) *Lateral sewer* shall mean a sewer that discharges into a collecting sewer or other

(ah) Interference shall mean an inhibition or disruption of the authority's facilities, its treatment processes or operations, or its sludge processes, use or disposal.

(ai) *Lateral sewer* shall mean a sewer that discharges into a collecting sewer or other sewers and has no other common sewer tributary to it.

(aj) *Main sewer* shall mean a sewer that receives wastewater from the collecting sewer.

(ak) *mg/l* shall mean milligrams per liter. For purposes of this regulation, mg/l and ppm are equivalent.

(al) *National Pretreatment Standard* or *Federal Categorical Standard* shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307{b) and (c) of the Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR. section 403.5.

(am) *Nonsignificant industrial user* shall mean an industrial user that does not come under any of the provisions of subdivision (bo) of this section.

(an} *Natural outlet* shall mean any Outlet into a watercourse, pond, ditch. lake or other body of surface or groundwater.

(ao) *Noncontact cooling water* shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

(ap) *Normal strength sewage* shall mean sewage having a concentration of not greater than 250 parts per million BOD, 250 parts per million TSS, and 5.0 parts per million of total phosphorous, and which is otherwise acceptable into a public sewer under the terms

(ap) *Normal strength sewage* shall mean sewage having a concentration of not greater than 250 parts per million BOD, 250 parts per million TSS, and 5.0 parts per million of total phosphorous, and which is otherwise acceptable into a public sewer under the terms of these regulations.

(aq) *NPDES (National Pollutant Discharge Elimination System)* shall mean the Federal system through which permits are issued to regulate discharge into navigable waters from all point sources of pollution including industries and municipal wastewater treatment plants.

(ar) NYSDEC shall mean the New York State Department of Environmental Conservation.

(as) Objectionable waste shall mean any wastes that can harm either the sewers, sewage treatment process, or equipment. have an adverse effect on the receiving stream, or otherwise endanger life, health, or property, or constitutes a nuisance.

(at) *Outfall* shall mean the discrete point or location where sewage, wastewater or other wastes are discharged from a users facility to the public sewer.

(au) *ppb* shall mean parts per billion. For purposes of this regulation, ppb and ug/l are equivalent.

(av) *P (Total Phosphorus)* shall mean the total quantity of phosphorus contained in a particular waste as determined by acceptable laboratory procedures, as set forth in section 10075.9(b) of this Part.

(aw). *Person* shall mean any individual, firm, company, association, society, corporation or group, including a city, county, town, village, or sewer district.

(aw). *Person* shall mean any individual, firm, company, association, society, corporation or group, including a city, county, town, village, or sewer district.

(ax) pH shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution as determined by acceptable laboratory procedures as set forth in section 10075.9(b) of this Part.

(ay) *Point of discharge* shall mean any discernible, confined and discrete conveyance or vessel from which pollutants are or may discharge into a public waterway or public sewer system.

(az) Polluted water or *waste* shall mean any water, liquid or gaseous waste containing any of the following: soluble or insoluble substances of organic or inorganic nature which may deplete the dissolved oxygen content of the receiving stream; settleable solids that may form sludge deposits; grease and oils; floating solids which may cause unsightly appearance; color; phenols and other substances to an extent which would impart any taste or odor to the receiving stream; and toxic or poisonous substances in suspension. colloidal state, solution or gases.

(ba) *POTW* shall mean Publicly Owned Treatment Works.

(bb) *POTW treatment plant, Authority treatment plant* is that portion of the POTW designed to provide treatment to wastewater.

(bc) *ppm* shall mean parts per million. For purposes of this regulation ppm and ug/1 are equivalent.

{bd) *Pretreatment* or *treatment* is the reduction of the amount of pollutants. the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater

{bd) *Pretreatment* or *treatment* is the reduction of the amount of pollutants. the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes, or other means except as prohibited by 40 CFR. section 403.6(d).

(be) *Pretreatment requirements* shall mean any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(bf) *Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch {1.27 centimeters) in any dimension.

(bg) *Publicly Owned Treatment Works (POTW), Authority Facilities* are treatment works as defined by section 212 of the Clean Water Act, (33 U.S.C. 1292) which are owned in this instance by the authority. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the authority's boundaries who are, by contract or agreement with the authority, users of the authority's POTW.

{bh) *Public sewer* means a publicly owned sewer, storm drain, sanitary sewer or combined sewer.

(bi) *Receiving waters* shall mean a natural water course or body of water into which treated or untreated sewage is discharged.

{bh) *Public sewer* means a publicly owned sewer, storm drain, sanitary sewer or combined sewer.

(bi) *Receiving waters* shall mean a natural water course or body of water into which treated or untreated sewage is discharged.

(bj) *Sanitary sewer* shall mean a sewer intended to receive domestic sewage and admissible industrial waste, but to which storm, surface and groundwaters are not intentionally admitted.

{bk) *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground. surface, and stormwaters as may be present.

(bl) *Sewer* shall mean a pipe or conduit for carrying sewage.

(bm) *Shall* is mandatory. *May* is permissive.

(bn) *Significant industrial user* shall mean an industrial user of the publicly owned treatment works that:

(l) is subject to EPA Categorical Pretreatment Standards;

(2) uses or stores substances that may inadvertently be spilled into the BSA sewer system and which may potentially have an adverse impact on the sewer system and/or the BSA treatment plant;

(3) is Industrial Chemical Survey + {e. g., industries which annually use more than 1000 gallons or 1000 pounds of a Buffalo Sewer Authority substance of concern);

(4) discharges greater than 25,000 gallons per day;

(5) has previously been issued a BSA BPDES permit;

(6) is surchargeable; and/or

(4) discharges greater than 25,000 gallons per day;

(5) has previously been issued a BSA BPDES permit;

(6) is surchargeable; and/or

(7) is a major discharger of any pollutant which could potentially have an adverse impact on the BSA treatment plant and/or sewage conveyance system.

(bo) *Significant violator* shall mean a violation which remains uncorrected 45 days after notification of noncompliance and which involves a failure to accurately report noncompliance: or which resulted in the treatment plant exercising its emergency authority to immediately and effectively halt or prevent any discharge of pollutants which appears to present an imminent endangerment to human health, the environment or which threatens to interfere with the operation of the plant.

(bp) *Slug* shall mean: (1) any discharge of water, sewage or industrial waste which contains pollutant concentrations greater than those listed in section 10075.7(d) of this Part, and (2) for flow and any pollutant not listed in section 10075.7(d) of this Part. any discharge which exceeds more than five times the discharger's average flow or concentration during normal operating hours.

(bq) *SPDES (State Pollution Discharge Elimination System)* shall mean the State system through which permits are issued to regulate discharge into navigable waters from all point sources of pollution including industries and municipal wastewater treatment plants.

(br) *Standard methods* shall mean "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association. American Waterworks

(br) *Standard methods* shall mean "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association. American Waterworks Association and the Water Pollution Control Federation, latest edition.

(bs) *State* shall mean the State of New York.

(bt) *Storm drain* (sometimes termed *storm sewer)* shall mean a public sewer which carries storm and surface waters and drainage, but is not intended to carry sewage and industrial wastes other than unpolluted cooling water.

(bu) *Stormwater* shall mean excess water which is derived from precipitation. This would include surface runoff.

(bv) *Surchargeable user* shall mean any user of the BSA's facilities whose discharge contains in excess of 250 mg/l of five-day biochemical oxygen demand (BOD), 250 mg/ l total suspended solids, and/or 5.0 mg/l total phosphorous (15.35 mg/l total phosphate).

(bw) *Surface runoff* shall mean the source of water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

(bx) *Suspended solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are measured by acceptable laboratory procedures as set forth in section 10075.9(b) of this Part.

(by) *The act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et. seq.*

(bz) *Toxic pollutant* shall mean those

(by) *The act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et. seq.*

(bz) *Toxic pollutant* shall mean those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, are known to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions {including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Clean Water Act.

(ca) *Trunk sewer* shall mean a sewer constructed, maintained and operated by the authority that conveys wastewater to the authority's treatment facilities and into which lateral and collecting sewers discharge.

(cb) *ug/l* shall mean micrograms per liter. For purposes of this regulation, ug/l and ppb are equivalent.

(cc) *Unpolluted water* shall mean water which is free of any polluted water or waste as described in subdivision (az) of this section.

(cd) *User* shall mean any person who contributes, causes or permits the contribution of wastewater into the authority's facilities.

(ce) *User charge* shall mean a charge levied on users of the authority's facilities for the capital cost, as well as the operation and maintenance of such works as specified in the latest edition of the Buffalo Sewer Authority Sewer Rent Schedule (see Appendix 52 of this

(ce) *User charge* shall mean a charge levied on users of the authority's facilities for the capital cost, as well as the operation and maintenance of such works as specified in the latest edition of the Buffalo Sewer Authority Sewer Rent Schedule (see Appendix 52 of this Title).

(cf) *Violation* shall mean any intentional or unintentional disregard or infraction of any provision of these regulations.

(cg) *Waste* shall mean any liquid, solid or gaseous substance that may be discharged into a public sewer.

(ch) *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(ci) *Water quality standards* shall mean any Federal, State, or local rule authoritatively establishing, for regulatory purposes, the limit of some unnatural alterations of water quality that is to be permitted or accepted as being compatible with some particular intended use or uses of water.

(cj) *W.P.C.F.* shall mean the Water Pollution Control Federation.

Historical Note

Sec. filed Nov. 27. 1992 eft. Nov. 27, 1992.

10075.2 General provisions. (a) *Purpose.* The purpose of these regulations is to provide for the maximum possible beneficial public use of the Buffalo Sewer Authority (B.S.A.) facilities through regulation of sewer construction, sewer use, and industrial wastewater discharges. These regulations further provide for equitable distribution of the authority's costs, and to define procedures for complying with the requirements contained herein. These regulations also enable the authority to comply with all applicable State and Federal laws. Finally, it is the explicit further provide for equitable distribution of the authority's costs, and to define procedures for complying with the requirements contained herein. These regulations also enable the authority to comply with all applicable State and Federal laws. Finally, it is the explicit purpose of this regulation to achieve the following:

(1) protect the operation of the publicly owned treatment works;

(2) prevent inadequately treated pollutants from passing through said works;

(3) prevent the concentration of industrial pollutants in the treatment plant sludge to levels which might adversely impact on sludge disposal; and

(4) insure the Buffalo Sewer Authority's compliance with their NPDES/SPDES permit.

(b) *Scope.* These regulations shall be interpreted in accordance with the definitions set forth in section 10075.1 of this Part. The provisions of these regulations shall apply to all direct or indirect contributors of wastes discharged into the facilities of the authority. These regulations provide for approval of plans for sewer construction, the regulation of sewer construction in areas within the jurisdiction of the B.S.A., the regulation of the quantity and quality of wastes discharged by users and the degree of waste pretreatment required, the setting of waste discharge fees to provide for equitable distribution of costs, the issuance of permits for industrial wastewater discharge and of other miscellaneous permits, the requirement for user reporting, the authorization for monitoring and enforcement activities by the authority, and the levying of surcharges and the establishment of fines and other procedures in cases of violation of these

discharge and of other miscellaneous permits, the requirement for user reporting, the authorization for monitoring and enforcement activities by the authority, and the levying of surcharges and the establishment of fines and other procedures in cases of violation of these regulations.

(c) *Applicability.* These regulations shall apply to all users within the City of Buffalo and those users outside the city who are by contract or agreements with the Buffalo Sewer Authority, users of the authority's facilities.

(d) *Administration.* Except as otherwise provided herein, the general manager of the Buffalo Sewer Authority shall administer, implement and enforce the provisions of these regulations.

(e) Time limits. Any time limit provided in any written notice or in any provision of these regulations may be extended only by a written directive of the general manager.

(f) *Approval of plans, issuance of BPDES permit and certification of final inspection.*

(1) The general manager, will approve plans for collection and/or treatment facility construction, issue a BPDES permit or any other permit under these regulations only if the facility construction, sewer connection, industrial wastewater discharge or other procedure conforms to the requirements of these regulations.

(2) The approval of plans, waste pretreatment process or the issuance of a permit by the general manager, shall not relieve the discharger of his responsibility to maintain such pretreatment facilities so that its discharge meets all effluent requirements contained in these regulations.

(3) The general manager reserves the right to inspect all work being constructed for the purpose of complying with these regulations.

(g) *Effective date of regulations.* These regulations will take effect upon filing with the Secretary of State.

(h) *Superseding previous regulations.* These regulations governing sewer construction, sewer use and industrial wastewater discharges shall supersede all previous regulations of the Buffalo Sewer Authority.

Historical Note

Sec. flied Nov. 27. 1992 elf. Nov. '27. 1992.

10075.3 Fees. (a) *Fees and charges. All* fees, charges and surcharges payable under the provisions of these regulations shall be paid to the Buffalo Sewer Authority. These charges shall be as specified in the latest edition of the Buffalo Sewer Authority Schedule of Sewer Rents and Other Charges (see Appendix 52 of this Title).

(b) *Estimated quantities and values.* Unless otherwise provided herein, whenever the fees, charges and surcharges required by these regulations are based on estimated quantities the general manager shall make such determinations in accordance with estimating practices heretofore used by the Buffalo Sewer Authority.

(c) Payment of charges and delinquent charges. All fees, charges and surcharges imposed under the provisions of these regulations as well as delinquent charges will be as specified in the latest edition of the

(c) Payment of charges and delinquent charges. All fees, charges and surcharges imposed under the provisions of these regulations as well as delinquent charges will be as specified in the latest edition of the B.S.A. schedule of Sewer Rents and Other Charges {see Appendix 52 of this Title). Copies of the schedule are available at the B.S.A. General Office. 1038 City Hall, Buffalo, New York 14202.

Historical Note

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10075.4 Sanitary facilities required. (a) *Connections.* Sanitary facilities for all structures in the City of Buffalo shall be provided in accordance with chapter XI of the Ordinances of the City of Buffalo: Buffalo Housing and Property Code, chapter XII of the Ordinances of the City of Buffalo: Buffalo Building Code and chapter XXV of the Ordinances of the City of Buffalo: Buffalo Health Ordinance and shall be connected with the facilities of the authority.

(b) Building or house connections. Building service sewers to residential, commercial or industrial buildings shall be required in accordance with applicable ordinances and with the Plumbing Code of the City of Buffalo adopted by the Examining Board of Plumbers on February 4, 1957 and approved by the Erie County Health Department on April 2, 1957, as the same may be amended from time to time, and all other sewer construction shall be governed by said code and other ordinances.

(c) Private disposal system. Where a public sanitary or combined sewer is not available, a private sewage disposal system shall be required, and shall be installed in accordance with all laws of the State of New York, ordinances of the City of Buffalo and regulations of the Department of Health of the State of New York. This installation shall be required, and shall be installed in accordance with all laws of the State of New York, ordinances of the City of Buffalo and regulations of the Department of Health of the State of New York. This installation shall be subject to the approval of the Commissioner of Health of the County of Erie, and shall be maintained and operated in a sanitary manner.

(d) *Existing connections.* (1) Existing connections to the combined sanitary/storm water system will be allowed to function in their present form until such time that separate sanitary and storm water sewers are constructed. At such time, all sanitary sewer outlets shall be required to be connected only to the sanitary sewers.

(2) It is one explicit purpose of this regulation by the application and enforcement thereof to deter, prevent and eliminate, as far as possible, the introduction of storm waters into the B.S.A. trunk sewer system and all public sewers tributary thereto. However, it is recognized that in certain areas the immediate and strict application and enforcement of these regulations against existing and established connections would not be feasible.

(3) This statement shall not be construed to mitigate in any way the application and enforcement of these regulations against the construction of any new combined sewers and against any new connections discharging storm water to the B.S.A. trunk sewer system and public sewers tributary thereto. Nor shall this statement of policy be construed to be used as a defense against any changes which may be ordered by State or Federal regulatory agencies.

(e) *Other laws, rules and regulations.* These regulations are in addition to the ap-

as a defense against any changes which may be ordered by State or Federal regulatory agencies.

(e) *Other laws, rules and regulations.* These regulations are in addition to the applicable ordinances of the City of Buffalo, and the laws, rules and regulations of the Slate of New York and the United States. Where such laws, codes, rules and regulations contain provisions more restrictive than those contained in these regulations, the former shall apply.

Historical Note

Sec. filed Nov. 27. 1992 eft. Nov. 27, 1992.

10075.5 Construction of sewers and connections. (a) *Permits.* No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City of Buffalo. Division of Engineering, with the approval of B.S.A. endorsed thereon, for such connection and, if required, pay either a permit fee or connection charge.

(b) *Permit charges.* A permit and inspection fee for residential or commercial building sewer permits and for industrial building sewer permits shall be paid to the B.S.A. at the time the application for the permit is filed. These charges are intended to cover the administrative costs of processing the application. These charges and fees are outlined in the latest edition of B.S.A.'s Schedule of Sewer Rents and Other Charges {see Appendix 52 of this Title).

(c) *Notification of completion.* The applicant for the building sewer permit shall notify the B.S.A. principal engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision

(c) *Notification of completion.* The applicant for the building sewer permit shall notify the B.S.A. principal engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Buffalo Sewer Authority.

(d) *Joints.* Every joint in the connection to a sanitary sewer shall conform to the New York State Department of Environmental Conservation requirements and be made water tight so that no leakage into or out of such connections shall occur.

(e) *Inspection.* No sewerage facility, other than building service sewers, shall be constructed in the City of Buffalo except by the Buffalo Sewer Authority, or by others in accordance with plans and specifications approved by the Buffalo Sewer Authority, and subject to inspection during construction by engineers and employees of the Buffalo Sewer Authority. No sanitary or storm sewer shall be considered to be a part of the public sewerage system of the City of Buffalo unless the Board of the Buffalo Sewer Authority duly adopts a resolution of completion and acceptance thereof.

(f) *Expiration of plans.* An approval of plans for construction of sewerage facilities shall expire one year after the date of approval unless construction has been initiated and completed within a reasonable time thereafter.

(g) *Special drains.* Drains receiving acid waste shall be constructed of acid-resisting material. Such drains located outside of a building shall be constructed of vitrified clay or earthware pipe or other approved acid-resisting material. Joints shall be constructed by caulking with asbestos rope wicking and by pouring a heated sulphur and carbon compound or a heated bituminous compound in such a manner as to secure tight joints.

earthware pipe or other approved acid-resisting material. Joints shall be constructed by caulking with asbestos rope wicking and by pouring a heated sulphur and carbon compound or a heated bituminous compound in such a manner as to secure tight joints.

(h) *Classes of connection permits.* There shall be two classes of connection permits: (1) for service to domestic users; and (2) for service to commercial and industrial users. In either case, the owner or his agent shall make application on a special form furnished by the Buffalo Sewer Authority. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the general manager.

(1) *Connection costs. All* costs and expenses incident to the installation and connection of the building service sewer shall be borne by the owner. The owner shall indemnify the City of Buffalo and the Buffalo Sewer Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building service sewer.

(J) Separate connections. A separate and independent building service sewer shall be provided for every building in residential and commercial areas, except that where one building stands at the rear of another on an interior lot, and no private sewer is available, or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building service sewer from the front building may be extended to the rear building and the whole considered as one building service sewer.

(k) *Use of existing sewers.* Old building service sewers may be used in connection with new buildings only when they are found, on examination by the B.S.A. principal sanitary engineer, to meet all requirements of these

(k) *Use of existing sewers.* Old building service sewers may be used in connection with new buildings only when they are found, on examination by the B.S.A. principal sanitary engineer, to meet all requirements of these regulations.

(l) *Specifications.* The size, slope, alignment, materials of construction of a building service sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and back/filing the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Buffalo. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 (Design and Construction of Sanitary and Storm Sewers) shall apply.

(m) *Elevation of sewers.* Whenever possible, the building service sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which below floor building drains are too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by means established in standard engineering practice to a suitable level and then discharged to the building service sewer, or the building drain may be hung on the cellar wall and shall not be less than four inches in diameter.

(n) *Connection of roof and foundation drains.* No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or any other sources of surface runoff or groundwater to a building service sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

runoff or groundwater to a building service sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(0) Public safety. All excavations for building service sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored by the permittee in a manner satisfactory to the City of Buffalo.

Historical Note

Sec. filed Nov• 27, 1992 eft. Nov• 27. 1992.

10075.6 Wastewater discharge permits.

(a) *BPDES permit.*

(1) No industrial user shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly to sewerage facilities owned by the Buffalo Sewer Authority without first applying for a BPDES (Buffalo Pollution Discharge Elimination System) permit for industrial wastewater discharge. After review and evaluation of the application, the B.S.A. may issue that person a BPDES permit or require to enter into an industrial waste agreement with the authority. As a condition for issuance of a permit, the B.S.A. may require that any user of the authority's facilities shall enter into a contractual agreement for a period of one year with provisions for renewal of such agreements as may be required by the general manager. At a minimum, all significant industrial users shall be issued permits.

(2) The authority may deny or condition any new or increased discharge to its system or discharges which have changed with respect to their physical or chemical character if, in the opinion of the general manager, such discharge would not

(2) The authority may deny or condition any new or increased discharge to its system or discharges which have changed with respect to their physical or chemical character if, in the opinion of the general manager, such discharge would not be in compliance with applicable Federal or State or local pretreatment standards and requirements or where such discharge would cause the authority to violate its SPDES permit, inhibit or interfere with the operation and maintenance of the authority's collection and treatment facilities, or concentrate in the sludge and interfere with its disposal by approved methods.

(3) If the volume or character of the waste to be treated is determined by the B.S.A. to be in compliance with all pertinent Federal, State and local regulations and, not to cause overloading of the sewage collection, treatment, or disposal facilities of the B.S.A., then prior to approval. the general manager and the person making the discharge shall enter into an agreement which provides that the discharger pay a sewer rent and/or industrial waste surcharge, as outlined in the latest edition of the B.S.A. Schedule of Sewer Rents and Other Charges {see Appendix 52 of this Title).

(4) If the volume or character of the waste to be treated by the B.S.A. requires that wastewater collection, treatment, or other disposal facilities of the authority be improved, expanded, or enlarged in order to treat or convey the waste, then prior to approval, the B.S.A. and the person making the discharge shall enter into an agreement which provides that the discharger pay in full all added costs the authority may incur due to acceptance of the waste.

(5) A BPDES permit may require

the discharge shall enter into an agreement which provides that the discharger pay in full all added costs the authority may incur due to acceptance of the waste.

(5) A BPDES permit may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers, relocation of points of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the authority created by the wastewater discharges and such other conditions as may be required to effectuate the purpose of these regulations.

(6) No BPDES permit is transferable without the prior written consent of the general manager.

(7) No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by his BPDES permit. Any person desiring to discharge wastewaters or use facilities which are not in conformance with his BPDES permit must apply to the general manager for an amended permit. Such amended permit shall be granted provided that its terms shall comply with these regulations.

(b) *Existing industrial wastewater discharges.*

(1) All persons discharging industrial wastewater directly or indirectly to the Buffalo Sewer Authority sewerage system prior to the effective date of these regulations and who have obtained prior approval for that industrial wastewater discharge are hereby granted a temporary permit to continue that discharge, This prior to the effective date of these regulations and who have obtained prior approval for that industrial wastewater discharge are hereby granted a temporary permit to continue that discharge, This temporary permit shall expire 180 days after the industrial discharger has been notified by the general manager that a BPDES permit must be applied for. All BPDES permit applications must be submitted to the BSA Industrial Waste Administrator at least 90 days prior to expiration of the temporary permit.

(2) Within 14 days of receipt of the application, the B. S. A. general manager will acknowledge receipt and will indicate the acceptability and completeness of information contained in the application. Within 90 days of receiving an acceptable application the industrial waste administrator will issue a BPDES permit or will notify a nonsignificant industrial user applicant that a permit will not be required for discharge.

(c) *Procedure for obtaining a BPDES permit.* Applicants for a BPDES permit shall complete a Buffalo Sewer Authority application form. Blank application forms may be obtained at the following address:

Buffalo Sewer Authority Treatment
Plant c/o Industrial Waste Section
Foot of West Ferry Street
Buffalo, New York 14213

All completed applications shall also be submitted to the above address. If, after review, the BSA determines the applicant to be a significant industrial user a BPDES permit may be issued after a check for regulation compliance is complete.

(d) *BPDES permit conditions.* The conditions of any permit issued by the B.S.A.

a significant industrial user a BPDES permit may be issued after a check for regulation compliance is complete.

(d) *BPDES permit conditions.* The conditions of any permit issued by the B.S.A. to an industrial user will be subject to the provisions and requirements of these regulations and all applicable Federal and State pretreatment standards and requirements.

(e) *BPDES permit duration.* Permits issued by the authority shall be valid for a period of three years. Users shall apply for permit renewal at a minimum of 180 days prior to their permit expiration date.

(f) *Modification of BPDES permit restrictions.*

(1) As E.P.A. adds or amends specific pretreatment and effluent guidelines, or as the Buffalo Sewer Authority deems necessary, the restrictions or conditions of any BPDES permit may require the introduction of changes or amendment, as circumstances dictate. When necessary the Buffalo Sewer Authority shall require an industrial user to develop a time schedule for the installation of technology to comply with all applicable federal, state and local pretreatment standards and requirements as set forth in section 10075,8(c) of this Part.

(2) In addition, a users' permit may be changed or modified at any time as the limitations or requirements as identified in section 10075.7 of this Part are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 20 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(3) In the event that an existing user, becomes subject to a newly promulgated permit at least 20 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(3) In the event that an existing user, becomes subject to a newly promulgated national categorical pretreatment standard, that user shall submit a report to the B.S.A. within 180 days of promulgation of any applicable Federal categorical pretreatment standard, describing the nature and concentration of any and all substances contained in the ex~stlng discharge which are impacted by the Federal categorical standard. This report shall further specify whether the existing discharge complies with the Federal categorical standard and, if not, shall provide a schedule for incorporation of additional pretreatment necessary to comply.

(g) *Truckers discharge permit.* (1) All persons owning vacuum or cesspool pump trucks, or other transport trucks, and desiring to discharge septic tank, seepage pit, interceptor or cesspool contents, or industrial wastes to sewerage facilities of the authority, or to facilities that discharge directly or indirectly to such sewerage facilities, shall first have a valid sewer authority trucker's discharge permit. All applicants for a trucker's discharge permit shall complete an application form; pay the appropriate permit fee as specified in the latest edition of the B.S.A. Schedule of Sewer Rents and Other Charges (see Appendix 52 of this Title); receive a copy of the Sewer Authority regulations governing discharge to B.S.A. facilities of wastes from trucks and shall agree in writing, to abide by these regulations.

(2) Discharge of septic tank, seepage pit, interceptor or cesspool contents or industrial wastes shall be made by truckers holding a permit only at the locations specified by the general manager for the specific waste. The Sewer Authority shall

(2) Discharge of septic tank, seepage pit, interceptor or cesspool contents or industrial wastes shall be made by truckers holding a permit only at the locations specified by the general manager for the specific waste. The Sewer Authority shall require payment for treatment and disposal costs of the waste, or may refuse permission to discharge prohibited wastes.

(3) The trucker's discharge permits shall be valid for one year from date of issuance subject to receipt of the permit fee.

(4) Any person violating the authority's requirements for liquid waste discharges from trucks may have his permit revoked by the general manager.

10075.7 Wastewater discharge regulations. (a) *Prohibited discharges.* No user shall discharge or cause to be discharged, either directly or indirectly to any public sewers. any substance or wastewater which could interfere with the operation or performance of the authority's facilities. These general prohibitions also apply to all non-domestic users of the authority's facilities whether or not the user is subject to national pretreatment standards or any other national, state or local pretreatment requirements. The following substances and wastewaters are specifically prohibited from discharge into the authority's facilities:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive days readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive days readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 10 percent nor any single reading be 20 percent or more of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the B.S.A., city, State or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any water or wastes having any corrosive property capable of causing damage or hazard to structure, equipment of the sewer system, or personnel employed in its operation.

(4) Any water or wastes containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic

(4) Any water or wastes containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage treatment plant effluent, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307 (a) of the Clean Water Act.

(5) Any water or wastes containing any chemical or biological constituent or having physical characteristics which could cause interference with any POTW wastewater treatment process.

(6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(7) Any garbage containing particles greater than one-half inch in any dimension. The installation and operation of any garbage grinder equipped with a motor of three fourths horse power (0.76 hp metric) or greater shall be subject to the review and approval of the general manager.

(8) Materials which exert or cause discolorations, such as, but not limited to, dye waters and vegetable tanning solution.

(9) In no case, shall a substance discharged to the authority's facilities cause the authority to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Clean Water Act; any

(9) In no case, shall a substance discharged to the authority's facilities cause the authority to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Clean Water Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to Federal, State or local laws and regulations.

(10) Any substance which will cause the authority to violate its N.P.D.E.S./S.P.D.E.S. permit or the receiving water quality standards.

(11) Any substance or wastewater which causes a hazard to human life or creates a public nuisance.

(b) *Discharge of waters not containing sewage.* (1) Except with the approval of the general manager, or as otherwise provided in these regulations, no storm water connection from any building or yard, nor any drain from any catch basin, swamp, pond, or swimming pool, nor any outlet for surface runoff, storm water or ground water of any kind shall be connected to public sanitary sewer or to any private sanitary sewer connected to any such public sanitary sewer.

(2) Within any area served by a sanitary sewer and a separate storm sewer, no storm water shall be allowed to enter soil, waste or vent pipes from any building. Within any such area no down spout, roof leaders, gutters, other pipes, or drains such as channels which may at any time carry storm water surface drainage derived from hydraulic pressure or from well points, cooling water or lake water shall be connected with any sanitary sewer, but must be connected to said storm sewer.

(c) *Cooling water discharge. The*

cooling water or lake water shall be connected with any sanitary sewer, but must be connected to said storm sewer.

(c) *Cooling water discharge. The* discharge of noncontact cooling water, uncontaminated contact cooling water or unpolluted process waters to a storm sewer or combined sewer without the approval of the general manager is prohibited.

(d) *Limited discharges.* (1) No person shall discharge or cause to be discharged into the public sewerage system any substance or wastes which exceed the limits established below:

(i) Any water or wastes having a pH lower than 5.0 or higher than 12.0.

(ii) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (150°F) (65°C), but in no case heat in such quantities that the temperature at the BSA treatment plant exceeds 104 degrees Fahrenheit (104°F) (40°C). If in the opinion of the general manager, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or could otherwise endanger life, health or property, or constitute a nuisance, the general manager may prohibit such discharges.

(iii) Any water or waste containing substances which may precipitate, solidify or become viscous at temperatures between O°C (320°F) and 400°C (104°F).

(iv) Any waters or wastes exceeding the mass discharge limits issued to any industrial user under the BPDES permit system. These mass

(iv) Any waters or wastes exceeding the mass discharge limits issued to any industrial user under the BPDES permit system. These mass limits shall be issued in conformance with the methods presented in the B.S.A. Mass Allocation Manual (see Appendix 52 of this Title). These mass allocations may be amended from time to time as such amendment is deemed necessary by the general manager to protect the B.S.A. sewage conveyance and treatment facilities, human life or health. In addition, mass allocations for other pollutants may be established when, in the opinion of the general manager, such mass allocations are necessary to protect collection facilities and treatment plant processes or equipment, to diminish or elliminate adverse effects on the receiving stream quality, to protect life, health and property, or to prevent nuisance conditions.

(v) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by applicable Federal, State, or other public agencies having jurisdiction.

(vi) Quantities of flow, concentrations, or both, which constitute a slug as defined herein.

(vii) Any water or wastes which contain oil and grease/hydrocarbon (also referred to as total extractable petroleum hydrocarbons) in excess of 100 mg/l as determined on the basis of a single composite sample.

(viii) Any water or wastes which contain total phenol in excess of 8 mg/l

hydrocarbons) in excess of 100 mg/l as determined on the basis of a single composite sample.

(viii) Any water or wastes which contain total phenol in excess of 8 mg/l as determined on the basis of a single composite sample.

POLLUTANT	*Maximum Allowable Instantaneous Discharge Limits (MAID)**
Chloroform	8.5 mg/l
1.2,4 trichlorobenzene	0.8 mg/l
Fluoranthene	0.1 mg/l
Pyrene	0.1 mg/l
Endosulfan	1.6 mg/l
4,4' - DDD	0.68 mg/l
BHC	1.9 mg/l
PCBs	0.002 mg/l
Phenol (Total)	20.0 mg/l
Selenium	2.4 mg/l
Silver	2.2 mg/l
Cadmium	40.0 mg/l
Chromium, Total	40.0 mg/l
Chromium, Hexavalent	9.2 mg/l
Copper	16.0 mg/l
Mercury	7.0 mg/l
Nickel	14.0 mg/l
Lead	65.0 mg/l
Zinc	25.0 mg/l
Cyanide, Total	66.0 mg/l
Cyanide, Amenable	6.2 mg/l

* Compliance determined on the basis of a grab sample.

(2) For facilities with multiple outfalls to the public sewer, the limits established above shall apply to each individual outfall. The exceptions to this are mass limits and total phenol. Mass discharge limits issued to any facility under the BPDES permit system shall apply to the total discharge from all outfalls at that

above shall apply to each individual outfall. The exceptions to this are mass limits and total phenol. Mass discharge limits issued to any facility under the BPDES permit system shall apply to the total discharge from all outfalls at that facility. The phenol limit shall also apply to the composite of all discharges from a facility.

(e) *Notification of slug discharge. The* industrial user shall immediately telephone and notify the B.S.A. treatment plant in the event of any slug discharge. For facilities with multiple outfalls to the sewer, the slug restriction applies to each individual outfall. The 24-hour B.S.A. telephone number is (716) 683-1820 or, if busy, call (716) 653-2459.

(f) *Discharge of abnormal (surchargeable) strength sewage.* No person shall discharge or cause to be discharged into the public sewerage system wastes having BOD, TSS, or total phosphate concentrations in excess of 250 mg/l, 250 mg/l and 15.35 mg/l, respectively except and until the prior approval of the general manager determines the volume and character of such wastes to otherwise be in compliance with all pertinent Federal, State, and local regulations, all other provisions of these regulations, and not to cause overloading of the authority's facilities then approval for such discharge will be granted subject to payment of a surcharge determined as set forth in the B.S.A. Schedule of Sewer Rents and Other Charges (see Appendix 52 of this Title).

(g) *Dilution of discharges.* (1) No industrial user shall ever increase the use of process water or, in any other way attempt to dilute a discharge as a means for obtaining compliance with any prohibited or limited discharge requirement of these regulations or any Federal or State pretreatment requirement.

(2) The authority may impose mass

dilute a discharge as a means for obtaining compliance with any prohibited or limited discharge requirement of these regulations or any Federal or State pretreatment requirement.

(2) The authority may impose mass limitations on industrial users which are using dilution to meet any requirement of these regulations or in other cases where the imposition of mass limitations is appropriate.

(h) *Federal categorical pretreatment standards.* As Federal categorical pretreatment standards are promulgated, the Federal standard, if more stringent than limitations imposed under these regulations, shall immediately supersede the limitations imposed under these regulations. The general manager shall notify all affected users of the applicable reporting requirements under 40 CFR section 403.12.

(i) *Right of revision.* The Buffalo Sewer Authority recognizes that in some cases Federal and State pretreatment standards may not be sufficient to protect the operation of its treatment works, or make it unable to comply with the terms of its S.P.D.E.S. permit. In such cases, the Buffalo Sewer Authority reserves the fight to impose more stringent pretreatment standards than those specified in the EPA regulations.

(j) *Modification of Federal categorical pretreatment standards.* The B.S.A. may apply for modification of and subsequently may modify specific discharge limits in any Federal pretreatment standard, in accordance with procedures set forth in 40 CFR section 403.7: General Pretreatment Regulations for Existing and New Sources of Pollution.

(k) *Accidental discharges.* (1) In the case of an accidental discharge, it is the responsibility of the user to immediately

General Pretreatment Regulations for Existing and New Sources of Pollution.

(k) *Accidental discharges.* (1) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the B.S.A. treatment plant of the incident. (The 24-hour B.S.A. telephone No. is (716) 883-1820 or, if first number is busy, call (716) 853-2459). The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions being taken. Within five days following an accidental discharge, the user shall submit to the general manager a written report describing the cause of discharge and the measures which will be taken by the user to prevent recurrence of the noncompliance.

{2) Compliance with this section of these regulations shall not relieve the user of other liability or expense for damage to the authority's facilities or other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Historical Note

Sec. filed Nov. 27, 1992 eft. Nov. 27, 1992.

10075.8 Pretreatment and control facilities. (a) *Pretreatment of industrial wastewaters.* The general manager may require an industrial user to install and operate an industrial wastewater pretreatment system to treat industrial flows prior to discharge to the B.S.A. system when it is necessary to measure, sample, restrict or prevent the discharge to the sewer of certain waste constituents, to more equally distribute peak discharges of industrial wastewater, or to accomplish any pretreatment results required by the general manager. All pretreatment systems shall be subject to the approval of the

equally distribute peak discharges of industrial wastewater, or to accomplish any pretreatment results required by the general manager. All pretreatment systems shall be subject to the approval of the sewer authority, but such approval shall not relieve the industrial dischargers of the responsibility of meeting any required industrial effluent limitations. All pretreatment systems shall be adequately engineered and designed to the satisfaction of the general manager and all design reports and plans shall have been prepared, certified and signed by a professional engineer licensed to practice in the State of New York. Any construction for this purpose shall comply with all applicable city and State codes. Approval by the general manager does not constitute a waiver of compliance with these regulations or other appropriate regulations, ordinances and codes.

(b) *Spill control and prevention.* Each user shall incorporate measures to prevent or control accidental discharges of substances and wastewater prohibited or limited by the requirements of these regulations. These measures shall include facilities and operating procedures as necessary to prevent the entrance of accidental spills into the authority's facilities. When required by the authority, detailed plans describing these facilities and procedures shall be submitted to the authority for review, and shall be approved by the general manager before construction of these facilities. No user who commences contribution to the POTW after the effective date of this regulation shall be permitted to discharge into the system until accidental discharge procedures have been approved by the general manager.

(c) Compliance schedule. If an industrial user is required to install and operate a pretreatment or control system for the purposes identified in subdivisions (a) and (b) of this section, the industrial user shall develop and

(c) Compliance schedule. If an industrial user is required to install and operate a pretreatment or control system for the purposes identified in subdivisions (a) and (b) of this section, the industrial user shall develop and submit a compliance schedule to define the shortest schedule by which the user will provide such pretreatment or operation and maintenance.

(d) The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of the pretreatment system required for the user to comply with the objectives stated in subdivision (a) of this section. These shall include hiring an engineer, completing preliminary plans, completing final plans, executing contract(s) for major components, commencing construction, completing construction, etc.

(2) No increment referred to in paragraph (1) of this subdivision shall exceed nine months.

(3) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the general manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to bring the construction back into compliance with the schedule. In no event shall more than nine months elapse between such progress reports.

with this increment of progress, the reason for delay, and the steps being taken by the user to bring the construction back into compliance with the schedule. In no event shall more than nine months elapse between such progress reports.

Historical Note

Sec. filed Nov. 27. 1992 eft. Nov. 27. 1992.

10075.9 Discharge monitoring, reporting and inspections. (a) *Control manhole.* When required as a condition of a BPDES permit or by the general manager, the owner of any property serviced by a building service sewer, carrying wastewater shall install and maintain in proper working order a suitable control manhole or other appropriate station together with such flow meters, automatic flow proportional sampling equipment and/or automatic analysis and recording equipment deemed necessary by the general manager to adequately sample and measure the waste passing through the control manhole or monitoring station. This control manhole shall be located so as to permit unrestricted access by representatives of the authority.

(b) *Industrial wastewater sampling, analysis, and flow.*

(1) Each industrial user, unless specifically relieved of such obligation by the authority, will be required, as deemed necessary to submit periodic discharge monitoring reports to the B.S.A. These reports shall contain measurements of daily flow rates, daily flow volumes, B.O.D., total phosphate and total suspended solids for use in determining the annual industrial wastewater treatment charges and such measurements of other constituents deemed necessary by the general manager. All sampling, analysis, and flow measurements of industrial wastewaters shall be performed in conformance with measurements of other constituents deemed necessary by the general manager. All sampling, analysis, and flow measurements of industrial wastewaters shall be performed in conformance with the latest edition of the B.S.A. Sampling Measurement and Analytical Guideline Sheet (see Appendix 52 of this Title) and shall be performed by a laboratory approved by the general manager. In the case of a recalcitrant industry not performing the required analyses, the B.S.A. may elect to perform these analyses, bill the discharger for all associated costs of these analyses.

(2) For industrial users on which mass limitations have been imposed, the periodic monitoring reports will be subject to the requirements stated above with the additional requirement that the mass of substances discharged and limited either by these regulations or by categorical pretreatment standards will be indicated.

(3) All wastewater analyses shall be conducted in conformance with procedures referenced in the latest edition of B.S.A.'s Sampling and Measurement and Analytical Guideline Sheet (see Appendix 52 of this Title). If no appropriate procedure is specified for a particular substance, other procedures may be used subject to the approval of the general manager. Any independent laboratory or discharger performing these analyses shall clearly and concisely report the analytical results, their units of measurements, the test method for each analysis and, if appropriate, the equipment used.

(4) All dischargers making periodic measurements may be required to furnish and install at the control manhole, or other appropriate location, a calibrated flume, weir, flow meter or similar device approved by the general manager, and

(4) All dischargers making periodic measurements may be required to furnish and install at the control manhole, or other appropriate location, a calibrated flume, weir, flow meter or similar device approved by the general manager, and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording, and totalizing register may also be required by the general manager. In lieu of wastewater flow measurement, the general manager may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge.

(5) The periodic monitoring reports will contain all the information and data set forth in the most recent edition of the B.S.A. Sampling Measurement and Analytical Guideline Sheet (see Appendix 52 of this Title). The frequency of monitoring required will be specified either by the general manager or in the appropriate pretreatment standard.

(6) The periodic monitoring reports will be signed by an authorized representative of the industrial user. The user will also maintain records of all information resulting from monitoring activities required by this section for a period of three years.

(7) The sampling, analysis and flow measurement procedures equipment and monitoring records shall be subject at any time to inspection by the authority.

(c) *Inspections.* The general manager of the Buffalo Sewer Authority, other B.S.A. representatives, EPA and/or NYSDEC personnel bearing proper credentials and identification shall be permitted to enter upon all

(c) *Inspections.* The general manager of the Buffalo Sewer Authority, other B.S.A. representatives, EPA and/or NYSDEC personnel bearing proper credentials and identification shall be permitted to enter upon all properties, including those in contracted service areas, for the purpose of inspection of pretreatment facilities and monitoring records, flow measurements, sampling and testing of discharges, review and copying of all file records and data pertaining to wastewater discharge monitoring, investigation of suspected or reported violations, and enforcement in accordance with the provisions of these regulations. All inspections and related activities, as described above, will be conducted by the personnel identified.

Historical Note

Sec. filed Nov. 27. 1992 eff. Nov. 27, 1992.

10075.10 Enforcement.

(a) *Suspension of a BPDES permit.* (1) The general manager may suspend a BPDES permit when such suspension is necessary in the opinion of the general manager, in order to stop a discharge which presents a hazard to the public health, safety or welfare; to the environment; or to the authority's sewerage system; or causes the authority to violate any condition of its N.P.D.E.S./S.P.D.E.S. permit.

(2) Any discharger notified of a suspension of his BPDES permit shall immediately stop the discharge of all industrial wastewater to the B.S.A. system. The general manager shall reinstate the BPDES permit upon written proof of satisfactory compliance with all discharge requirements of these regulations.

(b) *Revocation of a BPDES permit.* (1) The general manager may revoke a BPDES permit upon a finding that the discharger has

proof of satisfactory compliance with all discharge requirements of these regulations.

(b) *Revocation of a BPDES permit.* (l) The general manager may revoke a BPDES permit upon a finding that the discharger has violated any provision of his permit or of these regulations or applicable Federal or State regulations, including, but not limited to:

(i) failure of the industrial user to report accurately the wastewater constituents and characteristics of his discharge;

(ii) failure of the industrial user to report significant changes in operation, or wastewater constituents and characteristics; and/or

(iii) refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring.

(2) Any discharger whose BPDES permit has been revoked shall immediately stop all discharge of any wastes covered by the permit to any public sewer that is tributary to a sewer or sewerage system of the authority. The general manager may disconnect or permanently block from such public sewer the industrial connection of any discharger whose permit has been revoked, if such action is necessary to insure compliance with the order of revocation.

(3) Before any further discharge of industrial wastewater may be made by the discharger, he must apply for a new BPDES permit and pay all charges that would be required upon initial application together with all delinquent fees, charges and such other sums as the discharger may owe to the authority. Costs incurred by the BPDES permit and pay all charges that would be required upon initial application together with all delinquent fees, charges and such other sums as the discharger may owe to the authority. Costs incurred by the authority in revoking the permit and disconnecting the industrial sewer shall be paid for by the discharger before issuance of a new permit.

(c) *Violations and civil liability.* (1) Any user who violates these regulations or the conditions of permits issued under their authority, shall be subject to fines determined as follows:

(1) Any user who violates section 10075.6 (a) and (b)(2) and section 10075.8 of this Part pertaining to the introduction of pollutants into the B.S.A. collection and treatment facilities shall be assessed a fine not to exceed a maximum of $10,000 for each violation.

(ii) Violations of all other provisions and rules of these regulations or conditions of permits issued under their authority will be subject to a fine not to exceed a maximum of $500 for each violation. Such violations include the failure to pay any fees, charges or surcharges imposed hereby.

(2) In determining the amount of the above fines, the general manager may consider factors such as, but not limited to, the nature of the violation; the magnitude of impact on human health, the environment, and/or the B.S.A. treatment plant operation caused by the violation; the users past violation record; and other relevant factors.

(3) Each day on which a violation is found to occur or continue shall be deemed a separate and distinct offense. A day shall consist of a 24-hour period beginning at 12:01 a.m. and ending the following 12.:01

(3) Each day on which a violation is found to occur or continue shall be deemed a separate and distinct offense. A day shall consist of a 24-hour period beginning at 12:01 a.m. and ending the following 12.:01 a.m.

(4) When, in the opinion of the general manager, or the governmental agencies having jurisdiction in the matter, a violation of these regulations is of such a nature as to be likely to cause damage to sewerage systems of the Buffalo Sewer Authority, or a menace to the health or safety of the inhabitants of any areas served, the Buffalo Sewer Authority may forthwith discontinue and sever any connections with its sewerage system without any liability for prosecution or damages.

(j) *Damage caused by prohibited waste discharge.* Any industrial wastewater discharger who discharges, or causes the discharge, of prohibited wastewaters which cause damage to the authority's facilities, detrimental effects on treatment processes or any other damages resulting in costs to the sewer authority, shall be liable for all damage occasioned thereby.

(k) *Discrepancies between actual and reported surchargeable waste quantities.* (1) When inspection or verification monitoring or other investigation by B.S.A. reveals a user's surchargeable waste constituents and/or waste volume to be substantially greater (20 percent greater) than reported in that user's most recent discharge monitoring report submitted and approved by B.S.A. for purpose of surcharge calculation, then the user may be required to resample for purpose of amending the surcharge calculation. At least three 24-hour composite samples and flow measurements shall be obtained and required to resample for purpose of amending the surcharge calculation. At least three 24-hour composite samples and flow measurements shall be obtained and analyzed in accordance with the B.S.A. Sampling and Analytical Guidelines Sheet (see Appendix 52 of this Title), either by the authority or by another independent laboratory acceptable to both parties, with all costs of sampling and analysis to be paid by the user. This new sample data along with any other relevant information or data obtained by the authority or submitted by the user shall be used to calculate a corrected surcharge according to the formula set forth in the B.S.A. Schedule of Sewer Rents and Other Charges (see Appendix 52 of this Title).

(2) Surcharges corrected on the basis of substantially greater surchargeable waste constituents shall be applicable to the period following the time when inspection, verification or other investigation revealed the discrepancy. Surcharges for periods preceding any surcharge amendment shall be based on the last set of data submitted by the user and approved by the B.S.A. for purpose of surcharge calculation.

(l) *Annual publication of violators.* At least annually, the Buffalo Sewer Authority shall publish a listing of all significant violators of the pretreatment standards and requirements.

Historical Note

See. filed Nov. 27, 1992 elf. Nov. 27. 1992.

10075.11 Confidentiality. The confidentiality of user information and data submitted as necessary for any application, record, report, plan, or other document required by these regulations shall be governed by the New York State Freedom of Information Law (sections 84 through 90 of the Public Officers Law of the State of New York) and by other applicable State or Federal statutes and regulations. Any requests by a user to keep specific data and information confidential must be made in writing at the time of submission.

Historical Note

See. fried Nov. 27~ 1992 eff. Nov. 27. 1992.

10075.12 Severability. If any provision. paragraph, word, section or article of these regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

Historical Note

See. filed Nov. 27. 1992 eff. Nov. 27. 1992.

CITY OF CINCINNATI
STORMWATER MANAGEMENT ORDINANCE

City of Cincinnati
Stormwater Management Utility
705 Central Avenue, room 400
Cincinnati, Ohio 45202

EXPLANATION OF PROVISIONS CONTAINED IN CHAPTER 729 OF THE STORMWATER MUNICIPAL CODE CONCERNING THE STORMWATER DRAINAGE SERVICE CHARGE COMPUTATIONS

A storm drainage service charge is imposed on each and every lot and parel of land within the City of Cincinnati and the owner thereof, with the only exception being public streets, roads and alley right-of-ways. This charge is deemed reasonable and is necessary to pay for the repair, replacement, improvement, operation, regulation and maintenance of the existing and future city stormwater system.

There are three (3) classificatins of property: Classes A, B and C, to which have been assigned ten (10) land use intensity of development factors (IDF). the land use of each property is assigned based on the records of the Recorder or Auditor of Hamilton County, Ohio, or, photogrammetric analysis.

Land Use	IDF	Class
1. Commercial	.85	C
2. Industrial	.75	C
3. Multi-Family	.60	C
4. Transportation	.50	C
5. Institutional	.40	C
6. Residential:.≥ 10,000 s.f.	.25	A
7. Residential: ≥ 10,001 s.f.	.20	B
8. Agriculture	.08	C
9. Park	.05	C
10.Undeveloped	.00	C

5. Institutional	.40	C
6. Residential:.≥ 10,000 s.f.	.25	A
7. Residential: ≥ 10,001 s.f.	.20	B
8. Agriculture	.08	C
9. Park	.05	C
10.Undeveloped	.00	C

Class A properties are one- and two-family residential properties having a land area of 10,000 square feet or less.

Class B properties are one- and two -family residential properties having a land area of 10,001 square feet or larger.

Class C properties are multi-family (three-family and more) residential and non-residential properties.

From the property area of each Class C parcel is derived an area range number (ARN). For Class C properties only, the ARN is the property area divided by 2,000 (a on divisor) which number is then rounded to the next highest whole number. This area range number (always a whole number) multiplied by the land use intensity of development factor (IDF) represents an approximation o f the number of units of stormwater runoff the parcel contribute to the drainage system. This value is called the equivalent runoff unit (ERU).

The monthly charge per ERU is $2.11.

Class A properties are assigned a standard ERU of 1.0, resulting in a flat annual charge of $25.32.

Class B properties are assigned a standard ERU of 1.4, resulting in a flat annual charge of $35.45.

Class B properties are assigned a standard ERU of 1.4, resulting in a flat annual charge of $35.45.

Any Class C parcel for which the annual bill was greater than $101.28 was split into a quarterly bill.

The monthly storm drainage service charge for each lot and parcel within Class C is calculated as follows:

Multiply the area range number (ARN) of each lot or parcel times the intensity of development factor (IDF) of each lot or parcel, which equals the equivalent runoff units (ERU). Multiply this figure times the monthly charge per equivalent runoff unit ($2.11). This calculation may be phrased as follows:

ARN x IDF = ERU

ERU x ($2.11) charge per ERU = ($) Monthly Storm Drainage Service Charge, Class C.

Example Facts:
1.The parcel sketched at the bottom of the preceding page is used as a mercial property.
2. The property area was determined to be 59,762.50 sq. feet.

Therefore:
1. The property has a "C" Classification.
2. The intensity of development factor (IDF) for a commercial parcel is .85.
3. The area range number (ARN) is the property area (given in this example as 59, 762.5 square feet) divided by 2.000 (a common divisor) rounded up to the nearest whole number. The number 59,762.50 divided by 2,000 equals 29.88125 and rounded up equals 30. (If the area had been 58,362.50, the calculation before rounding would have been 29.18125, it still would have been rounded up to 30.)
4. Substituting the numbers from the above example into the formula started on the preceding page:

ARN (30) x IDF (.85) = (25.50)

ERU (25.50) x $2.11 charge per ERU = Monthly Storm Drainage Service Charge, Class C ($53.81)

Monthly	= $ 53.81
Quartlery	= 161.43
Semi-Annual	= 322.86
Annual	= 645.72

COLUMBUS CITY CODE
STORMWATER MANAGEMENT PROGRAM CHARGES

1149.01 Purpose and objective.

Chapter 1149 establishes stormwater rates and service charges monies collected from these charges are to be utilized solely for the management of stormwater. stormwater management is intended to provide for the safe and efficient capture and conveyance of stormwater runoff, mitigate the damaging effects of storm-water runoff, correction of stormwater problems; to fund activities of stormwater management, and include design, planning, regulation, education, coordination, construction, operations, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare, and safety.

14.02 Definitions.

Whenever used in this chapter 1149, the meaning of the following words and terms shall be defined in this section:

1149.02.001 "Abatement" means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.

1149.02.002 "Approved plans" shall mean plans approved according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.

1149.02.003 "Director" means the Director of the Department of Public. Utilities, City of Columbus, Ohio.

1149.02.004 "Equivalent Residential Unit (ERU)" is a value, equal to 2,000 square feet of measured impervious area and is equal to the

Columbus, Ohio.

1149.02.004 "Equivalent Residential Unit (ERU)" is a value, equal to 2,000 square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the City of Columbus.

1149.02.005 "Facilities"' mean various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

1149.02.006 "Impervious area" means areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, and blacktop.

1149.02.007 "NPDES" means National Pollutant Discharge Elimination System-

1149.02.008 "NPDES Permit" means a permit issued to the City pursuant to Section 402 of the Clean Water Act.

1149.02.009 "Residential property" means all single family properties and duplexes within the City of Columbus.

1149.02.010 "Square footage of impervious area" means, for the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for

appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.

1149.02.011 "Storm sewer" means a sewer which carries stormwaters, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

1149.02.012 "Stormwater system" means all man-made facilities, structures, and natural watercourses owned by the City of Columbus, or over which the City has jurisdiction by law to operate or maintain, used for collecting and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, retention or detention facilities, rivers, public stormwater open channels and pumping stations.

1149.02.013 "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

1149.02.014 "Public stormwater open channel" means all open channels which convey, in part or in whole stormwater, and 1) are owned, operated, or maintained by a City Division other than the Division of Sewerage and Drainage: or 2) a stormwater open channel which has a permanent drainage/ stormwater easement owned by the City and drains an area which includes City owned property or right-of-way. A public stormwater open channel does not include roadside ditches which convey only immediate right-of-way drainage.

easement owned by the City and drains an area which includes City owned property or right-of-way. A public stormwater open channel does not include roadside ditches which convey only immediate right-of-way drainage.

11.49.02.015 "Retention facility" means a facility which provides storage of stormwater runoff and is designed to eliminate subsequent surface discharges.

1149.02.016 "Detention facility" means a facility, by means of a single control point, provides temporary storage of stormwater runoff in ponds, parking lots, depressed areas, rooftops, buried underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.

1149.02.017 "Credit" means an on-going reduction in a customer's stormwater service fee given for certain qualifying activities which reduce either the impact of increased stormwater runoff or reduces the city's costs of providing stormwater management.

1149.03 Necessity for Charges

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service be established which allocates the cost of providing stormwater service to each user in such a manner that the allocated costs are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

1149.04 Powers of Director of Public Utilities

Stormwater service charges levied pursuant to this chapter may be collected by the Department of Public Utilities. Notwithstanding other provisions of the

1149.04 Powers of Director of Public Utilities

Stormwater service charges levied pursuant to this chapter may be collected by the Department of Public Utilities. Notwithstanding other provisions of the Columbus City Code, the Director of Public utilities shall make and enforce such rules and regulations as my be deemed necessary for the safe, economical, and efficient management and protection of the City's stormwater system; for the construction and use of storm sewers and connections to the stormwater system consistent with policies established by the Council; and for the regulation, collection, rebating and refunding of such stormwater charges.

1149.05 Stormwater Service charge

A stormwater service charge shall be imposed on each and every lot and parcel of land within the City,and the owner thereof. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation, and maintenance of the existing and future City stormwater system.

1149.06 Stormwater Rate establishment procedures

Stormwater rates shall be designed to recover the cost of rendering stormwater service for the time period under consideration. Rates shall be established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

The Director of Public Utilities shall prepare an annual stormwater rate report with a recommended rate schedule. This report shall contain data utilized in the determination of said stormwater rates. The report will be presented to the Sewer and Water Advisory Board on or before the second Monday of September of each year. The Sewer and Water Advisory Board shall make a recommendation to City Council on or before the last Monday of October of each year, concerning appropriate stormwater rates to become effective January 1 of each year.

The Director of Public Utilities shall annually notify in conjunction with the regular billing process, all persons subject to these charges, of the stormwater rate being charged.

1149.07 Billings and terms of payment.

(A). Billings. A stormwater bill may be rendered on either a monthly or quarterly basis.

(B). Terms of payment. The stormwater charges prescribed in Section 1149.04 of the Columbus City Code, 1959, are net. If monthly payments are not paid within twenty-one (21) days from the date of billing, or if quarterly accounts are not paid within thirty-five (35) days from the date of billing, a gross rate, which is the net rate plus ten percent (10%) shall apply.

1149.08 Rate structure

Charges within corporate limits. For the purpose stated in Sections 1149.03 and 1149.10 there is hereby charged to each user situated within the corporate limits of the City of Columbus, that is tributary directly or indirectly to the stormwater system of the City, stormwater charges as herein before

provided, and in the amount determinable as follows:

For any such property, lot, parcel of land, building or premises that is tributary directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

(a). All properties having impervious area within the City of Columbus will be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, with all properties having impervious area receiving at least one (1) ERU..

(1). Residential properties. All residential properties will be assigned one (1) ERU. A flat rate will apply to all residential properties-

(2). Non-residential properties. Non-residential properties will be assigned an ERU multiple based upon the properties individually measured impervious area (in square feet) divided by 2,000 square feet (one ERU). This division will be calculated to the first decimal place and rounded according to mathematical convention.

(b). The charge as prescribed in the rate schedule is as follows:

$0.0802 per day per Equivalent Residential Unit (ERU).

1149.09 Right to appeal,

An Owner may challenge the ERU multiple assigned to his property by filing an appeal with the Administrator of the Division of Sewerage and Drainage for adjustment thereof, stating in writing the grounds for the appeal. The administrator shall cause appropriate investigation thereof and report the findings to the appellant. The Administrator, or the Administrator's designee, shall consider the appeal and determine whether an adjustment of the ERU multiple for any such lot or parcel is necessary, and adjust such ERU multiple if appropriate.

Notice and substance of the appeal shall be made in writing to the Division of Sewerage and Drainage within 180 days after receipt of notice of the ERU multiple assigned to the property. The Division shall have 90 days to investigate the matter unless the Administrator determines more time is necessary for the review.

1149.10 Distribution of Stormwater System Revenues and utilization of funds.

(a) There shall be established for the Division of Sewerage and Drainage a Stormwater Operating Fund.

(b) The distribution of stormwater operating revenues shall be as follows:

(1) Stormwater Operating Revenues. 100% of stormwater maintenance revenues shall be allocated to the Stormwater Operating Fund.

(2) Miscellaneous Revenues. 100% of all other revenues shall be allocated to the Stormwater Operating Fund.

Utilization of Funds.

(1) Stormwater Operating Fund shall be utilized for the operation, maintenance, and improvements costs of the stormwater system, the retirement of stormwater capital improvement program debt, the timely replacement of stormwater system equipment, and all other stormwater management program activities.

1149.11 Lien on Premises.

Each stormwater service charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land building or premises that are tributary directly or indirectly to the stormwater system of the City, and, if the same is no paid within ninety days after i shall be due and payable, it

shall be certified to the Auditor of the county in which the property is located, who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law and be collected as other taxes are collected.

1149.12 Credits

The Director shall promulgate rules and regulations which allow for a credit in the stormwater service fee for properties other than single family residential properties. These rules and regulations shall allow, where appropriate, application of the credits retroactive to August 1, 1994. The Director shall have the authority to charge customer a stormwater credit application fee, which shall be based upon estimated costs of reviewing, processing and administering the credit application and mechanism.

CITY OF FOREST PARK
ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT UTILITY

ORDINANCE NO. 36-1987
ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT UTILITY WITHIN THE CITY OF FOREST PARK

In accordance with the charter of the City of Forest Park and under the municipal powers of the City, the following ordinance is prescribed to establish a stormwater management utility. This ordinance shall establish a means to organize, operate, and manage such a utility; shall establish and provide for collection of stormwater service charges or user fees; shall provide for rates applicable thereto and a method of calculation of such rates; and, shall delineate all things necessary for the full implementation of a stormwater management utility which shall include a comprehensive stormwater administrative code.

WHEREAS, municipalities across the country have recognized the pressing need to address the stormwater management issue; and

WHEREAS, the City of Forest Park has studied the issue of stormwater management since 1976 through official council hearings, staff reports, and participation in pertinent organizations; and

WHEREAS, the City has maintained a stormwater sewer system on a limited basis since 1961; and

WHEREAS, the City has experienced repeated instances of limited finances to deal with the overall scope of stormwater management indicated by both past studies and citizen

WHEREAS, the City has experienced repeated instances of limited finances to deal with the overall scope of stormwater management indicated by both past studies and citizen requests; and

WHEREAS, the Constitution of the State of Ohio, Article XVIII, Section 5, provides municipalities with the authority to establish a public utility to deal with various public services; and

WHEREAS, a stormwater management program must address the establishment of a master plan, funding, and the ongoing maintenance of the system; and

WHEREAS, the City has imposed a set of basic stormwater management design standards since 1961, erosion/sediment control standards since 1974, and detention requirements since 1979; and

WHEREAS, Council has established stormwater management as a priority for 1987 in order to deal with the health, safety, and welfare of the citizens for which Council is charged; and

WHEREAS, the City of Forest Park has conducted a stormwater management feasibility study identifying and analyzing problems, needs, goals, and financing and management options; and

WHEREAS, the establishment of the stormwater management utility places the City in the best financial position to effectively and equitably deal with the problem of stormwater management; and

WHEREAS, Council has conducted seven public hearings to gather public information on this issue; and

WHEREAS, Council finds that the construction, repair, replacement, improvement, management, and regulation of the stormwater system is necessary to prevent further deterioration of the existing system, to prevent or reduce the potential for flooding, and to prevent water pollution; and

WHEREAS, it is the intention of the City of Forest Park that the costs of the operation, maintenance, and improvements of said stormwater management utility be borne by the users of the system in relation to their individual contributions of drainage water to the system; and

WHEREAS, it is necessary, desirable, and in the best interests of the City, its citizens, and the users of the stormwater system to establish a special charge which shall be designated the stormwater service charge; and shall be imposed and collected as provided in this ordinance for the facilities, systems, and services provided by the City of Forest Park and the stormwater management utility, and

WHEREAS, the stormwater service charge should be just and equitable and reflect the relative contribution to stormwater run-off and should consider the relative area and character of use of the various properties within the City because the extent of storm and surface water drainage from a particular lot or parcel is largely a function of its area and the different types of surfaces and other physical characteristics thereof.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Forest Park, Ohio:

SECTION 1.

Council hereby establishes a

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Forest Park, Ohio:

SECTION 1.

Council hereby establishes a Stormwater Management Utility within the City of Forest Park which shall be responsible for developing and implementing stormwater management plans and solely managing facilities and stormwater systems. Council shall appoint an advisory board, composed of citizens of Forest Park, as provided for by the Stormwater Administrative Code. The stormwater utility shall be administered by the City Manager or his/her designee.

SECTION 2.

This utility shall charge to each property owner, within the municipal corporation limits, a stormwater service charge based on individual contributions to the run-off in the system and the intensity of development.

SECTION 3.

On or about January 1, 1988, but prior to formal commencement of operation of the stormwater management utility, this Council shall enact a comprehensive administrative code and other necessary rules and regulations consistent with the effective use, operation, management, maintenance, and improvement of a stormwater management system.

SECTION 4.

The City of Forest Park is authorized to proceed towards implementation of the stormwater management utility and formal commencement of operations including implementation and collection of the stormwater service charge following the enactment of a comprehensive administrative code.

SECTION 5.

That a new Chapter 51 (Stormwater

implementation and collection of the stormwater service charge following the enactment of a comprehensive administrative code.

SECTION 5.

That a new Chapter 51 (Stormwater Management and Finance), attached hereto and marked as Exhibit "A" is hereby created in the City of Forest Park Code of Ordinances.

SECTION 6.

This ordinance shall be in full force and effect from and after the earliest date allowed by law.

Passed this *21st* day of *September*, 1987, by a vote of at least a majority of all members of the Council of the City of Forest Park, Ohio.

_____

Mayor

_____

Clerk of Council

APPROVED AS TO FORM:

_____

Law Director

EXHIBIT A

CHAPTER 51 STORMWATER MANAGEMENT AND FINANCE

51.01 GENERAL.

The purpose of this chapter is to provide an effective organization, method of finance, drainage code, and appropriate rules and regulations for the management of stormwater through a stormwater management utility.

51.02 DEFINITIONS.

For the purpose of this chapter, the words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning.

A. Director - The director of the stormwater management utility.

B. Engineer - The city stormwater management engineer which shall be appointed by the city manager. The stormwater management engineer can also be the city engineer or the utility director.

C. Impervious Surface - The surfaces on or in a lot or parcel of real property which reduce the rate of infiltration of stormwater into the earth. Including, but not exclusively the following: driveways, roofs, parking lots, sidewalks, public/private roads, streets, etc.

D. Stormwater System - All man-made facilities, structures, and natural watercourses used for collecting and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams,

conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, detention/retention basins, and pumping stations.

E. Total Square Footage of Surface Area of Lot or Parcel of Real Property - For the purpose of charges to a lot or parcel of real property, the square footage of a lot or parcel measured or estimated using the outside boundary dimensions in feet to obtain the total enclosed square footage, without regard for topographic features of the enclosed surface. The boundary dimensions in feet of the enclosed surface area may be established by either of the following methods:

1. On site measurements of the apparent outside boundary dimensions of the lot or parcel of real property made by the City or on its behalf, or

2. Computation of the area using dimensions of lot or parcel of real property and/or existing area measurements which are set forth and contained in the records of the office of the Recorder or Auditor of Hamilton County, Ohio.

51.03 STORMWATER SERVICE CHARGE.

A stormwater service charge is imposed on each and every lot and parcel of land within the City, and the owner(s) or occupant(s) thereof, excepting only public street, road, alley rights-of-way and public sidewalks. This charge is necessary to pay for the acquisition of land, construction, repair, replacement, improvement, operation, regulation, and maintenance of existing and future City stormwater systems.

51.04 CLASSIFICATION

There shall be two classifications of property:

Class A. One and two family properties.

Class B. Multi-family (three families and over) and non-residential properties.

51.05 LAND USE FACTORS.

Eight land uses are identified and recognized for purposes of this ordinance. The land use of each property shall be assigned based on the records of the Recorder or Auditor of Hamilton County, Ohio, the City of Forest Park, or through field examination. The land use factors areas follows:

A. Commercial
B. Industrial
C. Multi-family
D. Public-Institutional
E. Agriculture
F. Park
G. Vacant
H. Residential

51.06 MONTHLY CHARGE.

The monthly stormwater service charge for stormwater management shall be based upon the land use of each property and the area of the property. The charges are as follows:

The monthly stormwater service charge for stormwater management shall be based upon the land use of each property and the area of the property. The charges are as follows:

A. Class A, one and two family properties shall pay a monthly charge of three dollars ($3.00). This charge will be the same for all, with area not being considered.

B. Class B properties shall be charged in proportion to the imperviousness of the area and the area of the real property as related to Class A. The method of calculation of the Class B properties shall be prescribed in the Stormwater Administrative Code.

51.07 COLLECTION OF STORMWATER SERVICE CHARGE.

The stormwater service charge shall be paid by the owner(s) or occupant(s) of each lot or parcel which is subject to this charge on a periodic basis in accordance with the Stormwater Administrative Code.

51.08 ADJUSTMENT OF CHARGE, APPEAL.

Any person who considers the charges applicable to his lot or parcel to be unjust or inequitable may apply to the utility for adjustment thereof. A formal appeals process shall be prescribed in the Stormwater Administrative Code.

51.09 REGULATIONS.

The director may promulgate regulations for the operation, management, and maintenance of the stormwater system and facilities. Such regulations shall take effect upon approval by Council.

The director may promulgate regulations for the operation, management, and maintenance of the stormwater system and facilities. Such regulations shall take effect upon approval by Council.

51.10 DEPOSIT OF COLLECTIONS.

All proceeds of the stormwater service charge and other collections made pursuant to the provisions of this chapter shall be deposited in the account of the stormwater management utility, and are deemed to be in payment for use of the stormwater system.

51.11 SERVICES OF OTHER DEPARTMENTS.

The stormwater management utility may avail itself of the services of other city departments necessary for the discharge of its responsibilities. Services of finance, personnel, law, public works, engineering, etc., which are used by the stormwater management utility shall be provided at cost.

51.12 FLOODING, LIABILITY.

Flooding may occasionally occur from stormwater run-off which exceeds the capacity of storm drainage facilities constructed, operated, and/or maintained by funds made available under this ordinance. This occurrence does not imply that property subject to the fees and charges established herein will always be free from stormwater flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost-effectively constructed, operated, and/or maintained. Nor shall this ordinance create a liability on the part of, or cause any action against the City, or any officer or employee thereof for any flood damage that may result from such storms or the run-off thereof.

51.13 SEVERABILITY.

liability on the part of, or cause any action against the City, or any officer or employee thereof for any flood damage that may result from such storms or the run-off thereof.

51.13 SEVERABILITY.

If any section, subsection, sentence, clause or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

51.14 STORMWATER ADMINISTRATIVE CODE.

The city manager or his/her designee will provide for the preparation of a Stormwater Administrative Code to establish the rules and regulations for administration, design, and construction procedures.

ORDINANCE NO. 02-1988

ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT CODE

An ORDINANCE modifying the provisions of Title V, Public Works, and Title XV, Land Use, of the City of Forest Park Code of Ordinances, by ordaining new Chapter 51, - STORMWATER MANAGEMENT CODE, which incorporates the existing provisions of Title V Chapter 51 and Title XV Chapter 153 and implements a Stormwater Administrative Code consistent with the effective use, operation, management, maintenance, and improvement of stormwater management systems; and provides for the formal commencement of the operation of the stormwater management utility on or about January 1, 1988.

WHEREAS, existing Chapter 51 of the City of Forest Park Code of Ordinances, enacted as Ordinance No. 36-1987 on September 21, 1987, established a Stormwater Management Utility and provided for the collection of stormwater service charges, established classes of property within the City of Forest Park and provided for rates applicable thereto and method of calculation, and a method and procedure for adjustment of charges found to be inequitable; and

WHEREAS, existing Chapter 153 of the City of Forest Park Code of Ordinances, enacted as Ordinance No. 40-1974 and amended by ordinances 21-1979, 30-1984 and 06-1985 created a Water Management and Sediment Control Code and provided for stormwater management systems, performance principles, standards, permits and plan submission requirements; and

WHEREAS, the City of Forest Park by this ordinance adopts a comprehensive administrative code, water management and sediment control code and other necessary rules and regulations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Forest Park, State of Ohio:

Section 1. That the city manager is authorized to proceed towards implementation of the stormwater management utility and formal commencement of operations and collection of the stormwater management service charge on or about January 1, 1988.

authorized to proceed towards implementation of the stormwater management utility and formal commencement of operations and collection of the stormwater management service charge on or about January 1, 1988.

Section 2. That existing Chapters 51 and 153 of the Forest Park Code of Ordinances are hereby repealed.

Section 3. That an amended Chapter 51, Stormwater Management Code including sections formerly included in Chapter 153, attached hereto and marked as Exhibit "A", is hereby enacted in the Forest Park Code of Ordinances.

Section 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this *1st* day of *February* 1988.

_____

(sgd) Mayor

_____

Clerk of Council

APPROVED AS TO FORM:

_____

Law Director

ORDINANCE NO. 04-1990

Law Director

ORDINANCE NO. 04-1990

AN ORDINANCE REPEALING ORDINANCE NO. 2-1988 OF THE FOREST PARK CODE OF ORDINANCES AND ADOPTING A REVISED STORMWATER MANAGEMENT CODE

WHEREAS, Ordinance No. 2-1988, adopted February 1, 1988, established the Stormwater Management Utility Code, and

WHEREAS, after careful consideration, it has been determined that the best interest of the community would be served by certain modifications to Ordinance No. 2-1988, and

WHEREAS, said modifications have been reviewed and recommended by the Stormwater Management Utility Board and the Planning Commission.

NOW, THEREFORE, be it ordained by the Council of the City of Forest Park, Ohio.

SECTION 1.

That Ordinance No. 2-1988 is hereby repealed in its entirety and is replaced and superseded by this ordinance and "Exhibit A-1" which is attached to and fully incorporated herein.

SECTION 2.

That this Ordinance shall be in full force and take effect upon its passage.

Passed this *5th* day of *March* 1990.

That this Ordinance shall be in full force and take effect upon its passage.

Passed this *5th* day of *March* 1990.

_____

(sgd) MAYOR

_____

Clerk of Council

APPROVED AS TO FORM:

_____

Law Director

CHAPTER 51 STORMWATER MANAGEMENT CODE

Section 51.00 General.

The purpose of the Stormwater Management Code contained in this chapter is to provide for effective management and financing of a stormwater system within the City.

A. In order to accomplish the purpose of effective management of a stormwater system within the City, the code shall:

1. Provide for administration, operation, maintenance and inspection of existing stormwater management facilities;

2. Provide for the establishment and implementation of a master plan for future stormwater management facilities;

3. Provide procedures for design, construction and inspection of proposed stormwater management facilities; and

4. Protect the public health, safety and welfare by providing a mechanism for mitigating the damaging effects of existing uncontrolled and unplanned stormwater runoff.

B. In order to accomplish the purpose of effective financing of a stormwater system within the City, the code shall:

1. Establish and maintain fair and reasonable stormwater management service charges for each lot or parcel in the City which bear a substantial relationship to the cost of providing stormwater management services and facilities. Such service charges shall be proportional to each property's contribution to runoff and its use and benefit of services and facilities;

2. Ensure that similar properties pay similar stormwater management service charges which reflect the area of each property and its intensity of development, since these factors bear directly on the peak rate of stormwater runoff.

   Charges for residential properties of two or less dwelling units shall reflect the relatively uniform effect that such development has on runoff. Charges for all other properties shall be in

Charges for residential properties of two or less dwelling units shall reflect the relatively uniform effect that such development has on runoff. Charges for all other properties shall be in proportion to residential properties of two or less dwelling units, utilizing both relative area and intensity of development in setting rates.

3. Provide a mechanism for consideration of specific or unusual service requirements of some properties, and special and general benefits accruing to or from properties as a result of providing their own stormwater management facilities;

4. Provide for a service charge adjustment process to review stormwater charges when unusual circumstances exist which alter runoff characteristics, when either service or benefit varies from a normal condition or is of greater significance than contribution to runoff or to periodically ensure that rates reflect the current costs of effective stormwater management; and

5. Utilize stormwater management funds throughout the City, except where activities or facilities are clearly unusual and in excess of the normal level of service City-wide, and that developers are responsible for providing any stormwater facilities required for their project.

C. In order to maintain the effectiveness of the Stormwater Management Code, it shall:

1. Establish a mechanism for appeals and amendments to its provisions;

2. Provide a procedure for abatement of

Stormwater Management Code, it shall:

1. Establish a mechanism for appeals and amendments to its provisions;

2. Provide a procedure for abatement of conditions or activities which are not in the interest of public health, safety or welfare;

3. Provide for its continuous validity through severability of its various portions; and

4. Provide penalties for violations of its provisions.

Section 51.01 Definitions.

For the purpose of this chapter, the words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning.

ABATEMENT. Any action taken to remedy, correct, or eliminate a condition within, associated with or impacting a drainage system, pursuant to Sections 51.32 or 51.33 of this chapter.

APPEALS BOARD. The Stormwater Management Utility Appeals Board whose duties shall be pursuant to Section 51.34 of this Chapter. Council shall serve as the Appeals Board unless it shall by resolution designate another board. The City Manager or his designee shall serve as the executive secretary of the Appeals Board.

APPROVED PLANS. Plans approved pursuant to Section 51.19 of this chapter.

ARCHITECT OR ARCHITECT REGISTERED. Architect or architect, registered is a person holding a certificate under Section 4703.06 of the Ohio Revised

pursuant to Section 51.19 of this chapter.

ARCHITECT OR ARCHITECT REGISTERED. Architect or architect, registered is a person holding a certificate under Section 4703.06 of the Ohio Revised Code.

AREA RANGE NUMBER (ARN). A number assigned by the Utility for the purpose of calculating stormwater management service charges, based on the Total Square Footage of lots or parcels of real property, pursuant to Sections 51.26 and 51.28 of this chapter. Lots or parcels of between 1 and 2,000 square feet shall be assigned Area Range Number (ARN) 1. ARN2 shall be used for those lots or parcels between 2,001 and 4,000 square feet, ARN 3 for lots or parcels between 4,001 and 6,000 square feet, and so on.

BUILDING CODE. Building code is the Building Code adopted in Chapter 152 of the City of Forest Park Code of Ordinances.

BUILDING DEPARTMENT. The building department authorized by the Charter of the City of Forest Park or the Community Development Department.

CITY. The City of Forest Park , Ohio and its authorized agents.

CITY ENGINEER. A professional engineer designated by and representing the City of Forest Park, Ohio or his authorized agent.

CITY MANAGER. The City Manager as provided for in Article IV of the Charter of the City of Forest Park, Ohio.

COMMITTEE. The Stormwater Management Utility Advisory Committee consisting of a member of Council and four persons appointed by Council whose duties are specified in Section 51.02 of this Chapter.

COMMITTEE. The Stormwater Management Utility Advisory Committee consisting of a member of Council and four persons appointed by Council whose duties are specified in Section 51.02 of this Chapter.

COMMUNITY DEVELOPMENT DEPARTMENT. The Community Development Department of the City of Forest Park, Ohio.

COUNCIL. The City Council of the City of Forest Park, Ohio.

COUNTY. The County of Hamilton, Ohio.

DETENTION BASINS. Dry surface stormwater storage areas created by natural contours or by constructing a basin by excavation or embankment or by installing underground structures such as concrete pipes or chambers.

DEVELOPER. A person, firm, partnership or corporation, which otherwise improves a specific parcel or tract of land, performs construction work of any kind in the Project Area or holds or is required to obtain a Permit.

DIRECTOR. The Director of the Stormwater Management Utility which shall be appointed by the City Manager as provided for in Article VI of the Charter of the City of Forest Park.

EMBANKMENT. Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface or cut and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; a fill or the material used to make an embankment.

surface or cut and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; a fill or the material used to make an embankment.

ENGINEER, PROFESSIONAL. Engineer, professional is a person holding a certificate of registration under Section 4733.14 or 4733.19 of the Ohio Revised Code.

EROSION. The wearing away of the land surface by the action of wind, water or gravity.

EXCAVATION. An act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom. The difference between a point on the original ground and designated point of lower elevation on the final grade; cut or the material removed in excavation.

EXISTING. Present or in effect as of the time of the adoption of this chapter.

FACILITIES. Various drainage works that may include inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

GRADING. Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or filled condition.

IMPERVIOUS SURFACE. A surface on or in a lot or parcel of real property which substantially reduces the rate of infiltration of stormwater into the earth.

INSPECTOR. A person designated by and representing the City of Forest Park for

in a lot or parcel of real property which substantially reduces the rate of infiltration of stormwater into the earth.

INSPECTOR. A person designated by and representing the City of Forest Park for inspection of stormwater related work to ensure conformance with the Approved Plan and the provisions of this chapter.

INTENSITY OF DEVELOPMENT FACTOR (IDF). The runoff coefficient or percentage of impervious surface on or in a lot or parcel of real property, as used in Section 51.27 of this chapter. Eight land uses are identified for purposes of this chapter, with an accompanying intensity of development factor ranging from 0.00 for vacant lands to 0.85 for commercial development. The numerical value for each such land use is based upon generally accepted engineering standards.

MULCHING. The application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

MUNICIPAL. Property or facilities owned by the City of Forest Park.

NATURAL VEGETATION. The ground cover in its original state before any grading, excavation or filling.

NOTICE. A written or printed communication conveying information or warning.

ODOT. Ohio Department of Transportation.

ORDER. The whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) or any matter issued by the Director or City Manager or person designated by them

ORDER. The whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) or any matter issued by the Director or City Manager or person designated by them pursuant to any provisions of this chapter.

OWNER. Any person, business or organization that possesses real property.

PERMANENT VEGETATION. Vegetation which produces long term vegetative ground cover such bluegrass, tall fescue, crown vetch, etc.

PERMIT. The Stormwater Management Permit required by this chapter.

PERSON. Any person, firm or corporation (public or private), the State of Ohio and its agencies or political subdivisions and the United States of America, its agencies and instrumentalities, and any agent, servant officer, or employee of any of the foregoing.

PLAN. The Stormwater Management Plan required by this chapter.

PLANNING COMMISSION. The Planning Commission provided for in Article VII of the Charter of the City of Forest Park, Ohio.

PREMISES. A lot of parcel and the buildings and improvements situated thereon.

PRIVATE. Property or facilities owned by individuals, corporations and other organizations and not by local, state or federal governments.

PROJECT AREA. The land lying within the geographical limits of the tract(s) or parcel(s) under consideration and on which the work is to be performed.

PROJECT AREA. The land lying within the geographical limits of the tract(s) or parcel(s) under consideration and on which the work is to be performed.

PUBLIC. Property or facilities owned by local, state, or federal governments.

RETENTION BASINS. Permanent ponds where additional stormwater storage capacity is provided above the normal water level.

SEDIMENT. Solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site or origin by air, water, or gravity as a product of erosion.

SEDIMENT BASIN. A barrier or dam built across as waterway or at other suitable locations to retain rock, sand, gravel, silt or other materials.

SEDIMENT CONTROL PLAN. A plan required by an ordinance, rule, or regulation for controlling the movement of soils due to storm runoff created by construction activities.

SLOPE. Slopes are expressed as a percentage of vertical difference in feet per 100 feet of horizontal distance or as a ratio of horizontal distance to vertical distance. For example, 5% means 5 feet vertical to 100 feet horizontal and 3:1 means three feet horizontal distance to one foot in elevation change.

STORM, STORMWATER. Storm and Stormwater as used in this Chapter are interchangeable terms.

STORM SEWER, STORM DRAIN. A sewer or drain which carries stormwaters, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

STORM SEWER, STORM DRAIN. A sewer or drain which carries stormwaters, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water. Storm sewers begin at the grating or opening where water enters the structure, through the sewer and conduits to the outlet structure where water enters a channel or natural watercourse.

STORMWATER MANAGEMENT CODE. Chapter 51 of the City of Forest Park Code of Ordinances.

STORMWATER MANAGEMENT DESIGN MANUAL. A handbook of design methods, standards, and requirements for the design, construction, maintenance, and use of stormwater facilities written by and available from the City.

STORMWATER MANAGEMENT PLAN. The application, maps, plans, calculations and all other material required by this chapter or the Stormwater Management Design Manual. Formerly Water Management and Sediment Control (WMSC) Plan.

STORMWATER MANAGEMENT SYSTEM. All man-made facilities, structures, and natural watercourses used for collecting, transporting, detaining, storing or disposing of stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams floodwalls, levees, and pumping stations.

SUBDIVISION. The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other

siphons, retention or detention basins, dams floodwalls, levees, and pumping stations.

SUBDIVISION. The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other

divisions of land including changes in existing lot lines for the purpose, whether immediate or future, for lease, transfer of ownership or building or lot development. The name given to an area of land divided into lot including streets, walkways, easements, etc.

SWALE. A low-lying stretch of land which gathers or carries surface water runoff. See Watercourse.

SWCD. Hamilton County Soil and Water Conservation District or its authorized agents.

TEMPORARY VEGETATION. Short term vegetative ground cover used to stabilize the soil surface until final grading and installation of permanent vegetation such as oats, rye or wheat.

TOPSOIL. Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer.

TOTAL SQUARE FOOTAGE. The square footage of a lot or parcel measured or estimated by using the outside boundary dimensions, in feet, to obtain the total enclosed area, without regard for topographic features of the enclosed surface, as used in Section 51.26 for the purpose of assigning an ARN to a lot or parcel property.

The boundary dimensions in feet of the enclosed surface area may be established by any of the following methods:

A. On site or photogrammetric measurements

The boundary dimensions in feet of the enclosed surface area may be established by any of the following methods:

A. On site or photogrammetric measurements of the apparent outside boundary dimensions of the lot or parcel of real property made by the City or on its behalf; or

B. Computation of the area using dimensions of lot or parcel of real property and/or existing area measurements which are set forth and contained in the records of the office of the County Recorder or Auditor.

TYPICAL CLASS R PROPERTY. Property having an Area Range Number of 5. (Typical in Forest Park, 9,600 square feet).

UTILITY. The stormwater management utility provided for by this chapter, which may be operated or organized as a department of the City of Forest Park, Ohio.

VACANT LAND. A lot or parcel of land that is without any building, structure or improvement. It does not mean recreation, green or open space created around private or public facilities nor parcels connected or contiguous thereto for the same or similar uses. For the purposes of this chapter, vacant land has an IDF of 0.00.

WATERCOURSE. A permanent or intermittent stream, river, brook, creek, channel, swale, or ditch for water whether natural or manmade.

ORGANIZATION AND OPERATION

Section 51.02 Organization of the Utility.

ORGANIZATION AND OPERATION

Section 51.02 Organization of the Utility.

A. The Utility shall be administered by the Director and shall have the responsibility for planning, developing, and implementing stormwater management and sediment control plans; financing, constructing, maintaining, rehabilitating, inspecting, and managing existing and new stormwater facilities; collecting fees and charges for the Utility; implementing and enforcing the provisions of this code; and other related duties as directed by the City Manager.

B. The Utility may avail itself of the services of other City departments necessary for the discharge of its responsibilities. Services of finance, personnel, law, public works, engineering, etc., which are used by the Utility shall be provided at cost.

C. A Stormwater Management Utility Advisory Committee consisting of a member of Council and four persons appointed by Council shall serve as advisors to the Utility. To ensure a balanced committee, no more than three residential homeowners may be on the committee at any one time. Also at least one local business person shall be on the committee.

Members so appointed shall serve at the pleasure of Council for a term of four years. The Council member shall serve for the term of his office. Four members shall serve in overlapping terms being appointed every two years to serve for a four-year term. The composition of the first Advisory Committee will be two members to serve for two years and two others for a

the term of his office. Four members shall serve in overlapping terms being appointed every two years to serve for a four-year term. The composition of the first Advisory Committee will be two members to serve for two years and two others for a four-year term. The Council of the City of Forest Park will then appoint two members every two years. It will be the responsibility of Council to designate one of its members to serve as a voting member of this committee. The Stormwater Utility Director will serve as liaison. Operating rules contained in bylaws created by this committee shall be adopted by resolution of Council and shall provide for at least quarterly meetings.

The duties of the advisory committee shall be to review and promote public awareness of the progress and activities of the Utility, to provide input as to needed projects and assist in prioritizing of those projects, and to make recommendations regarding proposals for amendments to this chapter including, but not limited to, master plans, rules and regulations, service charges and appointments or reappointments of any member of this committee.

Section 51.03 Stormwater Facilities.

A. The Utility shall monitor the design, operation, maintenance, inspection, construction and use of all storm sewers, storm drains, and stormwater facilities in the City. The Utility shall be responsible for the design and construction of public stormwater facilities in the City and shall inspect, operate, and maintain them as prescribed in Section 51.09.

B. The Utility may accept overriding responsibility for permanent maintenance of Stormwater Facilities designed to control erosion when the benefiting area prescribed in Section 51.09.

B. The Utility may accept overriding responsibility for permanent maintenance of Stormwater Facilities designed to control erosion when the benefiting area involves two or more property owners.

The Utility may require facilities to be designed to reduce maintenance cost and will require adequate easements.

Section 51.04 Erosion, Siltation and Sedimentation

The Utility shall be responsible for controlling erosion, siltation and sedimentation that will adversely affect storm sewers, drainage ditches, watercourses, and other drainage facilities.

Section 51.05 Multiple Fund Projects

Where a public improvement is funded by the City and other agencies or organizations, and storm drainage is not a primary part of that project, the Utility's responsibility for the storm drainage costs shall be in proportion to the City's share of the total cost of the project unless otherwise agreed.

Section 51.06 Private Facilities

Any owner or possessor of private property upon which stormwater drainage facilities exist for the purpose of collecting, conveying, retaining or detaining stormwater within that property, and which are not Public Facilities pursuant to Section 51.07 of this chapter, shall be responsible for the maintenance of these facilities as required to ensure proper operation and in accordance with sections 94.07, elimination of litter in drainage easements; 94.12, maintaining property in a litter free manner, 96.32, preventing improper drainage; and 96.50B, maintaining grass and weeds

and in accordance with sections 94.07, elimination of litter in drainage easements; 94.12, maintaining property in a litter free manner, 96.32, preventing improper drainage; and 96.50B, maintaining grass and weeds below 9 inches.

When the Utility accepts responsibility for design, construction, inspection, operation or maintenance of private facilities in accordance with Section 51.03 of this chapter, all expenses incurred therewith shall be charged to the owner's Stormwater Management Service Charge in the same manner as provided for in Section 51.33 herein.

The City reserves the right to cooperatively work with the property owners in an area to fix a common problem related to stormwater. This means that financial arrangements may be agreed to between the City and property owners which result in an equitable arrangement that benefits all parties.

Section 51.07 Public Facilities

The Utility shall be responsible for stormwater drainage facilities and watercourses on all streets, boulevards, sidewalks, curbing, street and other municipal property and public easements, and highway structures and appurtenances belonging to the City.

Where public facilities and watercourses are located in easements on private property, the owner of the property is responsible for aesthetic maintenance such as lawn mowing, litter pick-up, etc. The owner shall neither place nor allow structures or plantings that interfere with the operation and maintenance of such drainage facilities and watercourses.

Section 51.08 Ancillary Improvements

The Utility may authorize the construction of curbs, pavements, channels, watercourses, such drainage facilities and watercourses.

Section 51.08 Ancillary Improvements

The Utility may authorize the construction of curbs, pavements, channels, watercourses, conduits, culverts, or other structures necessary to properly operate and maintain new and existing stormwater facilities.

Section 51.09 Routine and Remedial Maintenance

The Utility shall provide for inspection and routine maintenance of facilities that have been accepted for maintenance by the Utility. Maintenance may include catch basin cleaning, grating and casting repair, bridge surface drainage systems cleaning, channel clearing, erosion repair, and other incidentals. The Utility shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public. Remedial maintenance of bridge surface drainage systems shall remain the responsibility of agencies other than the Utility.

§ 51.10 Land and Facilities Affected Outside the City

Where stormwater drains from lands outside the City, facilities within the City should be designed in accordance with this chapter as if the entire drainage area was within the City, or as determined by the City Engineer.

§ 51.11 Rules and Regulations

A. In order to accomplish the purpose of this chapter to protect the drainage facilities, improvements, properties owned and private facilities maintained by the City, to secure the best results from the construction, operation, and maintenance

A. In order to accomplish the purpose of this chapter to protect the drainage facilities, improvements, properties owned and private facilities maintained by the City, to secure the best results from the construction, operation, and maintenance thereof, and to prevent damage and misuse of any of the drainage facilities, improvements, or properties within the City, the Utility shall utilize existing rules, regulations and codes and may make and enforce additional rules and regulations that are approved by Council, and are necessary and reasonable:

1. To prescribe the manner in which storm sewers, watercourses, channels, and other stormwater facilities are to be designed, installed, adjusted, used, altered or otherwise changed;

2. To prescribe inspection and certain other fees permitted by this chapter;

3. To prescribe the manner in which such facilities are operated;

4. To facilitate the enforcement of this chapter;

5. To prescribe the collection procedures and timing of service charge bills;

6. To protect the municipal stormwater management system, improvements, and properties controlled by the utility, and to prescribe the manner of their use by any public or private person.

7. To protect the public health, safety, and welfare.

B. Stormwater Management Design Manual. A manual incorporating design criteria, procedures, policy statements, sample calculations, Stormwater Management

and welfare.

B. Stormwater Management Design Manual. A manual incorporating design criteria, procedures, policy statements, sample calculations, Stormwater Management
Code interpretations etc., shall be provided by the City Engineer and shall be the basis for design, construction and implementation of all Stormwater Management Systems. The City Engineer shall interpret and enforce the requirements of the manual.

§ 51.12 Right of Entry for Survey, Examination and Maintenance

After presenting proper credentials and securing permission, the Director or his designees, including contractors and their employees or consultants and their employees, may enter upon lands within the City to make surveys and examinations to accomplish the necessary findings to establish a master plan, for detailed analysis to prepare final plans and specifications for proposed improvements, or for inspection or maintenance of stormwater facilities.

PLANNING AND DESIGN

§ 51.13 Master Plan

A. The Utility shall establish and maintain a master plan for stormwater management needs. The master plan may provide, or be accomplished by, maps or other descriptive material which should include the following:

1. An inventory of the existing stormwater facilities including the extent and area of each watershed tributary to the main

following:

1. An inventory of the existing stormwater facilities including the extent and area of each watershed tributary to the main drainage channels in the City;

2. The street storm sewers and other storm drains to be built;

3. The parts of the street system where pavements are planned to be depressed sufficiently to convey or temporarily store runoff and overflow from storm sewers and the outlets for such temporary storage;

4. Existing streams and floodplains to be maintained, enlarged, altered, and eliminated; and new channels to be constructed;

5. Existing culverts and bridges, and new culverts and bridges to be built;

6. Existing detention/retention ponds and basins to be maintained, enlarged, or altered; and new ponds or basins to be built;

7. A tabulation of storage volumes, water surface elevations and outflow rates for detention and retention basins;

8. A plan for future stormwater facility development, including estimates of cost and a prioritization of projects.

B. The master plan shall be approved by the City Council in accordance with and as authorized by Article VII of the Charter of the City of Forest Park and Chapter 713 of the Ohio Revised Code.

§ 51.14 Stormwater Management System

City Council in accordance with and as authorized by Article VII of the Charter of the City of Forest Park and Chapter 713 of the Ohio Revised Code.

§ 51.14 Stormwater Management System

A. System Required

1. Every subdivision and land development shall be provided with a comprehensive Stormwater Management System which is adequate to serve the area and meets the requirements of this chapter, the Stormwater Management Design Manual and other criteria of the City. Two separate and distinct drainage systems exist:

   (a) A minor drainage system for collecting and transporting runoff from frequently occurring storms. It includes watercourses, streets, curbs and gutters, and underground storm sewers, manholes, catch basins, and culverts. This system's purpose is to lessen or eliminate inconveniences and safety and health hazards associated with frequent storms. Except where indicated otherwise, design criteria and requirements of this chapter are directed to the minor drainage system.

   (b) A major drainage system for ensuring that stormwater runoff which exceeds the capacity of the minor drainage system has a route to follow that will not cause any loss of property or any loss of life. It must be recognized that the major drainage system exists even when it is not planned and whether or not physical facilities are intelligently

to follow that will not cause any loss of property or any loss of life. It must be recognized that the major drainage system exists even when it is not planned and whether or not physical facilities are intelligently located in respect to it.

B. Rate of runoff.

1. Developers are required to design improvements such that after development, the rate of stormwater runoff leaving the Project Area at strategic points is no more than if the Project Area had remained undeveloped. If necessary, Detention/Retention facilities shall be constructed to assure that this requirement is met.

2. Where a portion of the Project Area contains existing development features such as buildings, streets, parking lots, sidewalks, driveways, etc., and a Permit application is made for additional development, the area to be considered in determining the rate of stormwater runoff shall be only that on which the additional development is sought. However, any development in the Project Area constructed after August 2, 1979 -- the effective date of the requirement for restricting stormwater runoff to the rate prior to development -- without an Approved Plan shall be considered as part of the additional development.

3. The City Engineer may reduce or waive requirements for an individual Detention/Retention Basin if a common or regional basin of adequate design is available or if the Utility is reasonably certain one will be constructed and if the major drainage system from the Detention/Retention Basin if a common or regional basin of adequate design is available or if the Utility is reasonably certain one will be constructed and if the major drainage system from the Project Area to such common or regional basin is such that the public health,

safety, and welfare will not be in jeopardy.

If this option is exercised, the Developer will be billed in accordance to the standard utility rate structure.

4. Stormwater Management Systems will be designed for the ultimate use of the land and shall be capable of conveying runoff originating upstream as determined by the City Engineer.

C. Easements and underdrains.

Where a storm sewer, culvert, open channel, catch basin, inlet, manhole or other drainage structure lies outside the public right-of-way, easements of sufficient size as determined by the City Engineer shall be provided to assure access and maintenance.

§ 51.15 Performance Principles and Standards.

A. The following principles are effective in minimizing erosion and sedimentation and shall be included where applicable in Plans:

1. Stripping of vegetation, re-grading or other development shall be done in such a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

2. Development plans shall preserve

shall be retained, protected and supplemented;

2. Development plans shall preserve salient natural features, keep grading operations to a minimum, and ensure conformity with topography so as to create the least erosion potential;

3. The smallest practical area of land shall be exposed at any one time and the duration of exposure shall be kept to a practical minimum. The topsoil shall be preserved and returned to the surface of areas to be re-vegetated, or new topsoil will be provided, or the surface shall be covered with sod;

4. Disturbed soils shall be stabilized as quickly as practical with temporary vegetation or mulching to protect exposed critical areas during development;

5. The permanent vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development;

6. Provisions shall be made to effectively accommodate the increased stormwater runoff caused by changed soil and surface conditions during and after development. Where necessary, Detention/Retention Basins shall be provided according to the requirements of this chapter and the Stormwater Management Design Manual; and

7. Sediment in the runoff water shall be trapped by the use of sediment basins, or similar measures until the disturbed area is stabilized.

B. The following standards shall be followed in preparing Plans:

trapped by the use of sediment basins, or similar measures until the disturbed area is stabilized.

B. The following standards shall be followed in preparing Plans:

1. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a Project Area shall be graded to drain and dispose of surface water without ponding, except where approved by the City Engineer. Each lot shall be graded such that water from the lot drains to natural streams, swales, or other watercourses, or storm sewers but not to an adjacent lot if the rate of runoff to that lot is increased;

2. All drainage provisions shall be of such design to adequately handle the stormwater runoff according to the Stormwater Management Design Manual;

3. Concentration of stormwater runoff shall only be permitted in swales or watercourses;

4. The installation of the specific Stormwater Management measures shall be accomplished in accordance with the standards and specifications contained in the Stormwater Management Design Manual or as recommended by the SWCD;

5. During the construction phase, further consultative technical assistance will b furnished, if necessary, by the City Engineer and by the SWCD; and the Director shall enforce compliance with the Approved Plans.

C. The Approved Plan required by the landowner or his agent under this chapter

Director shall enforce compliance with the Approved Plans.

C. The Approved Plan required by the landowner or his agent under this chapter shall include, but not be restricted to the following:

1. A vicinity sketch and boundary line survey of the Project Area;

2. Location of all existing buildings, structures, utilities, storm and sanitary sewers and waterlines in the Project Area;

3. Location of all trees as required by Ordinance 32-1988 (tree preservation ordinance. If there are no trees, a note so stating shall be placed on the plans);

4. Location of any building or structure - on land of adjacent property owners -- within 50 feet of the Project Area;

5. Elevations, contours, dimensions, locations, and extent of all work proposed to be done within 50 feet of the Project Area, the existing elevations and contours of the land all in increments of two feet, and proposed groundcover for areas not covered by buildings, structures or pavement;

6. Soil type if required by the City Engineer.

7. A certification of the quantity of Cut and Fill involved;

8. Detailed plans of all proposed stormwater provisions, retaining walls, vegetative practices, erosion and sediment control measures, location of fences around Sediment Basins,

8. Detailed plans of all proposed stormwater provisions, retaining walls, vegetative practices, erosion and sediment control measures, location of fences around Sediment Basins, Detention/Retention Basins or steep excavations and other protective devices to be constructed in connection with, or as a part of the proposed work;

9. Provisions for maintenance of erosion and sediment control facilities including easements to ensure short as well as long term erosion and sediment control;

10. A map showing the drainage area of land tributary to the Project Area and estimated runoff of the area served by any drainage structure or watercourse, computed in accordance with Stormwater Management criteria as outlined in this chapter and in the Stormwater Management Design Manual; and

11. The estimated cost of all the required Stormwater Management items.

D. The Planning Commission and the City Manager shall make a continuing review and evaluation of the methods used and overall effectiveness of the provisions of this section.

§ 51.16 Permit, When Required.

A. Before land is cleared, graded or otherwise distributed by the movement of earth for purposes including, but not limited to, the construction of buildings, the mining of materials including sand and gravel, the development of golf courses, and the construction of roads and streets by any person, partnership, or corporation within

construction of buildings, the mining of materials including sand and gravel, the development of golf courses, and the construction of roads and streets by any person, partnership, or corporation within the City, a Permit describing the proposed earth movement shall be obtained where development comes under any one or more of the following conditions, unless such development is exempted therefrom by Subsection (B) of this section:

1. Excavation and Embankment will exceed 100 cubic yards. The Excavation volume shall not include that necessary for pavement, sidewalks or buildings, but, if the material from these Excavations is placed within the Project Area as Embankment it shall be considered when calculating the Embankment volume;

2. Excavation or Embankment will exceed 4 feet in vertical depth at its deepest point measured from the natural ground surface;

3. Existing surface drainage is impaired or if the proposed work within the Project Area constitutes a potential erosion hazard or acts as a source of sediment deposit to any adjacent land or watercourse;

4. Final slopes are steeper than 3:1;

5. Embankment placed on a surface having a slope steeper than 5:1;

6. Existing stormwater runoff is altered in any way that affects adjacent properties; and

7. Grading is a maintenance measure, or for landscaping purposes on existing developed lots or parcels when such

any way that affects adjacent properties; and

7. Grading is a maintenance measure, or for landscaping purposes on existing developed lots or parcels when such measure falls under one or more of the following conditions:

   a. The aggregate of areas affected, or stripped at any one time exceeds 5000 square feet;

   b. The grading involves a quantity of material in excess of 100 cubic yards;

   c. The elevation change exceeds 12 inches at any point or alters the drainage pattern;

   d. There is damaging or erosive drainage coming onto the Project Area; or

   e. All bare earth is not promptly seeded, sodded or otherwise effectively protected from erosion.

B. A Permit shall not be required for the following conditions:

1. Excavations below finished grade for drain fields, tanks, valuts, tunnels, equipment, basements, swimming pools, cellars, or footings of buildings or structures for which a building permit shall have been issued by the City, unless the excavation is part of the work within a Project Area which requires such a permit;

2. Excavation or removal of vegetation in public right of way or utility easements by public utility companies for the purpose of installing underground

requires such a permit;

2. Excavation or removal of vegetation in public right of way or utility easements by public utility companies for the purpose of installing underground utilities -- unless required by the City Engineer;

3. Tilling of the soil for fire protection and agricultural purposes;

4. The construction of sod waterways, terraces, grade stabilization structures, and surface water diversions which do not direct stormwater to adjacent property.

5. When the City Engineer or Director rules that no Permit is required;

6. For the initial construction of 1, or 2 family residences in an existing subdivision, their accessory structures and related work with the provision that if at any time during the course of construction, it is evident that the construction or grading has caused the existing surface drainage in the general area to be impaired, created an erosion hazard or become a source of sediment to any adjacent land or watercourse an inspection in accordance with section 51.20(E) shall be made.

7. Any construction work designed, bid and inspected by or under control of the City unless specifically required by the City.

C. Special Planning Area (SPA). In areas under the jurisdiction of a SPA ordinance adopted in conformance with the provisions of the Zoning Code of the City of Forest Park, Ohio, for Special Planning Areas, the regulations of this section shall

C. Special Planning Area (SPA). In areas under the jurisdiction of a SPA ordinance adopted in conformance with the provisions of the Zoning Code of the City of Forest Park, Ohio, for Special Planning Areas, the regulations of this section shall be superseded by any conflicting requirements of the specific SPA ordinance. When the SPA ordinance is silent on a specific point, the requirements of this section shall apply.

§ 51.17 Permits, Application for.

Each application for a Permit shall be made by the owner of the property or his authorized agent, to the Community Development Department on a form furnished for that purpose. Five copies of the Plan required by the City Engineer shall be submitted with the applications. A professional engineer, or professional architect where applicable, registered in the State of Ohio, shall certify as to the accuracy of the information on the Plans. The City Engineer may authorize the deletion of any item on the application which he judges to be unnecessary to ensure compliance with the provisions of this chapter.

§ 51.18 Plan Submission Requirements.

A. Submission requirements for Subdivisions. Plans, profiles and supporting documentation to verify conformance with this chapter shall be submitted along with the usual plan submissions required in Chapter 151 - Subdivision Rules and Regulations.

1. Preliminary Plans. In addition to the requirements of Chapter 151, a plan showing the total area contributing runoff to the Subdivision or Project Area being considered shall be submitted with the preliminary plans. This plan shall contain, but is not

requirements of Chapter 151, a plan showing the total area contributing runoff to the Subdivision or Project Area being considered shall be submitted with the preliminary plans. This plan shall contain, but is not limited to, the following information:

a. A contour plan showing the outline of all areas outside the project area that contributes runoff to it;

b. Estimated runoff (Q) before and after development for terminal points along natural streams, proposed open channels, and other strategic points such as existing storm sewers or culverts;

c. Location of proposed Detention/Retention areas; and

d. Any other information required by the City to clarify intent.

2. Improvement Plans. In addition to the requirements of Chapter 151, the improvement plan for the project area shall contain, but is not limited to, the following information:

a. Diameter, length, slope, type pipe (ODOT designation for concrete pipe), and class (f other than Class II), of all storm sewers, culverts, and subsurface drainage;

b. Invert elevations on profiles of all pipes at terminal points such as manholes, inlets and catch basins, and headwalls;

c. Top of grate elevations of manholes and grate flowlines of catch basins and inlets located outside the public right-of-way. This information and headwalls;

c. Top of grate elevations of manholes and grate flowlines of catch basins and inlets located outside the public right-of-way. This information shall be submitted for structures within the right-of-way when required by the City Engineer;

d. Type of catch basin, inlet and manhole;

e. Headwall type;

f. Actual existing and proposed cross sections of open channels showing width of bottom, depth of water, erosion control measures and limits, and side slopes at each point of design along with a profile indicating the longitudinal slope and bottom elevations at the terminal points of design.

g. High and low points indicating the direction of runoff flow along the profile of a roadway;

h. Structural details and design data for Detention/Retention facilities;

i. Details of construction for all structures not included in the City standard construction drawings, this chapter or other referenced standards;

j. Easements;

k. Other requirements of this chapter; and

l. Any other information required by the City Engineer to clarify intent or design features.

k. Other requirements of this chapter; and

l. Any other information required by the City Engineer to clarify intent or design features.

3. Drainage and grading plans. In addition to the improvement plan, a drainage plan shall be submitted. This plan may be the improvement plan required above or a similar plan at a scale of 1 inch = 100 feet or larger showing at least the following additional information:

a. Contours indicating the existing and final grading at vertical increments of no more than 2 feet;

b. Discharge (Q), coefficient of runoff (c) and drainage area (A) along with the outline of the drainage area for each inlet, catch basin, culvert, and open channel point of design and other locations designated by the City Engineer. Drainage areas that lie partially outside the limits of the drainage and grading plan may be delineated on any contour map acceptable to the City Engineer;

c. Discharge (Q) before and after development, in accordance with the Stormwater Design Manual requirements, strategic points within and at the extremities of the Project Area;

d. Delineation of the boundaries and contour elevation, along with the track, of the major drainage system through downstream areas to an adequate outlet -- though the outlet may be outside the Project Area;

contour elevation, along with the track, of the major drainage system through downstream areas to an adequate outlet -- though the outlet may be outside the Project Area;

e. Delineation of the horizontal limits of ponding areas at low points (sags) in the street profile and low points outside the street right-of-way including, but not limited to, culvert headwater, natural stream water surfaces, and sump type inlets for storms with frequencies of 25 years and 100 years;

f. High and low water horizontal limits and contour elevation of Detention/Retention/Sedimentation facilities along with water surface and control weir elevations, outlet structures, etc.;

g. Areas outside the Project Area susceptible to sediment deposits or to erosion caused by accelerated runoff;

h. Location of soils that may be limited for the proposed use;

i. All requirements of this chapter; and

j. Any other information required by the City Engineer to clarify intent, specified design requirements, or design features.

4. Supporting Data. All data and design information used for the design of drainage facilities and for determining downstream flood information shall be submitted with the drainage and grading plan. To facilitate review and avoid confusion, legends, descriptions,

information used for the design of drainage facilities and for determining downstream flood information shall be submitted with the drainage and grading plan. To facilitate review and avoid confusion, legends, descriptions, and structure numbering, used on design forms or other calculations shall be identical to those used on the improvement plans and the drainage and grading plan. This data shall include but are not limited to:

a. weighted runoff coefficient calculations for each contributing area;

b. Pavement drainage calculations;

c. Storm sewer computations;

d. Culvert design computations;

e. Open channel computations;

f. Detenition/Retentions facilities computations;

g. Major drainage system computations unless specifically not required by the City Engineer; and

h. Any other information required by the City Engineer to clarify intent or design features.

5. As-built plans. Amended improvement plans specifying the locations, dimensions, elevations, and capacities of all facilities as constructed shall be submitted to the City on construction completion of the project. These shall include all required design features except those waived by the City Engineer.

of all facilities as constructed shall be submitted to the City on construction completion of the project. These shall include all required design features except those waived by the City Engineer.

B. Submission requirements for land developments other than Subdivisions shall be the same as the requirements for Subdivisions but may be altered by the City Engineer for specific Project Areas.

§ 51.19 Plan Review and Approval Procedures.

To further the specific purposes of this chapter, the following procedures are established:

A. The Utility shall assist all other departments in the review of plans submitted with applications for permits for development.

B. Where a Permit is required, the City Engineer and the SWCD shall review the application and Plan for the proposed Permit. If the City Engineer and the Director find the application and plans in conformance with the provisions of this chapter, the Community Development Department may issue a Permit with such reasonable conditions as the City Engineer deems necessary to substantially secure the objectives of this chapter.

C. Approved Plans, specifications, and reports for all site development shall be retained in original form or other means approved by the Utility.

D. Every Permit shall expire by limitation and become null and void if the work authorized by such Permit has not commenced within 180 days, or is not completed within one year from the date of

approved by the Utility.

D. Every Permit shall expire by limitation and become null and void if the work authorized by such Permit has not commenced within 180 days, or is not completed within one year from the date of issue. The Director may grant a reasonable extension of time if the Permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits and if written application is made before the expiration date of the Permit.

§ 51.20 Inspections.

A. An Approved Plan bearing the City Engineer's stamp of approval shall be maintained at the site, along with any required permit, during progress of the work.

B. Inspection and notification procedures and the time allowed to correct deficiencies shall be established by the City Engineer.

C. The Inspector shall inspect the work covered by the Plan and Permit. At any stage of the construction when conditions are not as stated or shown on the Plan, the Director, with the approval of the City Manager, may order further work stopped until approval is obtained for a revised Plan conforming to the existing conditions.

D. If at any stage of the work the Inspector determines that the conditions are such that further work as authorized by the existing permit is likely to imperil any person, property, public way, watercourse, or drainage structure, the Inspector may require, as a condition to allowing the work to proceed, that such reasonable safety precautions be taken as considered

permit is likely to imperil any person, property, public way, watercourse, or drainage structure, the Inspector may require, as a condition to allowing the work to proceed, that such reasonable safety precautions be taken as considered available to avoid the likelihood of such peril. Where it appears that storm damage may result because the grading is not complete, the Director, with the approval of the City Manager, may order work to be stopped and the Developer required to install temporary planting to control erosion, install temporary structures or take such other measures as may be required to protect adjoining property or the public safety.

E. Where no permit has been required and it is evident that construction and grading has caused the existing surface drainage in the general area to be impaired, created an erosion hazard or become a source of sediment to any adjacent land or watercourse, the Director shall:

1. Have the Developer verbally notified to take measures necessary to correct the situation within a specific length of time, or

2. Take immediate action -- if necessary to protect persons or property from damage -- by causing corrective measures to be taken and charging the Developer for all cost incurred by the City as a result of such action;

3. Have the corrective measures performed by other than the Developer, with the incurred expense charged to the Developer, if not completed by the Developer within the specified time period;

performed by other than the Developer, with the incurred expense charged to the Developer, if not completed by the Developer within the specified time period;

4. Recommend to the City Manager that the Building Department withhold the issuance of a Certificate of Occupancy for all structures on the Project Area until all costs incurred by the City have been paid in full by the Developer.

§ 51.21 Fees and Bonds.

A. Fees. Fees for plan review, permits, construction and plan compliance inspections, as built plan review and inspections, etc., shall be established by Council.

B. Bonds. In order to ensure that emergency or corrective measures may be taken by the City if the Stormwater Management measures are not implemented according to the agreed upon Plan and schedule, a performance bond in the amount approved by the City Engineer to be sufficient to cover the cost of the Stormwater Management measures shall be required to be filed with the City Manager. The performance bond shall authorize immediate payment to the City on certification by the City Manager that necessary emergency or corrective work must be done or has to be done to ensure proper stormwater management and sediment control as a result of the landowner's failure to complete or adhere to the Approved Plan.

§ Revocation of Permit.

A. Temporary Suspension. In the event any person holding a Permit pursuant to this chapter violates the terms of the permit, or

§ Revocation of Permit.

A. Temporary Suspension. In the event any person holding a Permit pursuant to this chapter violates the terms of the permit, or conducts site development in such a manner as to adversely affect the health, safety or welfare of persons residing or working in the neighborhood of the Project Area, or property, or whenever any false statement or misrepresentation has been made upon the application, plans, or specifications on which the issuance of the permit or approval was based, the City Manager shall temporarily suspend the Permit.

B. Procedure for revoking the Permit. No Permit shall be permanently revoked or suspended until a hearing is held by the City Manager or his designee. Written notice of such hearing shall be served on the Developer either personally or by registered mail, and shall state:

(1) The grounds for complaint or reasons for the revocation or suspension, in clear and concise language; and

(2) The time when, and the place where such public hearings is to be held. At any such hearing, the permit holder shall be given an opportunity to be heard, and may call witnesses and present evidence on his behalf. On conclusion of such hearing, the City Manager or his designee shall determine whether or not the permit shall be suspended or revoked and shall issue, in writing, a notice of revocation. No part of any fee for such revoked permit shall be returned;

C. After a temporary suspension is received, each and any act of proceeding with any operation for which such permit was issued

part of any fee for such revoked permit shall be returned;

C. After a temporary suspension is received, each and any act of proceeding with any operation for which such permit was issued shall be considered a violation of this section pending permanent revocation by the City Manager.

FINANCIAL PROVISIONS

§ 51.23 Funding.

Funding for the Utility shall include, but not be limited to:

A. Stormwater Management Service Charges;

B. Direct charges. This charge will be collected from owners, developers or others for the cost of designing and constructing stormwater facilities and administrative costs and related expenses where the Utility designs and/or constructs or contracts for the construction of such facilities, including costs associated with abatement procedures undertaken by the Utility;

C. Direct assessment. This charge will be collected from owners in localized areas that desire stormwater drainage facilities not considered part of the regional development or where an improvement is desired ahead of the priority status;

D. Fees as stated in 51.21 (A), 51.39 (E), and any other covered under this charter or other City codes.

E. Other income obtained from federal, state, local, and private grants, or revolving funds.

other City codes.

E. Other income obtained from federal, state, local, and private grants, or revolving funds.

§ 51.24 Stormwater Utility Fund.

All revenues generated by or on behalf of the Utility including stormwater management service charges and direct charges and interest earnings on those revenues shall be deposited in the Stormwater Utility Fund and used exclusively for Utility purposes.

§ 51.25 Stormwater Management Service Charge

A stormwater management service charge is imposed on each lot and parcel of land within the City, and the owner thereof, excepting only streets, boulevards, sidewalks, curbing, street, crossings, grade separations, and other public ways and easements, and highway structures belonging to the City, state and federal government.

A. Vacant land shall be exempt from stormwater management service charges.

B. Public road and freeway rights-of-way shall be exempt from the stormwater management service charge because they function as part of the stormwater collection and conveyance system. Private rights-of-way will be charged as described herein.

C. Properties that have existing stormwater detention facilities, or those planning such facilities, may have their stormwater management service charges reduced as determined by the Utility, in accordance with generally accepted engineering standards and practices to more accurately

facilities, may have their stormwater management service charges reduced as determined by the Utility, in accordance with generally accepted engineering standards and practices to more accurately reflect the contribution to runoff from the property and the level of service provided to such property. The detention facilities must be in accord with the hydrologic, hydraulic, and structural design requirements of the rules and regulations. Facilities of a temporary nature will not be allowed a decrease in their charges.

§ 51.26 Classification of Property

There shall be two classifications of property for determination of the Stormwater Management Service Charge:

A. Class R.

One and Two Family Residential Properties. Typically, these types of property comprise about 9,600 square feet total, are assigned an Area Range Number (ARN) of 5 and an Intensity of Development Factor (IDF) of 0.25.

B. Class C.

All Non-Residential Property and Residential Property not included in Class R. The gross area (Total Square Footage) of each Class C property will be determined by any one or more means defined in Section 51.01. such property sizes shall be grouped in 2,000 square foot ranges and assigned an Area Range Number (ARN).

For example, a Class C property with a Total Square Footage of 12,600 square feet shall be assigned an Area Range Number of 7.

For example, a Class C property with a Total Square Footage of 12,600 square feet shall be assigned an Area Range Number of 7.

§ 51.27 Land Use Intensity of Development Factors.

Eight land uses are identified and recognized for purposes of this chapter, each of which has an assigned Intensity of Development Factor (IDF). The land use of each Class C property shall be assigned based on the records of the County Recorder or Auditor, the City or, through field examination or photogrammetric analysis.

Land-Use	IDF
Commercial	.85
Industrial	.75
Multi-family	.60
Public-Institutional	.40
Residential	.25
Agriculture	.08
Park	.05
Vacant	.00

§ 51.28 Rates.

The Utility is directed to prepare a list of all lots and parcels within the City and assign a classification as set forth in Section 51.26 to each. All properties included in Class C shall be assigned an ARN and IDF. The Utility shall report, to the City Manager, any applications of the provisions of Sections 51.25 through 51.27, which the Utility considers unjust or inequitable, and the matter shall be resolved in accordance with the provisions of Section 51.30. Where agreements exist, prior to the adoption of this chapter, between the City and a Developer fixing rates for lots and parcels, such rates shall be applied by the Utility in lieu of the provisions of this chapter until the

provisions of Section 51.30. Where agreements exist, prior to the adoption of this chapter, between the City and a Developer fixing rates for lots and parcels, such rates shall be applied by the Utility in lieu of the provisions of this chapter until the agreements are terminated or the terms therein are otherwise no longer valued. The rates for the two classes of property shall be as follows:

A. Class R. The monthly Stormwater Management Service Charge for Class R lots and parcels shall be three dollars ($3.00).

B. Class C. The monthly Stormwater Management Service charge for Class C lots and parcels shall be calculated as follows, but shall not be less than the monthly Stormwater Management Service Charge for Class R lots and parcels:

   Multiply the ARN of each lot or parcel times the IDF of the lot or parcel. Divide this figure by the typical Class R property ARN and IDF. Multiply this figure times the monthly charge per Class R property. This calculation may be phrased as follows:

   [(ARN)(IDF)($3.00)]/[(5)(.25)]=$

§ 51.29 Collection of Stormwater Management Service Charge.

The Stormwater Management Service Charge shall be paid, by the owner of each lot or parcel which is subject to this charge, on a periodic basis in accordance with regulations established herein.

Owners of Class R properties shall be billed annually at a rate of 12 times the monthly service charge on or about February 1. Owners of Class C properties shall be billed quarterly at a rate of 3 times the monthly service charge on or about February 1, May 1, August 1, and

Owners of Class R properties shall be billed annually at a rate of 12 times the monthly service charge on or about February 1. Owners of Class C properties shall be billed quarterly at a rate of 3 times the monthly service charge on or about February 1, May 1, August 1, and November 1 of each year.

§ 51.30 Adjustment of Charge, Appeal.

Anytime the runoff situation on a parcel of property changes, the stormwater utility reserves the right to correspondingly adjust the Stormwater Management service charge.

Persons who consider the charges applicable to their lot or parcel to be unjust or inequitable may apply, within 30 days after receipt of the charge, to the City Manager for adjustment thereof, stating in writing the grounds of the complaint according to procedures and requirements set forth by the City Manager.

The City Manager shall, within 30 days cause appropriate investigation thereof and determine whether an adjustment of the charges for any such lot or parcel is necessary to provide for the just and equitable application of the Stormwater Management Service charge, and adjust such charge if appropriate.

§ 51.31 Delinquent Charges.

A. All charges not under appeal and not paid within 30 days after receipt of billing shall be considered delinquent.

B. All charges delinquent hereunder shall (1) be subject to an interest charge established by Council, (2) be subject to re-billing charges established by Council, and (3) constitute a lien upon the real property affected from the date charges are incurred

C. All charges delinquent may be reported to the City Manager or for the filing of a suit

charges established by Council, and (3) constitute a lien upon the real property affected from the date charges are incurred

C. All charges delinquent may be reported to the City Manager or for the filing of a suit by the City Law Director, to collect the unpaid charges.

D. For delinquent charges, a special assessment may be filed with the Auditor of Hamilton County, Ohio as a lien upon the real property.

ABATEMENT PROCEDURES

§ 51.32 Notice to Correct Improper Drainage

A. Whenever the Utility shall find that a tract of land is inadequately drained, or that there is an obstruction to a culvert, or watercourse that interferes with water naturally flowing therein or that such culvert, storm sewer, or watercourse is of insufficient capacity to reasonably accommodate the flow of water, as required by this chapter, the Utility shall notify the owner or person having possession, charge, or management of such land to remove the obstruction or provide adequate drainage. Such notice shall be served on such persons by personal delivery, by registered mail at the last known place of residence, or by posting on the premises.

B. The owner must comply with the Utility's orders within the time specified and not to exceed 30 days. Failure to comply with such order shall constitute an unlawful act. Each additional day thereafter during which the owner fails to carry out the order of the Utility shall constitute a separate offense.

such order shall constitute an unlawful act. Each additional day thereafter during which the owner fails to carry out the order of the Utility shall constitute a separate offense.

(1) In any case where a condition described in Section 51.32 exists for more than thirty 30 days after service of notice, the City Manager may direct the owner to fill or drain such land, remove any obstruction and, if necessary, enlarge the culverts, drains, or watercourses to meet the requirements of this chapter.

(2) In the event an owner fails or refuses to comply with the City Manager's directive, the Utility may provide for the performance of the required work and charge the owner the abatement costs.

C. Failure of the City to observe or recognize hazardous conditions or to recommend denial of a Permit shall not relieve the Developer from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers or agents being responsible for any condition or damage resulting therefrom.

D. Nothing in this chapter shall be construed as authorizing any person to maintain a private or public nuisance on his property, and compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

E. Nothing in this section shall be construed to prevent immediate action by the Utility in emergency situations. In case of an emergency, the Utility may direct that action be taken immediately to correct the condition or abate the activity to protect the public health, safety, and welfare. The Utility may perform the required work and charge the owner the abatement costs.

emergency, the Utility may direct that action be taken immediately to correct the condition or abate the activity to protect the public health, safety, and welfare. The Utility may perform the required work and charge the owner the abatement costs.

§ 51.33 Abatement Costs.

The Utility shall account for all costs associated with an emergency or abatement including, but not limited to, administration, notification, inspection, serving of papers or documents, legal counsel, force account labor, enforcement, operational services, and outside contracted services. These costs shall be billed at the discretion of the City Manager.

This section shall not be construed to relieve the owner of any penalties prescribed by other sections of this chapter.

APPEALS AND AMENDMENTS

§ 51.34 Appeals Board.

Council shall serve as the Appeals Board to hear and determine any appeal filed under Section 51.35 (B) of this chapter. It shall defer to the Planning Commission any appeal filed under Section 51.35 (A).

The Appeals Board shall, in harmony with the general purpose of this chapter and to secure the public health, safety and welfare, have the power to affirm, modify, or revoke any notice or order and may grant an extension of time for the performance of any act required by this chapter, or may grant a variance, except as otherwise excluded herein, where there is practical difficulty or undue hardship connected with the performance of such notice or order, and the decision of the Appeals Board shall be final.

§ 51.35 Variances and Appeals.

Any person may appeal decisions or interpretations of the City Manager, or his designee, issued in connection with the enforcement of any provisions of this chapter or request variances therefrom, provided that such person shall file in the office of the City Manger, along with the fees established by Council for appeals and variances, a written petition to either the Appeals Board or the Planning Commission as provided below.

A. The Planning Commission. As authorized by Article VII of the Charter of the City of Forest Park, the Planning Commission shall have the exclusive power to vary or adapt the strict application of any of the requirements of sections 51.13 through 51.19 of this chapter.

   Upon receipt of such a petition as required in section 51.36 and the required fee(s), the Planning Commission shall set a time and place for a public hearing and shall five the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and show cause why any decision, interpretation or any item appearing on a notice or order should be modified or denied or a variance granted.

   After a public hearing, the Planning Commission may approve the variance request, approve the variance request with such conditions it deems necessary, deny the variance request, or such other action as is appropriate. Should the petitioner not be satisfied with the decision of the

request, approve the variance request with such conditions it deems necessary, deny the variance request, or such other action as is appropriate. Should the petitioner not be satisfied with the decision of the Planning Commission, the petitioner may appeal the decision to the Appeals Board.

B. The Appeals Board. The Appeals Board shall hear and determine appeals or variances to all other sections of this chapter and, upon receipt of a petition as required in section 51.36 and the required fee(s), the Appeals Board shall set a time and place for a public hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and show cause why any decision, interpretation or any item appearing on a notice or order should be modified or denied or a variance granted.

After a hearing, the Appeals Board shall sustain, modify or deny any item appealed or grant a variance by majority vote, depending on its findings as to whether the provisions of this chapter have been complied with, and the petitioner and the City Manager shall be notified in writing of such findings.

The proceedings at such hearings, including the findings and decision of the Appeals Board and reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the office of the City Manager. The record shall also include a copy of every notice, order or variance issued in connection with the matter.

C. The failure of the petitioner or his representative to appear and state his case at any hearing shall have the same affect as if no petition had been filed.

C. The failure of the petitioner or his representative to appear and state his case at any hearing shall have the same affect as if no petition had been filed.

D. Filing fees required by this section shall be in addition to the payment of the permits and inspection fees and any other fee which thereafter may occur, and no portion of such filing fee shall be refunded whatever the outcome of the appeal unless such petition shall have been withdrawn prior to setting the date for such hearing.

§ 51.36 Contents of Petition

The complainant shall set forth in the petition for appeal, the interpretation, ruling or order appealed from, and the related provisions of this chapter or related laws or ordinances, and shall state wherein the interpretation, ruling, or order is erroneous. If the appeal is a request for variance, the petition shall point out the provision or provisions from which the variance is sought and how the request satisfies the requirements of this section.

A. The Planning Commission, in hearing requests for a variance filed in accordance with Section 51.35 (A), shall grant no variance in the application of any of the provisions the sections listed therein, unless it finds all of the following:

(1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record that it is impossible or impractical for the subdivider or Developer to comply with all of the regulations of these sections;

(2) That there are special circumstances or conditions, fully described in the

subdivider or Developer to comply with all of the regulations of these sections;

(2) That there are special circumstances or conditions, fully described in the Planning Commission's findings, applying to the land for which the variance is sought, which circumstances or conditions are peculiar to such land and do not apply generally in the City, and that said circumstances or conditions are such that the strict applications of the provisions of these sections would deprive the applicant of the reasonable use of such land and that the variance as granted by the Planning Commission is the minimum variance that will accomplish this purpose;

(3) That the granting of the variance will be in harmony with the general purpose and intent of these sections and will not be injurious to the neighborhood, the City, or otherwise detrimental to the public health, safety and welfare;

(4) That the condition or situation of the specific piece of property, for which a variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation;

(5) That the special conditions or circumstances do not result from the actions of the applicant; and

(6) That no permitted use of lands in other areas of the City are used as grounds for issuance of such a variance.

B. Petitions to the Appeals Board, in appeals filed in accordance with Section 51.35 (B), shall be based on one of the following grounds:

(1) The interpretation, ruling, or order is erroneous or constitutes an erroneous application of the particular provisions of this chapter or other related laws or ordinances pertaining to stormwater management and finance, or is otherwise contrary to law; or

(2) A variance is necessary and feasible and meets all of the following conditions:

(a) Good and sufficient cause based on an unreasonable burden or hardship has been proven;

(b) The degree of variance is the minimum necessary to afford relief from the unreasonable burden or hardship imposed by this chapter or standards, specifications, requirements, regulations, and procedures adopted pursuant to this chapter;

(c) The variance may be granted without defeating the public health, safety, and welfare purposes and intent of this chapter or related laws or ordinances pertaining to stormwater management and finance.

§ 51.37 Amendments.

A. Whenever the public necessity, convenience, general welfare or good Stormwater Management practice requires, an amendment, supplement, or change may be considered by Council. Amendments may be initiated by resolution of Council, by motion of the Planning Commission or by the filing of a verified application in the office of the City Manager by one or more of the owners of lessees of property within the City affected by the proposed amendment or supplement.

B. All applications or proposals for amendments or supplements to any of the requirements of sections 51.13 through 51.19 of this chapter shall first be reviewed by the Planning Commission as authorized by Article VII of the Charter of the City of Forest Park. The Planning Commission shall have the duty to submit to Council its recommendations regarding all such amendments.

C. Applications for any change, amendment, or supplement shall be submitted and shall be accompanied by such data and information, as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the City, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Planning Commission shall be accompanied by its motion pertaining to such proposed amendment. An application initiated by Council shall be accompanied by its resolution pertaining thereto.

(1) Planning Commission Action.

(a) The Planning Commission shall within 30 days after receipt of application and the proposal, recommend the approval or denial of the proposed amendment or approval of some modification thereof and shall submit such recommendation together with such application and text pertaining thereto Council;

(b) Council may, on its own resolution extend the time limitation for specific periods of time when it considers the extension is warranted.

(2) Council Action. Within two regular Council meeting dates after receipt of the application or, when required, receipt of the Planning Commission recommendations, Council shall either adopt or deny the proposed amendment or adopt some modification thereof.

D. Appeal to Council decision. Any person adversely affected by an order of Council adopting, amending, or rescinding any portion of this chapter may appeal to the Court of Common Pleas of Hamilton County on the ground that Council failed to comply with the law in adopting,

amending, rescinding or publishing such regulation, or that the regulation, as adopted or amended by Council is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

E. Fee. Each application for amendment to this chapter, except those initiated by the Planning Commission or Council shall be accompanied by a fee as established by Council.

LEGAL ISSUES

§ 51.97 Flooding, Liability.

Floods from stormwater runoff may occasionally occur which exceed the capacity of storm drainage facilities constructed, operated, or maintained by funds made available under this chapter. This chapter does not imply that property subject to the fees and charges established herein will always be free from stormwater flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost effectively constructed, operated, or maintained. Nor shall this chapter create a liability on the part of, or cause of action against, the City or any officer or employee thereof for any flood damage that may result from such storms or the runoff thereof. Nor does this chapter purport to reduce the need or the necessity for obtaining flood insurance.

§ 51.98 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. Council declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

§ 51.99 Penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a minor misdemeanor and subject to a fine of $100 per day. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

CITY OF TULSA
STORMWATER DRAINAGE

CITY OF TULSA

Title 11-A - Stormwater Drainage

STORMWATER DRAINAGE SYSTEM SERVICE CHARGE

Section 200 Definitions.
Section 201 Service Charge and Exemptions
Section 202 Rate Schedule.
Section 203 Collection of Service Charge.
Section 204 Adjustments of Charge, Appeal.

SECTION 200. DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

A. City shall mean the City of Tulsa.

B. Developed real estate shall mean real property altered from its natural state by the addition to or construction of any impervious surface such that the hydrology of the property is affected.

C. Equivalent service unit shall mean two thousand six hundred fifty (2,650) square feet of impervious surface. (Ord. No. 16589)

D. Impervious surface shall mean any hard surfaced area which prevents or retards the entry of water into the soil in the manner and to the extent that such water entered the soil under natural conditions, causing water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions, such as but not limited to rooftops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam or other surfaces which similarly affect the natural infiltration or run-off patterns of real property in its natural state.

E. Drainage Basin Plan shall mean the plan adopted by the City for managing surface and stormwater facilities and features within an individual drainage basin.

F. Service charge shall mean the fee levied within the boundaries of the City for the use of the City's stormwater drainage facilities.

G. Undeveloped real estate shall mean real estate unaltered by the construction or addition of any impervious surface which would change the hydrology of the property from its natural state.

H. Retention or detention facilities shall mean facilities designed to hold stormwater for a short period and then to release it to the natural watercourse or to hold stormwater for a sufficient length of time to provide for it to be consumed by evaporation, infiltration into the soil or other natural means.

I. Residential property shall mean any property designed and used principally for residential single-family or duplex purposes and developed according to and meeting the bulk and area requirements for residential single-family or duplex zoned property as set

I. Residential property shall mean any property designed and used principally for residential single-family or duplex purposes and developed according to and meeting the bulk and area requirements for residential single-family or duplex zoned property as set forth in the Tulsa Zoning Code at the time of development of such property.(Ord. No. 16589).

SECTION 201. SERVICE CHARGE AND EXEMPTIONS

A. There is hereby established a service charge for the use of the City's stormwater drainage system at rates hereinafter established; provided, however, that the service charge shall not be imposed on the following types of property:

1. City streets, rights-of-way, parks and open space;
2. State of Oklahoma highway rights-of-way;
3. Railroad rights-of-way; or
4. Undeveloped parcels of land.

(Ord. No. 16589)

B. All proceeds from the service charge established herein shall be deposited to the Stormwater Management Enterprises Fund established in Chapter 1 of this title.

SECTION 202. RATE SCHEDULE

The monthly service charge rate is hereby established at Two Dollars ($2.00) for each Equivalent Service Unit assigned to a lot, tract or parcel of real estate as herein provided.

A. Residential Property. Residential property within the corporate limits of the City is hereby assigned one Equivalent Service Unit for each developed lot, tract or parcel of record with the County Clerk, the resulting service charge being Two Dollars ($2.00) for each such lot, tract or parcel; provided, however, in the case of duplex development with two (2) dwelling units on the same lot, track or parcel, a service charge of Two Dollars ($2.00) shall be made to each dwelling unit.

B. All Other Real Estate. The impervious surface of all other lots, tracts or parcels of developed real estate within the corporate limits of the City shall be measured to determine the equivalent service units to be assigned to such lots, tracts or parcels; and the service charge shall be Two Dollars ($2.00) for each Equivalent Service Unit or portion thereof.

C. Credit for Private Maintenance of Detention Facilities. Any property that is directly served by an approved on-site detention or retention facility may apply for and receive an adjustment in annual service charges for use of the City's stormwater drainage system. The Director shall adjust the service charge for such properties according to the mitigative effect of the facility on annual maintenance and operation costs, provided that:

1. The owner remains responsible for all costs of proper operation and maintenance of the facility;
2. The facility was constructed in compliance with City Drainage Standards; and
3. The owner obtained the proper permits from the City.

D. Inspection. The Director shall have the right to inspect the on-site facility at any reasonable time to determine if it is in

3. The owner obtained the proper permits from the City.

D. Inspection. The Director shall have the right to inspect the on-site facility at any reasonable time to determine if it is in compliance with the approved design and is capable of functioning properly. If the facility's performance might be affected because it fails to meet the proper operating standards, has been altered, or is in disrepair, the property owner shall pay the monthly service charge at the normal rate without benefit of reduction. Any property with an on-site detention facility which is maintained by the Public Works Department shall be charged normal annual service charge rates. (Ord. No. 16589)

SECTION 203. COLLECTION OF SERVICE CHARGE

The service charges herein established for the use of the City's stormwater drainage system shall be billed to each user monthly, along with a bill for water or other utility services and such penalties as a=e now or may hereafter be established for water service bills. All collecting agencies authorized by the City to accept payment of City utility bills are hereby directed to advise customers of the provisions of this section. In the event that any person, firm or corporation shall tender as payment of water service, sewer service, collection of solid waste service and/or service charge for the use of the City's stormwater drainage system an amount insufficient to pay in full all of the charges so billed, credit shall be given first to the service charge for the use of the City's storm water drainage system, second to the charges for collection of solid waste, third to the charge for sanitary sewer service and last to the charges for water service. The City shall have the right and privilege of discontinuing water service to any premises for insufficient payment.

third to the charge for sanitary sewer service and last to the charges for water service. The City shall have the right and privilege of discontinuing water service to any premises for insufficient payment.

In the event that any utility account shall become delinquent, water services may be terminated by the City until all delinquent charges for the use of the City's stormwater drainage system, collection of solid waste service, sanitary sewer service and water service shall have been paid in full. The provisions for collection provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oklahoma.

In the case of users of real estate who are not billed for water, sanitary sewer or collection of solid waste, the owner of the real estate or agent of the owner shall be billed monthly for the service charges herein established.

The invalidity of any provision, clause or portion of this section or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this section or the validity of its application to other persons or circumstances. (Ord. No. 16589)

SECTION 204. ADJUSTMENTS OF CHARGE, APPEAL

Any person who considers the charges applicable to his parcel to be inaccurate or erroneous may request review thereof by the Director. The determination by the Director may be appealed to the Stormwater Drainage Advisory Board by written notice of appeal filed with the Director within ten (10) days of the Director's determination. The decision of the Board may be appealed to the governing body of the City by such person or by the Director by written notice of appeal filed with

Advisory Board by written notice of appeal filed with the Director within ten (10) days of the Director's determination. The decision of the Board may be appealed to the governing body of the City by such person or by the Director by written notice of appeal filed with the City Clerk within ten (10) days of decision by the Board.
(Ord. No. 16589)

CITY OF PHILADELPHIA
PROVISIONS GOVERNING USE OF SEWERS

Explanation: Italics indicate new matter added.

Amending Chapter 13-600 of The Philadelphia Code, entitled "Provisions Governing Use of Sewers," by making certain findings of fact concerning the discharge of pollutants into the City's storm sewer system, by prohibiting certain discharges into the City's storm sewer system, and providing penalties for violations, under certain terms and conditions.

The Council of the City of Philadelphia hereby ordains:

SECTION 1. Chapter 13-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 13-600. PROVISIONS GOVERNING THE USE OF SEWERS

* * *

13-603. Storm Water Sewers

(1) Findings of Fact

The City Council finds that the uncontrolled discharge of pollutants to the storm sewer system can have an adverse impact upon the water quality of the receiving waters. More specifically:

(a) The water quality of discharges from separate storm sewers draining residential, commercial and industrial sites was characterized by the Nation-wide Urban Runoff Program (NURP), which conducted sampling programs from 1978 through 1983. NURP concluded that the quality of urban runoff can be adversely impacted by several sources of pollutants, including illicit connections, industrial site runoff and illegal dumping. Other studies have shown that storm sewers contain illicit discharges of substances other than storm water and that large amounts of waste, particularly used oils, are improperly disposed of in storm sewers.

(b) The 1972 amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, prohibited the discharge of any pollutant from a point source into the waters of the United States unless the discharge was authorized by a National Pollutant Discharge Elimination System (NPDES) permit. In 1987, the Clean Water Act was amended to require large and medium sized municipalities to obtain a NPDES permit for their storm water discharges through their municipal separate storm sewer systems. The Environmental Protection Agency (EPA) has now promulgated regulations implementing the NPDES permit requirements for municipal storm water discharges.

(c) EPA's regulations for storm water discharges require certain municipalities, including the City of Philadelphia, to:

(i) Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to municipal storm sewers by storm water discharges associated with industrial activity, including construction activity, and the quality of storm water discharged from sites of industrial activity;

(ii) Prohibit through ordinance, order or similar means, illicit discharges to municipal

storm water discharges.

(c) EPA's regulations for storm water discharges require certain municipalities, including the City of Philadelphia, to:

(i) Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to municipal storm sewers by storm water discharges associated with industrial activity, including construction activity, and the quality of storm water discharged from sites of industrial activity;

(ii) Prohibit through ordinance, order or similar means, illicit discharges to municipal storm sewers;

(iii) Control through ordinance, order or similar means, discharges to municipal storm sewers of spills, dumping or disposal of materials other than storm water;

(iv) Require compliance with conditions in ordinances, permits, contracts or orders;

(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions, including the prohibition of illicit discharges to the municipal storm sewer system;

(vi) Develop management plans to reduce the discharge of pollutants to the storm sewers.

(2) Definitions.

In this section, the following definitions apply:

(a) Construction Runoff. Soil, and any other material from a construction site, transported from a construction site to the storm sewer system.

(b) Discharge. Dispose, deposit, spill, pour, inject, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, dumped, leaked or placed by any means.

(c) Industrial Wastes. Liquid or other wastes resulting from any process of industry, manufacture, trade or business, the storage of materials or from the development of any natural resources.

(d) Other Wastes. Decayed wood, sawdust, shavings, bark, leaves, lawn clippings, lime, garbage, bottles, cans, refuse, ashes, offal, tar, paint, solvents, petroleum products, antifreeze, chemicals of any nature and pesticides.

(e) Person. Any individual, association, public or private corporation for profit or not for profit, partnership, firm, authority, trust, estate, or any department, board, bureau or agency of the Commonwealth or Federal government.

(f) Pollutant. Any contaminant which in any manner affects or alters the physical, chemical or biological properties of storm water. The term pollutant includes, but is not limited to, those substances defined as Construction Runoff, Industrial Wastes, Other Wastes and Sewage.

(g) Premises. Any property, including all residential, commercial and industrial properties and including all improvements, buildings and structures located on or under such properties.

(h) Sanitary Sewer. A system of conduits that collect and deliver sewage to water pollution control plants.

(i) Sewage. Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animals or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the laws and regulations of the United States and the Commonwealth of

public health, or to animals or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the laws and regulations of the United States and the Commonwealth of Pennsylvania.

(j) Storm Sewer System. The system of roads, streets, catch basins, curbs, gutters, ditches, pipes, lakes, ponds, channels, storm drains and other facilities located within the City of Philadelphia which are designed or used for collecting or conveying storm water.

(k) Storm Water. Runoff from rain, snow or other forms of precipitation, and surface runoff and drainage.

(3) Prohibitions.

(a) No person shall discharge pollutants to the storm sewer system, either by placing pollutants directly into the storm sewer system, by placing pollutants in areas which drain into the storm sewer system, or by allowing storm water from premises owned by such person to transport pollutants to the storm sewer system, unless specifically authorized by this section or any regulation promulgated pursuant to this section.

(b) No person shall connect or cause or allow to be connected, or remain to be connected, any sanitary sewer to the storm sewer system, including any sanitary sewer connected to the storm sewer system as of the date this section became effective. No person shall allow sewage to enter the storm sewer system as the result of a cracked or damaged sanitary sewer.

(c) Unless prohibited by regulations of the Water Department the following discharges tot he storm sewer shall be permitted:

(i) Firefighting activities;

(ii) Water line flushing;

(iii) Landscape irrigation:

(iv) Diverting stream flows or rising groundwater;

(v) Filtration of uncontaminated groundwater;

(vi) Pumping of groundwater from potable water sources, foundation drains, irrigation waters, springs, or water from crawl spaces or footing drains;

(vii) Lawn watering;

(viii) Individual car washing on residential properties;

(ix) Dechlorinated swimming pool discharges;

(x) Street washing; and

(xi) Any activity authorized by a valid Pennsylvania permit for the discharge to the waters of the Commonwealth.

(4) Compliance, Inspections and Monitoring.

(a) The Water Department and the Department of Licenses and Inspections shall have the authority to require compliance with this section, issue regulations, investigate, inspect and monitor all premises, wherever situated, as may be necessary or appropriate to ensure compliance with this section. Persons occupying such premises shall allow an authorized representative of such Departments ready access at all reasonable times to all parts of the premises for the purpose of investigating, inspecting and monitoring compliance with this section.

(5) Penalties and Abatement

(a) Any person who violates any of the provisions of this section shall be subject to a

penalty of three hundred (300) dollars. Each discrete violation shall be a separate and distinct offense subject to a three hundred (300) dollar fine. Each day that a discrete violation of this section occurs or continues to occur shall be a separate and distinct offense subject to a three hundred (300) dollar fine.

(b) Any person who violates any of the provisions of this section shall be responsible for containment, clean up, abatement, removal and disposal of any pollutant discharged into the storm sewer system. The City shall give notice to such person that a violation has occurred and shall require such person to immediately contain, clean up, abate, remove and dispose of the discharge. Such notice shall be sufficient if mailed or hand delivered to a business owner, property owner or resident at his last known address.

(c) If a person notified under 13-603(5)(b) fails to comply with the notice, the City may perform the containment, clean up, abatement, removal and disposal of the discharge. Costs incurred by the City in such activities shall be charged to the person notified.

(d) When the City determines that a discharge to the storm sewer system in violation of this section has caused an imminent threat to human health or the environment, the City may contain, clean up, abate, remove and dispose of any such discharge without prior notice. Costs incurred in such activities shall be charged to the person who has violated this section.

(e) When the City charges its costs to a person pursuant to 13-603(5)(c) or 13-603(5)(d) such charges shall be due within thirty (30) days of the date the bill is rendered. Where notice was given under 13-603(5)(c) and the amount due the City is not paid within thirty (30) days after a bill is rendered, a lien shall be recorded against the property causing the discharge.

(f) The Law Department, on behalf of the City, may bring legal action to collect fines and to enjoin the continuing violation of this section, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.

(g) The penalties and remedies contained in this section shall be cumulative, not exclusive. Further, the penalties and remedies contained herein shall be in addition to any other penalties or remedies available under federal, state or local laws or regulations.

SECTION 2. This Ordinance shall take effect sixty (60) days after it becomes law.

CERTIFICATION: This is a true and correct copy of the original Ordinance approved by the Mayor on July 12, 1993.

CITY OF CHATTANOOGA
STORMWATER MANAGEMENT

AN ORDINANCE TO ESTABLISH STORM WATER MANAGEMENT AND WATER QUALITY CONTROLS, PROGRAMS, REGULATIONS, PROHIBITIONS, AND PENALTIES BY ADDING A NEW ARTICLE VIII, CHAPTER 31, CHATTANOOGA CITY CODE, PART II, AND TO REPEAL CHATTANOOGA CITY CODE, PART II, SECTIONS 11-266 THROUGH 11-280.

WHEREAS, uncontrolled storm water drainage and discharge may have a significant, adverse impact on the health, safety, and general welfare of Chattanooga and the citizens by carrying pollutants into waters; and the quality of life of its citizens by carrying the receiving community waters; and

WHEREAS, The City of Chattanooga is required by federal law, particularly 33 U.S.C. 1342(p) and 40 CFR 122.26, to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Tennessee Department of Environment and Conservation for storm water discharges from the Chattanooga Storm Water System. The NPDES permit requires the City to impose controls to reduce the discharge of pollutants in storm water to the maximum extent practicable using management practices, control techniques and system design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, be is hereby amended to create a new Article VIII, Chapter 31, as follows:

ARTICLE VIII. STORMWATER MANAGEMENT
DIVISION 1. GENERALLY

Sec. 31-301. Purpose.

(a) It is the purpose of this article to protect, maintain, and enhance the environment of the City of Chattanooga and the short-term and long-term public health, safety, and general welfare of the citizens of Chattanooga by controlling discharges of pollutants to the Chattanooga Storm Water System and to maintain and improve the quality of the community waters into which the storm water outfalls flow, including without limitation, the lakes, rivers, streams, ponds, wetlands, sinkholes, and groundwater of Chattanooga.

(b) It is further the purpose of this article to enable Chattanooga to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations (40 CFR 122.26) for stormwater discharges.

Sec. 31-302. Definitions.

For the purpose of this article the following terms, phrases and words and their derivatives, shall have the meaning given herein:

"Accidental Discharge" means a discharge prohibited by this article into the "Community Waters" or to the "Waters of the State" which occurs by chance and without planning or consideration prior to occurrence.

"Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of stormwater runoff. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Clean Water Act" means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C.1251 et. seq.

"Commercial" means property devoted in whole or in part to the commerce, that is, the exchange and buying and selling of commodities or services. The term shall include, by way of example but not of limitation, the following businesses: amusement establishments, animal clinics or hospitals, automobile service stations, new or used automobile dealerships, automobile car washes, automobile and vehicular repair shops, banking establishments, beauty and barber shops, bowling alleys, bus terminals and repair shops, camera shops, dental offices or clinics, day care centers, department stores, drug stores, funeral homes, furniture stores, gift shops, grocery stores, hardware stores, hotels, jewelry stores, laboratories, laundries and dry cleaning establishments, liquor stores, medical offices and clinics, motels, movie theaters, office buildings, paint stores or shops, parking lots, produce markets, professional offices, radio stations, repair establishments, retail stores, restaurants and similar establishments serving prepared food and beverages, rooming houses, shopping centers, stationary stores, television stations and production facilities, theaters,

"Community Waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Chattanooga the waters into which the Chattanooga Storm Water System outfalls flow.

"Erosion and sediment control plan" means a written plan, including drawings or other graphic representations, for the control of soil erosion and sedimentation resulting from a land disturbing activity.

"Impervious" means not allowing the passage of water through the surface of the ground or ground covering or a substantial reduction in the capacity for water to pass through the surface of the ground or ground covering.

"Industrial" means a business engaged in industrial production or service, that is a business characterized by manufacturing or productive enterprise or a related service business. This term shall include by way of example but not of limitation, the following: apparel and fabric finishers, blast furnace, blueprint and related shops, boiler works, cold storage plants, contractors plants and storage facilities, foundries, furniture and household good manufacturing, forge plants, foundries, greenhouses, junkyards, manufacturing plants,

metal fabricating shops, ore reduction facilities, planing mills, rock crushers, rolling mills, saw mills, smelting operations,stockyards, stone mills or quarries, textile production, utility transmission or storage facilities, warehousing, and wholesaling facilities.

"Institutional" means an established organization, especially of a public or eleemosynary character. This term shall include, by way of example but not of limitation, the following: churches, community buildings, colleges, day care facilities, dormitories, drug or alcohol rehabilitation facilities, fire halls, fraternal organizations, golf courses and driving ranges, government buildings, hospitals, libraries, kindergartens or preschools, nursing homes,mortuaries, schools, social agencies, synagogues, parks and playgrounds.

"Manager" means the person designated by the city to supervise the operation of the storm water management system and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

"Multi-family Residential" means an apartment building or other residential structure built for three or more family units, mobile home parks with three or more units or lots under common ownership, and condominiums of three or more units.

"National Pollution Discharge Elimination System" or "NPDES" permit means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

"Notice of Intent" (NOI) means a written notice by a discharger to the Commissioner of the Tennessee Department of Environment and Conservation, or his designee, that the person wishes his discharge to be authorized under a general permit authorized by state law or regulation, particularly Rule 1200-4-10-.04 or Rule 1200-4-10-.05, Rules and Regulations of the State of Tennessee.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"Pollution Prevention Plans" means a written site specific plan to eliminate or reduce and control the pollution of storm water through designed facilities, sedimentation ponds, natural or constructed wetlands,and best management practices.

"Significant spills" includes, but is not limited to releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4)

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Management" means the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to meet the objectives of this article and its terms, including, but not limited to measures that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

"Storm Water Management Plan" or "SWMP" means the set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of storm water and which is incorporated as part of the NPDES permit for Chattanooga and as part of this article.

"Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic in

techniques for the control of storm water and which is incorporated as part of the NPDES permit for Chattanooga and as part of this article.

"Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

"Variance" means the modification of the minimum storm water management requirements contained in this article and the Storm Water Management Plan for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this article.

"Water Quality" means those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

"Water Quantity" means those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.

"Waters of the State of Tennessee" or "Waters of the State" means any water, surface or underground, within the boundaries of the state, which the Department of Environment and Conservation exercises primary control over with respect to storm water permits.

Sec. 31-303. Same - Abbreviations.

"BMP" means Best Management Practices.

"CFR" means Code of Federal Regulations.

"NOI" means Notice of Intent.

"NPDES" means National Pollutant Elimination System.

"T.C.A." means Tennessee Code Annotated.

"U.S.C." means United States Code.

Secs. 31-304 -- 31-309. Reserved.

"T.C.A." means Tennessee Code Annotated.

"U.S.C." means United States Code.

Secs. 31-304 -- 31-309. Reserved.

DIVISION 2. APPLICATIONS AND PERMITS FOR INDUSTRIAL, COMMERCIAL, INSTITUTIONAL AND CERTAIN RESIDENTIAL FACILITIES

Sec. 31-310. Existing facilities required to obtain permit

(a) Any existing Industrial, Commercial, Institutional, and multi-family or group residential facilities having an impervious surface greater than three thousand four hundred (3,400) square feet which discharges storm water into community waters and which does not have current NPDES permits issued by the Tennessee Department of Environment and Conservation, authorizing a discharge storm water into the waters of the state will be required to develop Pollution Prevention Plans, and apply for a Chattanooga Storm Water Discharge Permit on or before the dates set forth in the following schedule:

(1) Service stations and convenience stores by May 1, 1994;
(2) Vehicular repair and vehicular parts repair shops by May 1, 1994;
(3) Industrial, warehousing, and manufacturing facilities by May 1, 1995;
(4) Commercial uses and institutional uses with six (6) or more parking places north of the Tennessee River by May 1, 1996;
(5) Commercial uses and institutional uses with six (6) or more parking places south of the Tennessee River by May 1, 1997;
(6) Apartments and other multi-family or group residential uses with six (6) or more parking places by May 1, 1998.

south of the Tennessee River by May 1, 1997;

(6) Apartments and other multi-family or group residential uses with six (6) or more parking places by May 1, 1998.

(b) These plans will be submitted to the Manager of the Storm Water Management Section for approval or denial. Upon approval, a permit will be issued within six (6) months of the submittal date, which will incorporate any approved Pollution Prevention Plans into the permit. The permit may require the facility to implement structural and non-structural Best Management Practices (BMP) to reduce pollution discharge. If the application is disapproved, the Manager shall notify the applicant of deficiencies and allow ninety (90) days for the application to be revised and resubmitted. If the noted deficiencies are not corrected within ninety (90) days, and the application resubmitted for approval or if after being submitted is disapproved, any discharge of storm water after that date into waters of the community shall be unlawful. Once issued, a permit shall be valid for five (5) years, unless sooner revoked for violations of permit conditions, changes in applicable law, or other good cause.

(c) The application for a Chattanooga Storm Water Discharge Permit for an existing facility shall comply with the following:

1. A site map of facility showing buildings, parking, drives, materials loading and access areas, type of each impervious surface, ditches, pipes,catch basins, drainage basin limits, area of facility, acreage of off-site water draining onto facility, discharge points to "Waters of the State" or "Community Waters" with name of the water or drainage basin. This map will be a minimum of scale of 1" = 100'.
2. Description of facility, nature of work performed and type of facility.
3. A narrative description of significant materials (as defined at 40 CFR 122.26, November 16, 1990) that are currently or in the past have been treated, stored or disposed outside; method of on site storage or disposal; materials management practices used to minimize contact of these material with storm water runoff for the past three years and presently; materials loading and access area; the location and a description of existing structural and non- structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives;
4. Cleanup schedule for debris, material storage areas, garbage storage or disposal areas, or other areas that have the potential to pollute stormwater.
5. Description of plan of instruction to employees of all level in ways to prevent pollution. The plan shall identify periodic dates for such training.
6. Name of contact person for permit compliance including job title, address, phone number.
7. Maintenance schedule of sweeping or vacuuming of facility to prevent washout of a build-up of emissions laden with hydrocarbons, oxides, salts, metals, worn pavement particulates, hydrocarbons for leaks and spills, trash, debris, garbage, metals, tire particles, brake lining particles and various chemicals from the wear, deterioration, and deposition from vehicles.
8. Description of other ways the facility plans to implement programs to reduce the discharge of pollutants through stormwater flow. For each area of the facility that generates storm water discharges associated with an activity with a reasonable potential for containing

plans to implement programs to reduce the discharge of pollutants through stormwater flow. For each area of the facility that generates storm water discharges associated with an activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity.

9. Each application shall include plans showing the construction of an appropriately sized grit sediment basin and oil skimmer structure for discharge outfalls into "Community Waters" in accordance with detail drawing of these structures are shown in the Stormwater Management Section Best Management Practices Manual.
10. Each application shall include a record of available sampling data describing pollutants in storm water discharges.
11. Each application shall include a preventive maintenance program that includes regular inspection and maintenance of storm water management devices (e.g. cleaning grit chambers, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
12. Each application shall designate a person to keep record of incidents such as significant spills of toxic pollutants or other discharges which materially affect the storm water, along with other information describing the quality and quantity of storm water discharges. Inspections and maintenance activities shall be documented and recorded.

Sec. 31-311. New facility permits.

(a) All new "industrial", "commercial", "institutional", and "multi-family residential" storm water discharges. Inspections and maintenance activities shall be documented and recorded.

Sec. 31-311. New facility permits.

(a) All new "industrial", "commercial", "institutional", and "multi-family residential" facilities, and all new residential subdivisions of ten (10) or more lots shall obtain a Chattanooga Storm Water Discharge Permit prior to construction of the facility. This permit shall be required in addition to any permits required by the State of Tennessee for storm water discharges associated with industrial activity or for storm water discharges associated with construction activity.

(b) The minimum standards for issuance of a new facility permit shall be a pollution prevention plan, and either an approved NPDES permit from the Tennessee Department of Environment and Conservation for storm water discharges associated with construction activity or a land disturbing activity plan. The application for a new facility permit shall include:

1. If the facilities is to be covered under the Tennessee Department of Environment and Conservation General NPDES Permit for Storm Water Discharges Associated with Industrial Activity, a General NPDES Permit or Storm Water Discharges Associated with Construction Activity, or an individual NPDES permit, the owner or developer shall timely obtain such permits or file the Notice of Intent (NOI) and shall submit copies to the Manager.
2. The application for a new facility permit shall demonstrate how the owner or developer will insure that post-development off-site discharge rates shall not exceed the pre-development discharge rates.
3. Unless otherwise specified, off-site

permit shall demonstrate how the owner or developer will insure that post-development off-site discharge rates shall not exceed the pre-development discharge rates.

3. Unless otherwise specified, off-site discharges for the existing and developed conditions shall be computed using twenty-five (25) year return frequency, and Soil Conservation Service (SCS Type II) design. The design shall also show an evaluation of the result of the one hundred (100) year return frequency storm.
4. To reduce the "first flush" pollutant load, facilities shall be designed to capture the design storm in a detention or retention pond and achieve a ninety-six (96) hours draw down time of the first three quarters(3/4) of an inch of the runoff.
5. Detention or retention ponds shall have at least one (1) foot of freeboard above the design storm, provide a paved emergency overflow, and the maximum level in the pond to be one (1) foot below any finished floor level of the facility. Ponds shall also have permanent vehicle access for maintenance purposes. A plan for the routine maintenance of the ponds will be incorporated in the Pollution Prevention Plan.
6. Constructed wetlands may be used to deal with the "first flush" pollutant load instead of the ninety-six (96) hours draw down. Grit trap and oil separators are to be installed upstream of the wetland to prevent contamination.
7. A Pollution Prevention Plan shall be prepared for the facility. This plan shall demonstrate how the facility will collect, control, and treat stormwater so as to control the quantity and quality of stormwater leaving the site. The plan shall include as necessary structural

7. A Pollution Prevention Plan shall be prepared for the facility. This plan shall demonstrate how the facility will collect, control, and treat stormwater so as to control the quantity and quality of stormwater leaving the site. The plan shall include as necessary structural controls and non-structural Best Management Practices (BMP) adequate to prevent the violation of any water quality standard, and shall meet the provisions of Sections 301 and 402 of the Federal Water Pollution Control Act (BCT and BAT treatment requirements).

(c) The Pollution Prevention Plan must be approved by the Manager prior to the issuance of a Certificate of Occupancy by the Building Official.

Sec. 31-312. Permit application fees.

(a) Each application for the- issuance of a New Facility Permit under this article shall be accompanied by a minimum non-refundable fee of one hundred dollars ($100.00) plus such additional fees for land disturbing activity or industrial activity as may be required below.

(b) Each application for the issuance of a land disturbing permit under this article shall be accompanied by a nonrefundable permit fee thirty dollars ($30.00) per acre developed or a minimum fee of one hundred dollars ($100.00).

(c) Each application for an existing facility permit required by Section 31-310 shall be accompanied by a fee of one hundred dollars ($100.00).

Secs. 31-313 -- 31-319. Reserved.

DIVISION 3. LAND DISTURBING ACTIVITY AND EROSION AND SEDIMENTATION CONTROL

Sec. 31-320. Land disturbing activity.

All land disturbing activities shall

ACTIVITY AND EROSION AND SEDIMENTATION CONTROL

Sec. 31-320. Land disturbing activity.

All land disturbing activities shall begin compliance with and permitted under this division of this article. If five acres or more are disturbed, an application shall be applied for under the "State of Tennessee's General NPDES Permit for Storm Water Discharges Associated with Construction. Activity." If a Tennessee General NPDES Permit is applied for, a copy of the Notice of intent (NOI) shall be sent to the Manager of the Storm Water Management Section. To seek coverage under the Tennessee Department of Environment and Conservation General Permit the NOI shall be submitted to the following address:

Storm Water Coordinator Division
of Water Pollution Control
150 Ninth Ave. North, 4th floor
Tennessee Dept. of Environment
and Conservation
Nashville, TN 37243-1534

Sec. 31-321. Land disturbing activity regulated.

(a) It shall be unlawful for any person to conduct or permit to be conducted any land disturbing activity upon land owned or controlled by them without a permit issued under this article or, if five acres or more are disturbed, a General Permit for Storm Water Discharges Associated with Construction Activity from the Tennessee Department of Environment and-Conservation with a copy provided to the Manager. For purposes of this article the phrase land disturb inactivity is defined as follows:

Land disturbing activity. Any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the county, including, but

Land disturbing activity. Any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the county, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land, except that the term shall not include the following:

(1) "Surface mining" as the same is defined in Tennessee Code Annotated Section 59-8-202;

(2) Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home maintenance work, and other related activities which result in minor erosion;

(3)The construction of single-family residences when built separately on lots within subdivisions which have been approved and recorded in the office of the Hamilton County Register, and when applicable for subdivisions of ten or more lots have been issued a permit under this article; provided that excavation is limited to trenches for the foundation, basements, service and sewer connections,
and minor grading for driveways, yard areas and sidewalks;

(4) Individual service and sewer connections single- or two-family residences; for

(5) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices, and the construction of farm buildings;

(6)Any project carried supervision of the of the United Agriculture;
out under the technical Soil Conservation Service States Department of

(7). Construction, installation or maintenance of electrical, telephone and cable television lines and poles;

(8)Installation, maintenance and repair of any underground public utility lines when such

Service States Department of

(7). Construction, installation or maintenance of electrical, telephone and cable television lines and poles;

(8)Installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street or sidewalk, provided the activity is confined to the area of the road, street or sidewalk which is hard-surfaced and a street, curb, gutter or sidewalk permit has been obtained;

(9)Construction, repair or rebuilding of tracks or other related facilities of a railroad company; These activities may be undertaken without a permit; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this article and other applicable law including responsibility for controlling sedimentation and runoff.

(b) Best Management Practices for Land Disturbing Activities. The minimum standards for controlling erosion and sedimentation from land disturbing activities shall be set forth in the "Best Management Practices Manual," as adopted and amended from time to time by resolution approved by the City Council. The "General Criteria" handbook adopted by reference by Ordinance No. 8959, adopted June 21, 1988, shall be renamed "Best Management Practices Manual, and a copy of same shall be maintained on file in the offices of the Manager, the City Engineer, and the City Finance Officer.

Sec. 31-322. Land disturbing permit required.

No land disturbing activity, whether temporary or permanent, shall be conducted within the City of Chattanooga until either a land disturbing permit shall have been issued by the Manager allowing such activity pursuant to the provisions of this article or pursuant to a General NPDES Permit for

temporary or permanent, shall be conducted within the City of Chattanooga until either a land disturbing permit shall have been issued by the Manager allowing such activity pursuant to the provisions of this article or pursuant to a General NPDES Permit for Storm Water Discharges Associated with Construction Activity issued by the Department of Environment and Conservation. Such permit shall be available for inspection by the Manager or Manager's representative on the job site at all times during which land disturbing activities are in progress. Such permit shall be required in addition to any building permit or other permit required upon the site.

Sec. 31-323. Data required in land disturbing permit application.

(a) Any application for the issuance of a land disturbing permit under this article shall include the following:

(1) Name of applicant;

(2) Business or residence address of applicant;

(3) Name and address of owner of subject property;

(4) Address and legal description of subject property;

(5) Name and address of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(6) A statement setting forth the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.

(b) Each application for a land disturbing permit shall be accompanied by a map or plan of the premises showing the present contour lines and the proposed contour lines resulting from the land disturbing' activity in relation to all parts of the premises and the properties immediately adjacent thereto and in relation to all abutting street grades and

map or plan of the premises showing the present contour lines and the proposed contour lines resulting from the land disturbing' activity in relation to all parts of the premises and the properties immediately adjacent thereto and in relation to all abutting street grades and elevations; such map or plan shall show all existing drainage facilities and the proposed permanent disposition of surface waters upon completion of the land disturbing activity.

(c) Each application for a land disturbing permit shall be accompanied by an erosion and sediment control plan which shall accurately describe the potential for soil erosion and sedimentation problems resulting from the land disturbing activity and shall explain and illustrate the measures which are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage; the plan shall contain a description of the existing site conditions, a description of adjacent topographical features, a description of soil types and characteristics in the area, potential problems of soil erosion and sedimentation, stabilization specifications, storm water management considerations, a time schedule for completion of the land disturbing activity and for maintenance after completion of the project, clearing and grading limits, and all other information needed to accurately depict solutions to potential soil erosion and sedimentation problems. Any erosion and sediment control plan shall meet the Best Management Practices Manual and shall be approved by the Manager prior to the issuance of the land disturbing permit. The land disturbing permit shall be issued promptly upon approval of the plan.

(d) At any time the Manager determines that an erosion and sediment control plan does not comply with the provisions of this article, he shall notify the applicant in writing of all deficiencies

(d) At any time the Manager determines that an erosion and sediment control plan does not comply with the provisions of this article, he shall notify the applicant in writing of all deficiencies
within said plan.

Sec. 31-324. General requirements.

No land disturbing activity shall be conducted within the city except in such manner that:

(a) Stripping of vegetation, regrading and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than twenty (20) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface area.

(b) Property owners shall be responsible upon completion of land disturbing activities to leave slopes so that they will not erode. Such methods could include revegetation, mulching, rip-rapping, or gunniting. Regardless of the method used, the objective will be to leave the site as erosion-free and maintenance-free as practicable.

(c) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(d) Permanent or temporary soil stabilization must be applied to disturbed areas to the extent feasible within seven days on areas that will remained unfinished for more than thirty (30) calendar days. Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading is reached on any portion of the site. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early

grading is reached on any portion of the site. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early application of gravel base on areas to be paved.

(e) A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.

(f) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins sediment basins, silt traps or similar measures until the disturbed area is stabilized.

(g) Neighboring persons and property shall be protected from damage or loss resulting from excessive storm water runoff, soil erosion or deposition upon private property or public streets of water transported silt and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare banks.

(h) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but must be replaced at the end of the work day.

(i) Structural controls shall be designed and maintained as required to prevent pollution. All surface water flowing toward the construction area shall to the extent practicable be diverted by using channels, or sediment traps as necessary. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas, to detain runoff and trap sediment. Discharges from sediment basins and traps must be through a pipe or lined channel so that the discharge does not cause erosion. Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into surface Discharges from sediment basins and traps must be through a pipe or lined channel so that the discharge does not cause erosion. Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into surface waters where practicable. Waters must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation.

(j) All control measures shall be checked, and repaired as necessary, weekly in dry periods and within 24 hours after any rainfall of 0.5 inches with a 24 hour period. During prolonged rainfall, daily checking and repairing is necessary. The permittee shall maintain record of such checks and repairs.

(k) A specific individual shall be designated to be responsible for erosion and sediment controls on each site.

(1) There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge. The storm water discharge must not cause an objectionable color contrast in the receiving water. The storm water discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

(m) When the land disturbing activity is finished and stable perennial vegetation has been established on all remaining exposed soil, the developer shall notify the Manager of these facts and request termination of the permit issued under this section. The Manager shall then inspect the site within twenty (20) days after receipt of such notice, and when advisable may require additional measures to stabilize the soil and prevent erosion. If such requirements are given by letter, the owner or developer shall continue to be covered by this provisions of this section, until a request for termination of the permit has been accepted by the Manager.

are given by letter, the owner or developer shall continue to be covered by this provisions of this section, until a request for termination of the permit has been accepted by the Manager.

Sec. 31-325. Reserved.

DIVISION 4. GENERAL REQUIREMENTS APPLICABLE TO ALL PERMITS ISSUED UNDER THIS ARTICLE

Sec. 31-326. Maintenance and submittal of records.

Appropriate proof and records of compliance with the provisions of the Chattanooga Storm Water Discharge Permit or Land Disturbing Permit will be maintained in the office of the designated contact person and be made available for review at any time by the Manager. A copy of the records of compliance will be sent yearly on the anniversary date of the permit to the Manager.

Sec. 31-327. Transfer of permit.

A Chattanooga Storm Water Discharge Permit or Land Disturbing Permit may be transferred only upon the filing of an amendment to the permit application or an amended or restated application containing all changes from the original application providing there are no changes in the operation of the facility which may affect the quantity or quality of the storm water runoff. If there are to be any changes in the operation of he facility which may effect the quantity or quality of storm water runoff, then the new owner or operator shall reapply for a Chattanooga Storm Water Discharge Permit or Land Disturbing Permit prior to the beginning of operation of the facility. The filing of an amended or restated application shall be treated as an interim permit allowing the continued operation of the facility pending review of the application by the Manager, which shall restated application shall be treated as an interim permit allowing the continued operation of the facility pending review of the application by the Manager, which shall remain in force until the application shall be approved or denied by the Manager.

Sec. 31-328. Signatory requirements.

(a) All applications and reports required by this article to be submitted to the Manager shall be signed as follows:

(1) Corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation.

(2) Partnership or sole proprietorship: general partner or the proprietor by a

(3) Municipality, State, Federal, or other public facility: by either a principal executive officer or the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) Any person signing any document above shall make the following certification: "I certify under the penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information. I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, the possibility of fine and civil penalty."

Sec. 31-329. Reserved.

DIVISION 5. MONITORING AND INSPECTION

Sec. 31-330. Monitoring.

Sec. 31-329. Reserved.

DIVISION 5. MONITORING AND INSPECTION

Sec. 31-330. Monitoring.

The Manager shall periodically monitor the quantity of, and the concentration of pollutants in storm water discharges from the areas and locations designated in the Chattanooga Storm Water Management Plan.

Sec. 31-331. Detection of illicit connections and improper disposal.

(a) The Manager shall take appropriate steps to detect and eliminate illicit connections to the Chattanooga Storm Water System, including the adoption of a program to screen illicit discharges and identify their source or sources.

(b) The Manager shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for improper disposal and programs to provide for public education, public information, and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and household hazardous waste.

Sec. 31-332. Inspections.

(a) The Manager or his designee, bearing proper credentials and identification, may enter and inspect all properties for regular periodic inspections, investigations, monitoring, observation, measurement, enforcement, sampling and testing, to effectuate the provisions of this article and the stormwater water management program. The Manager or his designee shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times.

(b) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The reasonable times.

(b) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the Manager. The Manager may seek appropriate compulsory process.

(c) In the event the Manager or his designee reasonably believes that discharges from the property into the Chattanooga Storm Water System may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

(d) At any time during the conduct of an inspection or at such other times as the Manager or his designee may request information from an owner or representative, the owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the Manager or his designee has no clear and convincing reason to question such identification, the inspection report shall note that trade secret information has been omitted. To the extent practicable, the Manager shall protect all information which is designated as a trade secret by the owner or their representative.

Secs. 31-333 -- 31-339. Reserved.

DIVISION 6. ENFORCEMENT AND ABATEMENT

Sec. 31-340. Unauthorized discharge a public nuisance.

Discharge of storm water in any manner in violation of this article or of any condition of a permit issued pursuant to this

ABATEMENT

Sec. 31-340. Unauthorized discharge a public nuisance.

Discharge of storm water in any manner in violation of this article or of any condition of a permit issued pursuant to this article or a stormwater discharge permit issued by the State of Tennessee is hereby declared a public nuisance and shall be corrected or abated.

Sec. 31-341. Illicit discharge and illegal dumping.

The following direct or indirect "Community Waters" or "Waters" of prohibited and shall be unlawful: discharges into the "State" are

(1) Sewage dumping or dumping of sewage sludge; (2) Chlorinated swimming pool discharge; (3)Discharge of any polluted household wastewater, such as but not limited to laundry washwater and dishwater, except to a sanitary sewer or septic system;

(4) Leaking sanitary sewers and connections, which shall have remained uncorrected for seven days or more;

(5) Leaking water lines shall have uncorrected for seven days or more; remained

(6) Commercial, industrial or public vehicle wash discharge;

(7) Garbage or sanitary waste disposal;

(8) No dead animals or animal fecal waste shall be directly discharged or discarded into the "Community Waters"

(9) No non-storm water discharges shall be discharged into the "Community Waters", except pursuant to a permit issued by the State of Tennessee or the City of Chattanooga;

(10) No dredged or spoil material shall be directly or indirectly discharged or discarded into "Community Waters;" No solid waste shall be directly or indirectly

(10) No dredged or spoil material shall be directly or indirectly discharged or discarded into "Community Waters;" No solid waste shall be directly or indirectly discharged or discarded into "Community Waters;" No chemical waste shall be directly or indirectly discharged or discarded into "Community Waters; No wrecked or discarded vehicles or equipment shall be discharged or discarded into "Community Waters."

Sec. 31-342. Prohibition of pollutant discharge not covered by the NPDES Program.

(a) A permit is a license to conduct an activity which is regulated by the Clean Water Act, the Water Pollution Control Act (T.C.A. 3 69-3-101, et seq) of this article.

(b) Every person who is or who is planning to carry out any of the activities requiring a permit, shall obtain such a permit prior to carrying out such activities.

(c) It shall be unlawful for any person to carry out any of the following activities, except in accordance with the conditions of a valid permit

(1) The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state or community waters;

(2) The construction, installation, modification, or operation of any treatments works or part thereof, or any extension or addition thereto;

(3) The increase in volume or strength of any wastes in excess of permissive discharges specified under any exiting permit;

(4) The development of a natural resource or the construction, installation, or operation of any establishment or any extension or modification thereof or addition thereto; the operation of which will or is likely to cause an increase in the discharge of wastes into the waters of the waters of the state or would otherwise alter the

of any establishment or any extension or modification thereof or addition thereto; the operation of which will or is likely to cause an increase in the discharge of wastes into the waters of the waters of the state or would otherwise alter the physical, chemical, radiological, biological or bacteriological properties of any waters of the state in any manner not already lawfully authorized;

(5) The construction or use of any new outlet for the discharge of any wastes into the waters of the state;

(6) The discharge of sewage, industrial wastes or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters;

(7) The discharge of sewage, industrial wastes, or other wastes into a well or a location that is likely that the discharged substance will move into a well, or the underground placement of fluids and other substances which do or may affect the waters of the state.

Sec. 31-343. Accidental discharges,

(a) In the event of any discharge or a hazardous substance in amounts which could cause a threat to public drinking supplies, a "significant spill", or any other discharge which could constitute a threat to human health or the environment, the owner or operator of the facility shall give notice to the Manager of Storm Water Management Section and the field office of Tennessee Department of Environment and Conservation as soon as practicable, but in no event later than the close of business on the day following the accidental discharge or the discharger becomes aware of the circumstances. If an emergency response by governmental agencies is needed, the owner or operator should also call 911 to report the discharge. A written report must be provided within five days of the time the discharger becomes aware of the circumstances, unless the circumstances. If an emergency response by governmental agencies is needed, the owner or operator should also call 911 to report the discharge. A written report must be provided within five days of the time the discharger becomes aware of the circumstances, unless this requirement is waived by the Manager for good cause shown on a case-by-case basis, containing the following particulars: 1) a description of the discharge, 2) the exact dates and times of discharge, and 3) steps being taken to eliminate and prevent recurrence of the discharge.

(b) The discharger shall take all reasonable steps to minimize any adverse impact to the "Community Waters" or the "Waters of Tennessee," including such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impact that the discharge may cause.

(c) It shall be unlawful for any person to fail to comply with the provisions of this section.

Sec. 31-344. Administrative Enforcement Remedies.

(a) Notification of Violation. Whenever the Manager finds that any permittee or any person discharging Storm Water has violated or is violating this article, or a Storm Water permit or order issued hereunder, the Manager or his agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Manager. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

correction and prevention thereof, to include specific required actions, shall be submitted to the Manager. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent Orders. The Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.

(c) Show Cause Hearing. The Manager may order any person who causes or contributes to violation of this article or Storm Water permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken, Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer.

(d) Compliance Order. When the Manager finds that any person has violated or continues to violate this article or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specified time period, adequate structures, devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the specified time period, adequate structures, devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(e) Cease and Desist Orders. When the Manager finds that any person has violated or continues to violate this article or any permit or order issued hereunder, the Manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith; or
(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating discharge.

Sec. 31-345. Unlawful acts, misdemeanor.

It shall be unlawful for any person to:

(a) violate any provision of this article;

(b) violate the provisions of any permit issued pursuant to this article;

(c) fail or refuse to comply with any lawful notice to abate issued by the Manager, which has not been timely appealed to Storm Water Regulations Board, within the time specified by such notice; or

(d) violate any lawful order of the Storm Water Regulations Board within the time allowed by such order shall be guilty of a misdemeanor; and each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of the provisions of this article shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense.

Sec. 31-346. Civil penalty.

(a) (1) Any person who does any of the

provisions of this article shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense.

Sec. 31-346. Civil penalty.

(a) (1) Any person who does any of the following acts or omissions shall be subject to a civil penalty of up to five thousand dollars ($5,000) per day for each day during which the act or omission continues or occurs:

(i) Who fails to obtain any permit required;

(ii) Violates the terms or conditions of a permit issued pursuant to a pretreatment program;

(iii) Violates a final determination or order of the Storm Water Regulations Board; or

(iv) Violates any provisions of this article.

(2) Any civil penalty shall be assessed in the following manner:

(i) The Manager may issue an assessment against any person or permittee responsible for the violation;

(ii) Any person against whom an assessment has been issued may secure a review of such assessment by filing with the Manager a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the Storm Water Regulations Board and if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final;

(iii) Whenever any assessment has become final because of a person's failure to appeal the Manager's assessment, the Manager may apply

the assessment and it shall become final;

(iii) Whenever any assessment has become final because of a person's failure to appeal the Manager's assessment, the Manager may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment;

(iv) In assessing the civil penalty the Manager may consider the following factors:

a) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

b) Damages to the city, including compensation for the damage or destruction of public storm water facilities, and also including any penalties, costs and attorneys' fees incurred by the city as the result of the illegal activity, as well as the expenses involved in enforcing this article and the costs involved in rectifying any damages;the discharge or violation;

d) The severity of the discharge and its effect upon public storm water facilities and upon the quality and quantity of the receiving waters;

e) Effectiveness of action taken by the violator to cease the violation;

f) The technical and economic reasonableness of reducing or eliminating the discharge; and

g) The economic benefit gained by the violator.

(3) The Storm Water Regulations Board may establish by regulation a schedule of the amount of civil penalty which

eliminating the discharge; and

g) The economic benefit gained by the violator.

(3) The Storm Water Regulations Board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the Manager for certain specific violations or categories of violations.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Commissioner of Environment and Conservation for violations of T.C.A. 69-3-115; however, the sum of penalties imposed by this section and by 69-3-115 shall not exceed ten thousand dollars ($10,000) per day for each day during which the act or omission continues or occurs.

Sec. 31-347. Judicial proceedings and relief.

(a) The Manager may initiate proceedings in any court of competent jurisdiction against any person who has or is about to:

(1) violate the provisions of this article;

(2) violate the provisions of any permit issued pursuant to this article;

(3) fail or refuse to comply with any lawful order issued by the Manager, which has not been timely appealed to the Storm Water Regulations Board, within the time allowed by this article;

(4) violates any lawful order of the Storm Water Regulations Board within the time allowed by such order.

(b) Any person who shall commit any act or fail to perform any act declared unlawful under this article shall be guilty of a misdemeanor, and each day of such violation or failure shall be deemed a separate offense and punishable accordingly.

(c) The Manager with consent of the Mayor may also initiate civil proceedings in act or fail to perform any act declared unlawful under this article shall be guilty of a misdemeanor, and each day of such violation or failure shall be deemed a separate offense and punishable accordingly.

(c) The Manager with consent of the Mayor may also initiate civil proceedings in any court. of competent jurisdiction seeking monetary damages for any damages caused to publicly owned storm water facilities by any person, and to seek injunctive or other equitable relief to enforce compliance with the provisions of this article or to enforce compliance with any lawful orders of the Manager or the Storm Water Regulations Board.

Sec. 31-348. Disposition of damage payments and penalties; special fund.

All damages collected under the provisions of sections 31-346 and civil penalties collected under section 31-347, following adjustment for the expenses incurred in making such collections, shall be allocated and appropriated to the storm water system for the administration of its program.

Sec. 31-349. Reserved.

DIVISION 7. FEES

Sec. 31-350. Levied.

For the purpose of operating the storm water program of the City and the payment of the costs and expenses appurtenant, incident or necessary thereto for the construction, extension, enlargement, or acquisition of necessary storm water facilities or flood control improvement, including replacement thereof, and for the operation and maintenance thereof, there hereby is imposed a storm water user's fee upon the owner of property now served directly or indirectly by the city's storm sewer system at the rates set forth in this division.

thereof, there hereby is imposed a storm water user's fee upon the owner of property now served directly or indirectly by the city's storm sewer system at the rates set forth in this division.

Sec. 31-351. Property owners to pay charges.

The owner of each lot or parcel which directly or indirectly uses the storm water system maintained by the City shall pay the storm water provided in this division fees and charges as Sec. 31-352. Charges to be based upon area intensity development factors and The charges for each lot or parcel shall be based upon the size of the lot or parcel and the category of land use as shown on the records of the Assessor of Property of Hamilton County and intensity development factors. The intensity development factor is based upon the relative degree of runoff of storm water anticipated from various uses of the land and proportions the cost based upon the estimated proportionate contribution to the total storm water runoff from all user classes, based upon such factors as impervious areas, the water quality of the user class runoff, storm water runoff and the volume or rate of runoff per user class. For ease of administration of the charges, single unit or two unit residential development shall be divided into categories, those with 10,000 square feet or less of land and those with greater than 10,000 square feet of land. The square footage for each parcel and the category of development shall be based upon the records maintained by the Assessor of Property of Hamilton County as the same may be changed from time to time; provided, that should an error in those records be brought to the attention of the City it shall seek to have the records corrected and shall adjust any erroneous charges made in reliance thereon.

Sec. 31-353. Billing procedure.

(a) The storm water charges shall become effective at the rates hereinafter

the records corrected and shall adjust any erroneous charges made in reliance thereon.

Sec. 31-353. Billing procedure.

(a) The storm water charges shall become effective at the rates hereinafter
imposed, shall be billed annually by the City Treasurer at the same time that the city's real property taxes are mailed, and shall be due and payable at the same time as property taxes, October 1 of each year.

(b) The storm water charge shall be designated as a separate item on the property tax bill.

(c) The storm water charge shall be paid in person or by mail at the City Treasurer's Office and shall become delinquent as of the next February 1 following the billing. Any unpaid storm water charge shall bear interest at the legal rate if it remains unpaid after March 1. (d) Pursuant to section 13, Public Chapter Number 257, T.C.A. 68-221-1112, each bill that shall contain storm water charges shall contain the following statement in bold-faced type:

"THIS TAX HAS BEEN MANDATED BY CONGRESS"

Sec. 31-354. Schedule of charges.

The annual storm water charge, fee, or tax shall be based upon the land area, the category of land use and the intensity development factor as shown in the following table:

Land Use Group	IDF	Annual Cost
Residential with 2 or less units and located on a lot of 10,000 square feet or less	0.25	$24.00
Residential with 2 or less units and located on a lot of greater than 10,000 square feet	N/A	$36.00
Multi-family residential with 3 or more units	0.60	$0.00576 times the lot area in sq. ft.
Industrial	0.75	$0.0072 times the lot area in sq. ft.

with 3 or more units		times the lot area in sq. ft.
Industrial	0.75	$0.0072 times the lot area in sq. ft.
Commercial	0.85	$0.00816 times the lot area in sq. ft.
Institutional	0.50	$0.0048 times the lot area in sq. ft.
Transportation, Communication and Utility	0.70	$0.00672 times the lot area in sq. ft.
Recreational	0.05	$0.00048 times the lot area in sq. ft
Roadway	0.00	$0.0000 times the lot area in sq. ft.
Agricultural	0.04	$0.000384 times the lot area in sq. ft.
Vacant	0.02	$0.000192 times the lot area in sq. ft.
Water	0.00	$0.00000 times the lot area in sq. ft.
Forest	0.00	$0.00000 times the lot area in sq. ft.
Other	0.00	$0.00000 times the lot area in sq. ft.

Sec. 31-355. Correction of erroneous billing

(a) Any owner or duly authorized agent may contest the accuracy of the charges imposed pursuant to this article by lodging with the Manager of the Storm Water Management Section a notice of protest. The Manager shall develop and maintain appropriate forms for the lodging of such protest, by any written protest shall be sufficient providing that it sets forth with sufficient providing that it sets forth with particularity the nature of any errors allegedly committed in the computation of such bill. Such a protest may be filed without payment of the storm water fee on or before the first December 31 following the billing, but thereafter the protest must be accompanied by payment of the bill and which shall be considered as payment under protest.

(b) The Manager shall duly consider all notices of protest as soon as practicable, and when he or she shall agree with all or any portion of the protest shall adjust the billing in accordance with such factors as are in agreement.

(c) If the Manager disapproves the protest in whole or in part, he or she shall notify the owner or duly authorized agent as soon as practicable. In no event shall there be more than a ninety (90) day delay in resolving any protest. In the event more than ninety (90) days elapses following the filing of the protest without a decision having been rendered by the Manager, the protest shall be deemed to have been denied.

(d) If the owner disagrees with the administrative ruling of the Manager concerning a protest which was timely filed, the owner may within thirty (30) days following the date of the decision of the Manager appeal the bill and the Manager's administrative determination to the Storm Water Regulations Board by filing a notice of appeal to said board in care of the Administrator of the Department of Public Works, City Hall, Chattanooga, Tennessee, 37402, with a copy of said notice provided the Manager. The Manager shall develop and maintain forms appropriate for filing the notice of appeal, but no particular form for such an appeal shall be required providing that the appeal sets forth with particularity the nature of the owner's complaint.

(e) If a notice of appeal to the Storm Water Regulations Board is timely filed, the board shall schedule a time and place within

appeal sets forth with particularity the nature of the owner's complaint.

(e) If a notice of appeal to the Storm Water Regulations Board is timely filed, the board shall schedule a time and place within which to consider the appeal. The hearing on such appeals shall be informal, by the owner and Manager will each be given the opportunity to present documentary evidence in support of their position and will be given the opportunity to address the board. The board shall receive such evidence relating to the matter as may be necessary to resolve the dispute, and shall render such determinations and issue such orders as the law and facts of the case may require.

Sec. 31-356. Adjustment for users constructing storm water retention and control facilities.

(a) Upon application by any user adequately supported by documentation to show that the user has constructed facilities to retain and control the quantity of storm water runoff and the nature and extent of any such retention and control quantified by adequate data, the user shall be entitled to an adjustment of their storm water user fee as provided in this section.

(b) The storm water user's fee shall be reduced by twenty-five percent (25%) for users who shall have constructed and properly maintained storm water detention facilities which are adequate in design and operation for a ten (10) year storm event and discharging at the pre-development rate into the storm water system or to other waters.

(c) The storm water user's fee of commercial, industrial, institutional and multi-family residential users of the storm water system which shall have constructed and properly maintained storm water treatment facilities which are adequate in design and operation to treat or remove oil and other pollutants shall be reduced by twenty-five percent (25%) providing that the user can demonstrate that the facility removes at least eighty percent (80%) of the pollutant load which would otherwise go into the receiving stormwater facility or other waters.

(d) In the event the owner shall design and construct a storm water detention or treatment facility larger or technologically more advanced than necessary for present or anticipated future development of the owner's site which is used to remediate an existing water quantity or quality problem either upstream or downstream of the owner's facility, the owner may receive an additional twenty-five percent (25%) reduction in the owner's storm water fee.

(e) The reductions authorized under sections b, c and d above shall be cumulative, providing that the total reduction in storm water users fee shall not exceed seventy-five percent of the fee as it would be calculated without reduction for the construction and operation of storm water retention and treatment facilities.

(f) The user shall make application to the Manager of the Storm Water Section for reductions in the storm water fee pursuant to this section. Each application shall be accompanied by plans or drawing of the storm water facility, and any claim of a reduction in the rate of reduction of storm water runoff or the quality thereof shall be supported by adequate data to demonstrate the accuracy of the claims. The Manager shall not be bound to accept such plans or data, but may make such independent investigation thereof as he or she may deem necessary to determine the accuracy of the claimed reductions.

(g) To the extent that the Manager is satisfied that the reductions applied for are warranted by the circumstances he shall reduce

independent investigation thereof as he or she may deem necessary to determine the accuracy of the claimed reductions.

(g) To the extent that the Manager is satisfied that the reductions applied for are warranted by the circumstances he shall reduce the bill as provided herein. If the fee shall have been paid, a refund shall be authorized to the extent warranted by the reductions.

(h) The Manager shall act upon any application for a reduction in fees within ninety (90) days of the receipt thereof. In the event he shall not have acted upon same within this time, then the application shall be deemed to have been denied.

(i) The user may appeal the denial by the Manager of any claimed reduction in the quantity or quality of the storm water runoff to the Storm Water Regulations Board by filing a written notice of appeal in care of he Administrator of Public Works within thirty (30) days following the action of the Manager. No particular form for a notice of appeal shall be required and any written notice setting forth with reasonable particularity the grounds for the appeal shall be acceptable, but the Manager shall develop and maintain a form for such purposes. A copy of the notice of appeal shall be filed with the Manager. Unless the Storm Water Regulations Board shall consent to an enlargement of the administrative record, the appeal shall be decided upon the plans and data submitted by the applicant in support of the claimed reduction and any information relating thereto generated by the Administrator in review of the application. The board shall schedule a meeting consider the appeal both the applicant and Manager shall be allowed to make a written and oral argument before the board and the in support of their respective positions

Secs. 31-357--31-359. Reserved.

DIVISION 8. STORM WATER REGULATIONS BOARD

positions

Secs. 31-357--31-359. Reserved.

DIVISION 8. STORM WATER REGULATIONS BOARD

Sec. 31-360. Established.

There is hereby established a Board of seven (7) members to be known as the "Storm Water Regulations Board."

Sec. 31-361. Composition; terms; filling vacancies.

The seven (7) members of this board shall be appointed by the mayor, subject to the approval of the city council. The mayor shall appoint members with the following qualifications: one (1) environmental engineer or environmental scientist, one (1) attorney, one (1) person employed or retired from an industrial or commercial establishment regulated by this article, and one (1) person that is a member of an organized neighborhood organization or environmental group. The remaining three members shall not have any particular qualifications, but to the extent practical shall be selected to maintain diversity on the board. All members shall serve until their successor is appointed and all members shall serve at the pleasure of the mayor and the city council. In the event of a vacancy, the mayor shall appoint a member to fill the unexpired term subject to approval by the city council. The mayor shall select the chairman subject to approval by the city council. The board shall select its own vice chairman and secretary. All officers shall serve for terms of one (1) year. The members shall serve without compensation, but shall receive their actual expenses incurred in attending meetings of the board and the performance of any duties as members of the board.

Sec. 31-362, General duties of the board,

In addition to any other duty or

expenses incurred in attending meetings of the board and the performance of any duties as members of the board.

Sec. 31-362, General duties of the board,

In addition to any other duty or responsibility otherwise conferred upon the board by this chapter, the board shall have the duty and power as follows:

(a) To recommend from time to time to the city council that it amend or modify the provisions of this article;

(b) To hold hearings upon appeals from orders or actions of the Manager as may be provided under any provision of this chapter;

(c) To hold hearings relating to the suspension, revocation, or modification of a storm water discharge permit and issue appropriate orders relating thereto;

(d) To hold hearings relating to an appeal from a user concerning the accuracy of any fees imposed upon the user by this article;

(e) To hold such other hearings as may be required in the administration of this chapter and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this article;

(f) To request assistance from any officer, agent, or employee of the city or the Chattanooga-Hamilton County Regional Planning Commission and to obtain such information or other assistance as the board might need;

(g) The board acting through its chairman shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the board; and

(h) The chairman, vice chairman or chairman pro tern shall be authorized to administer oaths to those persons giving testimony before the board.

Sec. 31-363. Variances.

(h) The chairman, vice chairman or chairman pro tern shall be authorized to administer oaths to those persons giving testimony before the board.

Sec. 31-363. Variances.

(a) The board may grant a variance from the requirements of this article providing to do so would not result in the violation of any state or federal law or regulation and if exceptional circumstances applicable to the site exist such that strict adherence to the provisions of this article will result in unnecessary hardship and will not result in a condition contrary to the intent of the ordinance.

(b) A written petition for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, why a variance should be granted. The request shall include all information necessary to evaluate the proposed variance. The petition shall be filed with the Manager.

(c) The Manager shall conduct a review of the request for a variance within ten (10) working days after receipt and may either support the petition or may object to the petition. If the Manager objects to the variance, he shall state the reasons therefore.

(d) Once the Manager's review is complete or the ten (10) days for review have expired, the petition shall be subject to board action at the next regularly scheduled meeting or at a special meeting called in the discretion of the chair.

Sec. 31-364. Meetings; quorum.

(a) The board shall hold regular semiannual meetings and such special meetings as the board may find necessary.

(b) Four (4) members of the board shall constitute a quorum, but a lesser number may adjourn a meeting from day to day. Any substantive action of the board shall require four (4) votes, but a majority of the quorum

(b) Four (4) members of the board shall constitute a quorum, but a lesser number may adjourn a meeting from day to day. Any substantive action of the board shall require four (4) votes, but a majority of the quorum may decide any procedural matter.

Sec. 31-365. Hearing procedure, judicial review.

(a) When to be held. The storm water regulations board shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this article.

(b) Record of hearing. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The board shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the board shall have the right to have such hearing recorded stenographically, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the board by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the transcription and provide the board with the original of the transcript so that it may be certified to the court.

(c) Subpoenas. The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of the city, if the witness resides within the city. If the witness does not reside in the city, the chairman shall issue a written request that the witness attend the subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of the city, if the witness resides within the city. If the witness does not reside in the city, the chairman shall issue a written request that the witness attend the hearing.

(d) Depositions. Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under such rules.

(e) Hearing procedure. The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the board may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as may be necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the Manager, or his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(f) Appeal to board of manager's order. Any person aggrieved by any order or determination of the Manager may appeal said order or determination to the board and have such order or determination reviewed by the board under the provisions of this section. A written notice of appeal shall be filed with the Manager and with the chairman, and such notice shall set forth with particularity the action or inaction the Manager complained of and the relief sought by the person filing said appeal. A special meeting of the board may be called by the chairman upon the filing of such appeal, and the board may in its discretion

notice shall set forth with particularity the action or inaction the Manager complained of and the relief sought by the person filing said appeal. A special meeting of the board may be called by the chairman upon the filing of such appeal, and the board may in its discretion suspend the operation of the order or determination of the Manager appeals from until such time as the board has acted upon the appeal.

(g) Absence of chairman. The vice-chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in his absence-or in his stead.

(h) Review of board's decision. Any person aggrieved by any final order of determination of the board hereunder shall have judicial review by common law writ of certiorari.

SECTION 2. That Chattanooga City Code, Part II, Sections 11-266 through 11-280 be and the same are hereby repealed.

SECTION 3. That if any section, sub-section, phrase, clause or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 4. That this Ordinance shall take effect two (2) weeks from and after its passage as provided by law.

PASSED on Third and Final Reading August 31, 1993.

Amendments to Ordinance 9942) ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE VIII, STORM WATER MANAGEMENT, SO AS TO ADD SECTION 31-357- AND TO AMEND SECTIONS 31-310 (C) (9), 31-311 (B) (4), 31-354, AND 31-361.

CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE VIII, STORM WATER MANAGEMENT, SO AS TO ADD SECTION 31-357- AND TO AMEND SECTIONS 31-310 (C) (9), 31-311 (B) (4), 31-354, AND 31-361.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That:

SECTION 1. Chattanooga City Code, Part II, Chapter 31, be and the same is hereby amended so as to add a new Section 31-357 to read as follows:

Sec. 31-357. Elderly low-income or disabled homeowner exemption from fees.

Those persons who have qualified as an elderly low-income homeowner pursuant to T.C.A. § 67-5-702 or who have qualified as a disabled homeowner pursuant to T.C.A. § 67-5-704 shall be exempt from payment of fees on that property which they use as their residence.

SECTION 2. Chattanooga City Code, Part II, Chapter 31,

Section 31-310(c)(9), be and the same is hereby amended so as to add the following thereto:

Provided that this requirement may be waived in the discretion of the Manager if similar facilities are available or soon will be available in public rights-of-way or when programs implemented at the facility substantially eliminate grit and oil discharges.

SECTION 3. Chattanooga City Code, Part II, Chapter 31, Section 31-311(b)(4), be and the same is hereby amended so as to add the following thereto: A grit trap and oil separator shall be installed upstream of any detention or retention pond.

SECTION 4. Chattanooga City Code, Part II, Chapter 31, Section 31-354, be and the same is hereby amended so as to delete the line reading as follows:

Other 0.00 $0.00000 times the lot area in

detention or retention pond.

SECTION 4. Chattanooga City Code, Part II, Chapter 31, Section 31-354, be and the same is hereby amended so as to delete the line reading as follows:

Other 0.00 $0.00000 times the lot area in square feet and further amended so as to renumber the existing provisions as sub-paragraph (a) and add thereto a new sub-paragraph (b) as follows:

(b) Provided, however, that where the charge calculated pursuant to sub-paragraph (a) shall be less than five dollars ($5.00), then no bill shall be issued.

SECTION 5. Chattanooga City Code, Part II, Chapter 31, Section 31-361, be and the same is hereby amended by deleting the first sentence and substituting in lieu thereof:

The seven (7) members of this board shall be appointed by the mayor for terms of four (4) years, subject to the approval of the city council.

SECTION 6. This Ordinance shall be effective two (2) weeks from and after its passage as provided by law.

PASSED on Third and Final Reading Sent. 20., 1994.

CITY OF ARLINGTON
STORMWATER UTILITY CHARGES

ORDINANCE NO. 94-53
AN ORDINANCE AMENDING THE "WATER AND SEWER" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF ARTICLE III, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF SECTION 3.05, STORMWATER UTILITY CHARGES, TO REVISE MONTHLY DRAINAGE UTILITY RATES; PROVIDING FOR A FINE OF UP TO $500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE ON OCTOBER 1,1994

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

That the "**Water and Sewer**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III thereof, entitled Charges For Water and Sewer Service, by the amendment of Section 3.05, Stormwater Utility Charges, so that hereafter said section shall be and read as follows:

Section 3.05 Stormwater Utility Charges

A. There shall be a charge on each monthly utility statement for the Municipal Drainage Utility System. The Director of Utilities is authorized to collect such charges in a manner consistent with the "Water and Sewer" Chapter, the City Charter and State law. The drainage fee will be a separate line item on the utility statement and shall be clearly identified as separate charge.

B. The following rates per month are hereby established:

(1) Residential. Accounts
Each separately metered residential account $1.30 per account

Apartment, duplex and other multifamily structures with residential units which are not separately metered
$.65 per residential unit

(2) Nonresidential Accounts
The rates shall be calculated according to the total square footage of impervious area per nonresidential property and apportioned among the account holders owning, using or occupying such property; if there are no water accounts for such property, the rate will be apportioned among the owners.

Impervious Area (in square feet)	Effective October 1, 1994
0 - 10,000	6.50

Impervious Area (in square feet)	Effective October 1, 1994
0 - 10,000	6.50
10,001 - 50,000	13.00
50,001 - 100,000	19.50
100,001 - 200,000	39.00
200,001 -350,000	78.00
350,001 -700,000	130.00
700,001 - 1,000,000	260.00
Over - 1,000,000	390.00

C. Except as otherwise provided by this section, billing, charges and collection procedures shall be consistent with that of the water and sewer services.

D. Drainage charges shall be identified separately on the utility billing. Billing shall be consistent with V.T.C.A., Local Government Code, Section 402.048.

E. Delinquent charges shall be collected in a manner consistent with V.T.C.A. Local Government Code Section 402.050.

F. The City may grant exemptions from the drainage charge, pursuant to V.T.C.A. Local Government Code, Section 402.053.

CITY OF DALLAS
STORM WATER DRAINAGE

ORDINANCE NO. 22665

An ordinance amending Section 2-168 of CHAPTER 2. "ADMINISTRATION," of the Dallas City Code, as amended; defining terms; establishing a maximum storm water drainage charge for unimproved real property in the city; providing for the billing and collection of storm water drainage charges; providing for the refund and waiver of excess storm water drainage charges assessed on unimproved real property on or after October 1, 1995; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 2-168. "Storm Water Drainage Utility Rates; Billing and Collection Procedures," of Article XXVIII, "Storm Water Drainage Utility." of CHAPTER 2, ADMINISTRATION," of the Dallas City Code, as amended. is amended to read as follows:

"SEC. 2-168. STORM WATER DRAINAGE UTILITY RATES; BILLING AND COLLECTION PROCEDURES.

(a) In this section:.

(1) AGRICULTURAL USE has the meaning given that term In Section 51 A-2.102 of this code.

(2) COMMERCIAL REAL PROPERTY means an improved lot or tract, platted or unplatted:

(A) to which storm water drainage service is made available;

(B) that eventually discharges into a creek, river, slough, culvert, or other channel that is part of the city's storm water and drainage utility system;

(C) that is not residential or unimproved real property.

(3) CUSTOMER OF RECORD has the meaning given that term in Section 49-1 of this code.

(4) ~~[(3)]~~ DIRECTOR means the director of the department designated by the city manager to manage the storm water drainage utility.

(5) ~~[(3)]~~ IMPROVED LOT OR TRACT means a lot or tract of land that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure or improvement.

(6) ~~[(4)]~~ RESIDENTIAL REAL PROPERTY means an improved lot or tract.

(A) to which storm water drainage service is made available;

(B) that eventually discharges into a creek, river, slough, culvert. or other channel that is part of the city's storm and water drainage utility system; and

(C) that contains or is planned to contain:

(i) a single-family or duplex dwelling unit: or

(ii) more than two dwelling units, if each dwelling unit is individually metered for water service from the city.

(7) ~~[(5)]~~ UNIMPROVED REAL PROPERTY means a lot or tract of land:

(A) to which storm water drainage service is made available;

(B) that eventually discharges into a creek, river. slough, culvert, or other channel that is part of the city's storm water drainage utility system; and

(C) that is:

(i) owned and maintained in its natural. undeveloped state ; ~~[(or)]~~

(ii) subdivided, but does not yet contain any structure or other improvement or

(iii) devoted exclusively to an agriculture use. With not more than 10 percent of the land area occupied by structures or other improvements.

(8) ~~[(6)]~~ WHOLLY SUFFICIENT AND PRIVATELY OWNED STORM WATER DRAINAGE SYSTEM means real property owned and operated by a person other than the city, the drainage of which property does not discharge into a creek, river, slough, culvert, or other channel that is part of the city's storm water drainage utility system.

(b) The monthly storm water drainage charge for residential real property for each dwelling unit receiving water or wastewater service from the city is as follows:

Property Area (in square feet)	Monthly Rate (per dwelling unit)
up to 5,000	$1.65
5,001 - 10,000	$2.65
10,001 - 21,800	$3.85
21,801 - 43,600	$6.75
more than 43,800	$13.00

(c) The storm water drainage charge for commercial and unimproved real property is an amount equal to $0.052 per month for each 100 square feet of land area calculated to be the drainage area of the commercial or unimproved real property with a minimum charge of ~~[or]~~ $1.05 per month for commercial and unimproved real property and a maximum of $13 per month for unimproved real property [whichever is greater]. If information regarding the square footage of a particular lot or tract of commercial or unimproved real property is unavailable or inadequate, the director may make a reasonable estimate of square footage and levy the drainage charge on that basis.

(d) The following real property is exempt from the charges prescribed in this section:

(1) real property with proper construction and maintenance of a wholly sufficient and privately owned storm water drainage system; and

(2) real property owned by the city and used for municipal purposes.

(e) Storm water drainage charges will be billed and collected in accordance with the following procedures:

(1) For storm water drainage service to commercial and residential real property, the water utilities department shall bill the customer of record ~~[as that term is defined in Section (1) 33 of this code,]~~ in the regular water and wastewater service bill or, if no water or wastewater service account exists, the true owner of record as shown in the current city tax rolls.

(2) For storm water drainage service to unimproved real property, the water utilities department shall bill the true owner of record as shown in the current city tax rolls or, if a water or wastewater service account exists the customer of record. For the purpose of assessing and billing storm water drainage charges, adjoining tracts of unimproved real property that have the same true owner of record, city tax rolls, will treated as a single property.

(3) In cases involving occupancy of a lot or tract of commercial real property by two or more tenants who are customers of record, the water utilities department may either prorate the charges on an equitable basis between all the customers of record or may instead bill the property owner for storm water drainage service under a separate account. In addition, if a lot or tract of land receives water or wastewater service under two or more service accounts and the service accounts are all in the name of the same customer of record, the water utilities department may bill the entire drainage charge due through one service account.

(4) If more than one person is named in the current city tax rolls as the true owner of record of unimproved real property, each person is jointly and severally liable for storm water drainage charges on the property. The water utilities department may bill any or all of the joint owners through one service account.

(f) The water utilities department shall administer collection procedures and service accounts under this section. An application for water or wastewater service deemed to include application for storm water drainage service.

(g) Except as otherwise provided In this section, the provisions of Sections 49-3, 49-7. 49-8, 49-12. 49-15. and 49-16 of this code will govern in all matters regarding the application for storm water drainage service, payment and collection of storm water drainage charges, the liability of persons for charges. and the remedies of the city in the event of nonpayment."

SECTION 2. That the city manager is directed to refund any amounts in excess of $13 per month that were collected on or after October 1, 1995 as storm water drainage charges on unimproved real property in the city. Refunds will be made to each impacted property's true owner of record, as shown in the current city tax rolls, or, if a water or wastewater service account exists on the property, to the customer of record. Any amounts in excess of $13 per month that were assessed, but not collected, by the city on or after October 1. 1995 as storm water drainage charges on unimproved real property are

hereby waived. For purposes of calculating refunds and waivers under this section, "unimproved real property" has the meaning given that term in Section 2-168(8)(7) of the Dallas City Code, as set forth in Section 1 of this ordinance.

SECTION 3. That CHAPTER 2 of the Dallas City Cod, as amended, will remain in full force and effect. save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas. and it is accordingly so ordained.

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By Lisa Christopherson

Assistant City Attorney Passed

Passed Feb 7, 1996

CITY OF GARLAND
STORMWATER ORDINANCE

ORDINANCE NO. 4899

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS, RELATING TO FEES FOR VARIOUS SERVICES PROVIDED BY THE CITY; AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, on September 5, 1995, the City Council approved and adopted a budget for the City of Garland, for the year beginning October 11995, and ending September 30, 1996; and

WHEREAS, such budget contains anticipated receipts and proposed expenditures, including certain fees and fee adjustments for various services provided by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That subsection (A) of Section 50.61, "Municipal drainage utility system rates," of Chapter 50, "Utility Rates and Fees," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(A) The following schedule of drainage charges is hereby established:

(1) Each single-family residential dwelling unit

(a) On small lots (average of 3,750 square feet used for rate).$1.20 per month

(b) On medium lots (average of 7,500 square feet used for rate) .$2.40 per month

(c) On large square lots (average of 11,500 square feet used for rate).$3.60 per month

(2) All other developed property.$0.06 per 100 square feet of impervious area

For the purposes of this subsection, "impervious area" means any area not able to absorb rainfall thereby creating stormwater runoff. Independent school districts and churches shall be exempt from the charges established by this section."

Section 2

That Section 50.53, "Intra-city sludge charges,'" and Section 50.55, ""Transfer station fees," of Article III, "Charges for Sanitation Services," of Chapter 50, "Utility Rates and Fees," of the Code of Ordinances of the City of Garland, Texas, are hereby amended to read as follows:

"Sec. 50.53. Intra-city sludge charges.
Reserved."

"Sec. 50.55. Transfer station fees.

There shall be no fee to the residents of Garland or Rowlett for using the transfer station to dump car or pickup loads of residential refuse. Non-Garland/Rowlett residents will be charged as commercial haulers. The Director of Solid Waste and

station to dump car or pickup loads of residential refuse. Non-Garland/Rowlett residents will be charged as commercial haulers. The Director of Solid Waste and Recycling Services, or his or her designee, will determine what is or is not residential refuse versus commercial refuse for transfer station fee purposes.

Charges for commercial haulers shall be thirty-one dollars and fifty cents ($31.50) per ton delivered to the transfer station."

Section 3

That Section 52.31, "Hours of operation," Section 52.32, "Prohibited articles," and Section 52.33, "Landfill user fees," of Chapter 52, "Sanitation," of the Code of Ordinances of the City of Garland, Texas, are hereby amended to read as follows:

"Sec. 52.31. Hours of operation.

Hours of operation of the sanitary landfill and transfer station shall be as determined by the Landfill Director and shall be posted in a conspicuous manner near the entrance to the facility.

Sec. 52.32. Prohibited articles.

Articles prohibited on the City of Garland's sanitary landfill shall include any substance which could cause an explosion or is highly flammable, caustics, acids, car bodies, and any chemical or liquid with a pH below five (5). Additionally, any matter whatsoever as may by the Landfill Director be determined to harm the general health and welfare of the citizens of Garland or other human beings is prohibited from being dumped in the City of Garland's sanitary landfill. Under no circumstances will liquid wastes be accepted.

Sec. 52.33. Landfill user fees.

Garland or other human beings is prohibited from being dumped in the City of Garland's sanitary landfill. Under no circumstances will liquid wastes be accepted.

Sec. 52.33. Landfill user fees.

(A) All persons in cars or pickup trucks without trailers shall be required to use the transfer station unless directed to the landfill by the Landfill Director or his designee. Charges for haulers using dumping vehicles shall be one dollar and ten cents ($1.10) per hundred weight, or twenty-two dollars ($22.00) per ton delivered to the landfill. Charges for major commercial haulers shall be twenty-one dollars ($21.00) per ton delivered to the landfill. The term "major commercial haulers" includes, but is not limited to, the following companies: Browning-Ferris, Community Waste Disposal, Laidlaw, and Waste Management. Inclusion in the category "major commercial hauler" shall be determined by the Landfill Director or his/her designee.

(B) (No change.)

(C) Haulers using trucks and/or trailers that do not dump shall be required to pay one-and-one-half (1 1/2) times the current rate as provided for in subsection (A).

(D) Charges for haulers using the transfer station shall be one-and-one-half (1 i/2) times the landfill rate.

(E) The minimum dump fee at either installation will be ten dollars ($10.00)."

Section 4

(E) The minimum dump fee at either installation will be ten dollars ($10.00)."

Section 4

That subsection (C), Audubon Park Surf and Swim Wave Pool, of Sec. 25.06, "Swimming fees," of Chapter 25, "Parks & Recreation," is hereby amended to read as follows:

"Sec. 25.06. Swimming fees.

(A) (No change.)

(B) (No change.)

(C) Audubon Park Surf and Swim Wave Pool:

(1) General admission:

Adults (18-62).....$4.50
Youth (5-17).....$3.25
Senior Citizens (65 and over)... $2.75
Preschoolers (4 and under).....Free

(2) Twilight special (6:00 p.m. to 9:00p.m.):

Adults (18-64).....$3.50
Youth (5-17).....$2.50
Senior Citizens (65 and over)... $2.00
Preschoolers (4 and under).....Free

(3) Surf and Swim group discount rates:

During public hours:
25-99 admissions .....25 cents off price/admission
100 and over admissions.....50 cents off price/admission
Group rental during non-public hours:
Minimum rental fee (2 hours) $350.00
Adults (18-64) 3.50
Youth (5-17) 2.00
Senior Citizens (65 +) ..... 1.50"

Group rental during non-public hours:
Minimum rental fee (2 hours) $350.00
Adults (18-64) 3.50
Youth (5-17) 2.00
Senior Citizens (65 +) ..... 1.50"

Section 5

That Section 26.02, "City vehicle storage facilities," of Chapter 26, "Police - Miscellaneous Provisions and Offenses," of the Code of Ordinances, City of Garland, Texas, is hereby amended to read as follows:

"Sec. 26.02. City vehicle storage facilities.

The owner or the authorized agent of the owner of a vehicle that has been removed to a vehicle storage facility owned by the City may regain possession of the vehicle upon payment of all costs of towing, impoundment and storage. A storage fee shall be assessed at the following rates:

(A) Passenger vehicles, trucks with a manufacturer's rated carrying capacity of 4,000 pounds or less, and trailers sixteen (16) feet in length or less..... $15.00

(B) Vehicles with a manufacturer's rated carrying capacity in excess of 4,000 pounds, trailers in excess of sixteen (16) feet in length, boats, heavy off-road equipment, and other vehicles not listed in (A) above..... $15.00

The foregoing fees shall be assessed for each day or portion of a day that the vehicle is stored at the facility. The Director of Police Services may establish rules governing the impoundment, storage, inspection and release of vehicles at City-owned vehicle storage facilities."

Section 6

impoundment, storage, inspection and release of vehicles at City-owned vehicle storage facilities."

Section 6

That this Ordinance shall take effect on October 1, 1995.

PASSED AND APPROVED this 19th day of September, 1995.

Original Ordinance Passed 9/91
Rates increased 10/95

(C) The City shall not require a deposit for drainage charges as a precondition to accepting surface flow into the drainage system. Delinquent drainage charges are subject to the same penalties and methods of collection as other utility charges of the City.

(D) The income of the drainage utility system shall be segregated and completely identifiable in the accounts of the City. The revenues produced by the drainage charges established by this Article shall be applied to the funding of both operating requirements and future system improvements and other capital costs and may not be transferred to the general fund of the City."

Section 2

That Chapter 50, "UTILITY RATES AND FEES," of the Code of Ordinances of the City of Garland, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 3

of Garland, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 3

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 4

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 3rd day of September, 1991.

ARTICLE IV. MUNICIPAL DRAINAGE UTILITY SYSTEMS

Sec. 50.60. Findings and establishment of municipal drainage utility system.

(A) The City Council has found and hereby finds that:

(1) The City will establish a schedule of drainage charges against all real property in the City subject to charges under Subchapter C, Chapter 402 of the Texas Local Government Code;

(2) The City will provide drainage for all real property in the City on payment of drainage charges, except real property exempted under Subchapter C, Chapter 402 of the Texas Local Government Code;

(3) The City will offer drainage service on nondiscriminatory, reasonable and equitable terms; and

(4) That, prior to the adoption of this ordinance, the City Council caused

(3) The City will offer drainage service on nondiscriminatory, reasonable and equitable terms; and

(4) That, prior to the adoption of this ordinance, the City Council caused to be published in a newspaper of general circulation in the City a notice stating the time and place of a public hearing to consider this ordinance; the notice contained this ordinance published in full and the notice was published three times before the date of the hearing, the first publication occurring on or before the 30th day before the date of the hearing.

(B) The provisions of Subchapter C, Chapter 402 of the Texas Local Government Code are hereby declared to be adopted and a municipal drainage utility system is hereby established by the authority of that Subchapter and the home-rule powers of the City under Article XI, Section 5 of the Texas Constitution. The drainage of the City is declared to be a public utility. The program hereby created shall be reviewed annually as a separate budget issue.

(Ord. No. 4517, §1, 9-3-91)

Sec. 50.61. Municipal drainage utility system rates.

(A) The following schedule of drainage charges is hereby established:

(1) Each single-family residential dwelling unit

(a) On small lots (average of 3,500 square feet used for rate)$1.00 per month

(b) On medium lots (average of 7,000 square feet used for rate) $2.00 per month

(c) On large lots (average of 10,000 square feet used for rate).....$3.00 per month

(2) All other developed property $0.05 per 100 square feet of impervious area

For the purposes of this subsection, "impervious area" means any area not able to absorb rainfall thereby creating storm water run-off. Independent school districts and churches shall be exempt from the charges established by this Article.

(B) The drainage charges established by this section shall be billed to the user of the benefited property along with the bill for other utility services provided to the property. The drainage charges shall be identified separately on the bill as Storm Water Management fee.

(C) The City shall not require a deposit for drainage charges as a precondition to accepting surface flow into the drainage system. Delinquent drainage charges are subject to the same penalties and methods of collection as other utility charges of the City.

(D) The income of the drainage utility system shall be segregated and completely identifiable in the accounts of the City. The revenues produced by

the drainage charges established by this Article shall be applied to the funding of both operating requirements and future system improvements and other capital costs and may not be transferred to the general fund of the City.

(Ord. No. 4518, §1, 9-3-91)

CITY OF CHESAPEAKE
STORMWATER MANAGEMENT

AN ORDINANCE AMENDING CHAPTER 26 OF THE CHESAPEAKE CITY CODE, ENTITLED "ENVIRONMENT", ARTICLE VII, SECTIONS 26-373, 26-402, 26-432 AND 26-433 THEREOF TO COMPLY WITH SECTION 15.1-292.4 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, AND TO AMEND THE COMPOSITION OF THE STORMWATER MANAGEMENT ADVISORY BOARD AND TO EXTEND THE TIME LIMIT ON THE PRESENT CREDIT SYSTEM.

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia. that Chapter 26 of the city Code entitled "Environment" amended and reordained as follows:

Section 26-373. Stormwater management advisory board.

(a) The stormwater management advisory board, hereinafter referred to as "board,", is hereby established. The board shall consist of the director of public works, the city engineer and the city attorney, or representatives designated by them as nonvoting ex officio members and five members who are legal residents of the city, who shall be appointed the city council. The appointments shall be made in the sole discretion of the council so that the composition of the board is competent to perform those powers and duties assigned to the board. Initially, three of the appointed citizens will serve for four year and two members will serve two years. Subsequent appointments shall be for full four-year terms and will maintain this staggered arrangement with any replacement membership only fulfilling the residual term of the member replaced.

(b) All members of the board shall serve without compensation. Operating and administrative expenses, including travel expenses, may be authorized by the city council and paid out of the stormwater utility trust fund. The board shall have no authority to obligate or expend any city funds without authorization of the city council.

(c) The board shall elect annually a presiding officer and shall make rules and forms for its procedures consistent with the laws of this city and of the commonwealth. A quorum shall consist of a majority of the members of the board.

(d) The board shall have the following powers and duties:

(1) Hearing appeals by any interested party from any interpretation, ruling or decision by the director of public

works in accordance with section 26-434.

(2) Reviewing rates and providing utility rate recommendations to the city manager.

(3) Preparing other stormwater utility related recommendations for the city manager.

Section 26-402. Billing and payment; penalties and liens.

(a) The utility fee is to be paid by the owner of each lot or parcel subject to the fee.

The bills or statements shall be payable within 30 days from the date of the bill. Payment received more than 30 days after the date of the bill shall be subject to interest at a rate equal to the judgment rate of interest as established by state law. Notwithstanding the above, upon request by the individual lot or parcel owner, the city shall send the billing for the utility fee to the designated tenant or lessee of the owner for payment when the tenant or lessee is the party to whom the water and or service is billed. However, this in no way relieve the property owner from liability to the city to pay the utility fee if the owner's tenants or lessee who is billed neglects or fails to pay.

(b) Billing for the utility fee shall be rendered on a biannual basis to all chargeable property owners and shall represent charges for the preceding six months of stormwater service, and any unpaid balances an interest on an account If the total annual fee is paid within 30 day of receipt of the first biannual bill, the owner making such payment shall be entitled to a four percent discount on the total annual fee due.

(c) Any bill which has not been paid following 30 days after the bill date shall be deemed delinquent and shall be collected by the department of public works. All payments, interest and costs of collection due may be recovered by law or suit in equity and shall constitute a lien against property, ranking on a parity with liens for unpaid taxes.

(d) If charges are not paid when due, interest thereon shall accrue at the rate established in this article until such

time as the overdue payment and interest is paid. Partial payments shall be applied to the most recent charges and remaining charges shall continue to accrue interest and penalties.

(e) When new properties are brought into the utility system, fees will accrue commencing with either the issuance of a valid building permit or upon completion of any construction which contributes impervious surface area where no certificate of occupancy is issued in the next billing cycle and will be prorated for the number of full months in which service was provided.

(f) Upon alteration or addition to a nonresidential property which alters the amount of impervious surface area, the utility fees will be adjusted upon either the release of the final building inspection or upon completion of the construction, whichever occurs first, and adjustment will be reflected in the next billing cycle prorated on a monthly basis.

DIVISION 4. CREDITS, EXEMPTIONS, APPEALS AND ADJUSTMENT OF FEES

Section 26-431. Credits

(a) The city recognizes that the use of detention and other best management practices may result in some city in maintenance, operation and capital costs associated with the city's stormwater management program. However, since the exact extent of these savings are unknown at this time, the city shall institute a 20 percent credit for all properties ~~for a period of two years, effective from November 24, 1994~~ until June 30, 1996. Nevertheless, no property shall have a fee less than the rate established for one ERU. During this ~~two year~~ period, the director of public works shall complete the technical studies necessary to develop an equitable system of credits.

(b) The 20 percent credit shall be null and

void and thus no longer in effect on ~~after the two years, effective from November 24, 1994~~ until June 30, 1996. Nevertheless, no property shall have a fee less than the rate established for one ERU. During this ~~two year~~ period, the director of public works shall complete the technical studies necessary to develop an equitable system of credits.

(c) The 20 percent credit shall be null and void and thus no longer in effect on after the two year period has expired July 1, 1996. In place of the 20 percent credit, the director of public works shall institute the following credit system based on the technical information accumulated during the first two years of the program:

(1) The director of public works shall develop and administer procedures whereby property owners can receive credit for on-site control of stormwater runoff by petitioning the director in accordance with section 26-433. Such credit will consist of a partial exemption from user charges. Precise determination of the magnitude of the credit will depend in part on calculations made by the director of public works as to the extent of the control provided by the property owner. The director shall consider the degree of control of both quantity and quality of stormwater when determining such credits. In addition, the director shall consider future responsibility for maintenance when determining credits. In no case shall the user charges be reduced to an amount less than the rate established for one ERU

(2) Any credits allowed shall remain in effect so long as:

a. the owner of such system has obtained the proper permits and constructed the facilities in accordance with plans approved by the department of public works;

b. the owner remains responsible for all costs of operation and maintenance of the system; and;

constructed the facilities in accordance with plans approved by the department of public works;

b. the owner remains responsible for all costs of operation and maintenance of the system; and;

c. the director has access for inspection of the owner's system to determine if it is in compliance with the systems' design and maintenance standards and functioning properly.

(3) The director may require the owner requesting a credit to provide supplemental information, at the owner's expense, that may be relevant in determining if a credit is warranted. Failure to provide information within 30 days of the request may result in the denial of the credit.

(4) The director shall, within 60 days of the request or submittal of supplemental information, whichever date is later, make a written determination as to a credit request. Any requests granted shall be prorated monthly. The owner shall have the right to appeal to the stormwater advisory board any adverse decision by the director in accordance with section 26-434.

Section 26-432. Exemptions.

(a) Undeveloped land shall be exempted from stormwater utility fees.

(b) Roads and public street rights-of-way maintained by the city shall be exempted from the stormwater utility fee because they function as part of the stormwater collection and conveyance system.

(c) Any federal, state or local agencies which own and provide for maintenance of storm drainage and stormwater control facilities that drain into U.S. waters are exempt from stormwater utility fees.

(d) Any agricultural land used for the tilling, planting or harvesting of agricultural, horticultural or forest crops shall be exempt from stormwater utility fees; provided, however, that residential houses located on

stormwater utility fees.

(d) Any agricultural land used for the tilling, planting or harvesting of agricultural, horticultural or forest crops shall be exempt from stormwater utility fees; provided, however, that residential houses located on agricultural land shall not be exempt for being charged the residential utility rate.

(e) Any person who owns and provides for complete private maintenance of storm drainage and stormwater facilities, provided such person has obtained the proper permits from the department of Environmental Quality.

Section 26-433. Adjustment of fees.

Petitions for adjustments of the stormwater utility fees shall be submitted to the director of public works, who shall be given authority to administer the procedures and standard review criteria for the adjustment of fees as established herein. The following procedures shall apply to all adjustment request the stormwater utility fee; however, in no case shall the fee be adjusted to a fee lower than the rate established for one ERU:

(1) has paid a stormwater utility fee and who believes the contribution rate component of the stormwater utility fee to be unjust or inequitable or any owner who has property or a portion of property that drains directly into U.S. waters under a valid permit does not drain into the city stormwater system and has acquired any necessary permits form the state water control board Department of Environmental Quality or the Environmental Protection Agency may, subject to the limitations set forth in this article, submit an adjustment petition to the director.

(2) All adjustment petitions shall be submitted within 30 days of the bill date, shall be in writing and shall set forth, in detail, the grounds upon which relief is sought.

(3) The owner petitioning for the adjustment may be required at his or hew own cost to provide supplemental information to the director including, not limited to, survey, data be in writing and shall set forth, in detail, the grounds upon which relief is sought.

(3) The owner petitioning for the adjustment may be required at his or hew own cost to provide supplemental information to the director including, not limited to, survey, data and engineering reports approved by either a licensed professional land surveyor or engineer. The owner must provide the supplemental information within 30 days of the director's request. Failure to provide such information in a timely fashion may result in the denial of the adjustment request.

(4) The director shall have 60 days from the date of the filing of the petition or the date the owned submits all requested supplemental information, whichever date is later, to provide a written determination to the owner. Any adjustments granted will be prorated monthly. The owner shall have a right of appeal to the stormwater advisory board any adverse decisions by the director in accordance with section 26-434.

Section 26-434 Appeals.

(a) Upon receipt of a written denial of a petition for an adjustment or credit request from the director, the owner shall, within 30 days of receipt of such denial, apply to the stormwater advisory board.

(b) No appeal petition shall be accepted for filing unless the owner, at the time of filing, pays a fee of $25.00 to partially compensate the city for the direct and indirect administrative expenditures and costs. The owner must comply with all rules and procedures adopted by the stormwater advisory board when submitting an appeal petition. Failure to comply with all rules and procedures shall be grounds for denial for the petition.

(c) All appeals to the stormwater advisory board shall be filed with the director of public works, who shall then forward the petition to the full board.

(d) The stormwater advisory board shall have full authority to affirm, modify, reverse or

petition.

(c) All appeals to the stormwater advisory board shall be filed with the director of public works, who shall then forward the petition to the full board.

(d) The stormwater advisory board shall have full authority to affirm, modify, reverse or set aside the interpretation, ruling or decision appealed from. In evaluating the appeal, the board shall determine whether the decision of the director was issued in compliance with the intent, standards, policies and criteria established by this article and the department of public works.

ADOPTED by the council of the City of Chesapeake, Virginia, this _____day of _____, 199___.

Approved:

_____
Mayor

Attest:

_____
Clerk of the Council

CITY OF NORFOLK
STORMWATER MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 41.1-1. Definitions.

For purposes of this chapter, certain words and phrases shall have the meaning ascribed to them by this section:

(a) *Billing period* means the term or length of time during which the stormwater management fee accrues, and for which such fee is fixed collected. and Co)

(b) *Council* means the council of the City of Norfolk, Virginia.

(c) *Department* means the department of public works.

(d) *Developed property* means any parcel which contains impervious surface area.

(e) *Director* means the director of the department of public works or his designee.

(f)*Impervious surface area* means surfaces on or in a lot or parcel of property which partially reduce the rate of infiltration of stormwater into the earth.

(g) *Storm sewer or storm drain* means a sewer which carries storm waters, surface runoff, street, wash waters, and drainage, but which excludes sanitary sewage.

(h) *Stormwater* means that part of precipitation that travels over natural, altered, or impervious surfaces to the nearest stream, channel, conduit or impoundment and waters. appears in surface water.

(i) *Stormwater management code* means chapter 41.1 of the Code of the City of Norfolk, Virginia.

(j) *Storm water system* means all man-made facilities, structures, and natural watercourses used for collecting and conveying stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, the following: streets, curbs and facilities, structures, and natural watercourses used for collecting and conveying stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, the following: streets, curbs and gutters, irdets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches drains, sewers, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, pumping stations, and wetlands.
(Ord. No. 36,492, § 1, 6-25-91)

Sec. 41.1-2. Violations of chapter.

Unless otherwise specified, any person who shall violate any of the provisions of this chapter, or any regulation promulgated pursuant to authority granted by this chapter, shall be guilty of a Class 3 misdemeanor. Any such person shall furthermore be liable for all damage, loss and expense suffered or incurred by the city as a result violation of such.
(Ord. No. 36,492, § 1, 6-25-91)

Sec. 41.1-3. General responsibilities of director.

The director of public works shall be responsible for the use, management, operation and maintenance of the stormwater system as prescribed by this chapter. He shall have authority to establish procedures and to enforce regulations pertaining to the stormwater system. (Ord. No. 36,492, § 1, 6-25-91)

See. 41.1-4. Pollution of the stormwater system.

(a) It shall be unlawful for any person to put, or allow to be put, any filth, animal or vegetable matter, chips, shavings or any other substance in the stormwater system, or do any

See. 41.1-4. Pollution of the stormwater system.

(a) It shall be unlawful for any person to put, or allow to be put, any filth, animal or vegetable matter, chips, shavings or any other substance in the stormwater system, or do any injury thereto, or in any manner pollute the stormwater system.

(b) It shall be unlawful for any person to pour or discharge, or to permit to be poured or discharged, or to deposit, so that the same may be discharged, any gasoline, oil waste, antifreeze, or other automotive, motor or equipment fluids into any stormwater system.

(c) It shall be unlawful for any industrial, or commercial, in manufacturing entity to discharge process water, wash water, or unpermitted discharge into any stormwater system.

(d) It shall be unlawful for any person to throw, place or deposit, or cause to be thrown, placed or deposited, in any gutter, ditch, storm drain or other drainage area in the city, anything that impedes or interferes with the free flow of stormwater therein.

(e) It shall be unlawful for any person to discharge swimming pool water into any stormwater system.

(f) In addition to any penalty imposed for a violation of (a) through (e) above, a judge hearing the case may direct the person responsible for the discharge or deposit remediate or remove such discharge or deposit, and each day's default in such remediation or removal shall constitute a violation of and a separate offense under this section.

(Ord. No. 36,492, § 1, 6-25-91)

See. 41.1-5. Notice to correct drainage.

(a) Whenever the department of public works shall find that a tract of land is inadequately drained, or that there is an obstruction to a culvert, drain, or other natural or man-made watercourse that interferes with stormwater naturally flowing therein or that such culvert, drain, or watercourse is of insufficient capacity to reasonably accommodate the flow of stormwater, the director or a person designated by the director shall notify the owner or person having possession, charge, or management of such land to remove the obstruction or provide the necessary drainage.

(b) The owner must comply with the director's orders within the time specified in the notice. Failure to comply with such order shall constitute a violation of this chapter. In addition to any penalty imposed for each violation, a judge hearing the case may direct the person responsible for the obstruction to remediate or correct the obstruction, and each day's default in such remediation or correction shall constitute a violation of and a separate offense under this section.

(Ord. No. 36,492, § 1, 6-25-91)

Secs. 45.1-6-41.5-20. Reserved.

ARTICLE II. STORMWATER MANAGEMENT FEES

The city is authorized by the provisions of City Charter, Virginia Code Title 15.1, and the Constitution of the Commonwealth of Virginia to construct, reconstruct, improve and extend the stormwater system and to issue bonds and other debts as needed to finance in whole or in part the costs of the system and to establish rents, fees and charges for the services and facilities provided by the system.

(Ord. No. 36,492, § 1, 6-25-91)

Sec. 41.1-22. Stormwater management fees.

(a) The Following stormwater management fees are hereby authorized for all utility customers in the city:

	Daily Rate
Residential accounts	$0.132

Sec. 41.1-22. Stormwater management fees.

(a) The Following stormwater management fees are hereby authorized for all utility customers in the city:

	Daily Rate
Residential accounts	$0.132
Nonresidential accounts:	
Impervious Cover- Square Feet	
1 - 9,000	$ 0.263
9,001 - 30,000	1.151
30,001 - 50,000	2.729
50,001 - 150,000	5.293
150,001 - 500,000	73.151
500,001 - 1,000,000	29.129
1,000,001 - ABOVE	64.800

Residential and nonresidential accounts shall be defined in accordance with adopted regulations.

(b) All payments for this service shall be the responsibility of the owner. This fee shall be paid periodically in accordance with adopted regulations.

(c) Procedures and guidelines shall be established to appropriately credit effective stormwater management mitigation or remediation actions undertaken on or off nonresidential properties. (Ord. No. 36,492, § 1, 6-25-91; Ord. No. 36,850, § 1, 5-26-92; Ord. No. 37,247, § 1, 5-18-93)

Sec. 41.1-23. Stormwater enterprise fund.

There shall be established a stormwater enterprise fund for the deposit of all fees collected pursuant to this article. The fund will be used exclusively to provide services and facilities related to the stormwater management system. The deposited monies shall be used for the following expenditures:

(a) Operation, maintenance, and repair of the stormwater system;

(b) Costs for the evaluation, design, construction management, and construction of major and minor structural replacements, improvements, and extensions of the stormwater system;

(c) Administrative and overhead costs related to the management of the stormwater system;

(d) Management services such as permit review and planning and development review related to the stormwater system;

(e) Debt service financing of capital projects related to the stormwater system; and

(f) Establishment of reasonable operating and capital reserves to meet unanticipated or emergency requirements of the enterprise system. (Ord. No. 36,492, § 1, 6-25-91)

Supp. No- 89

COUNTY OF SPOKANE
STORMWATER UTILITY

No. 92 0253

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF FORMING A STORMWATER UTILITY FOR SPOKANE COUNTY, ESTABLISHING A STORMWATER SERVICE AREA AND ALLOCATING FUNDS TO DEVELOP A UTILITY BILLING AND ACCOUNTING SYSTEM.

RESOLUTION:

WHEREAS, pursuant to the provisions of the Revised Code of Washington, Section 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to chapter 36.89 RCW, Spokane County is authorized to finance, acquire, develop, construct, improve, maintain and operate stormwater control facilities, and to establish rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any stormwater control facility or contributing to an increase of surface water runoff; and

WHEREAS, in 1983, the Board appointed a Citizens Committee on Stormwater Management to evaluate the stormwater situation in Spokane County and to make recommendations to the Spokane County Engineer and the Board regarding stormwater matters; and

WHEREAS, following identification of county-wide stormwater control needs by the recommendations to the Spokane County Engineer and the Board regarding stormwater matters; and

WHEREAS, following identification of county-wide stormwater control needs by the Citizens Committee, the Spokane County Flood Control Zone District Management Plan (the "Plan") was prepared by a consulting engineering firm retained by the County, and was submitted to the Board of County Commissioners in January, 1988; and

WHEREAS, the Plan identified significant short and long term impacts to properties within the unincorporated areas of Spokane County from surface water runoff due to development and anticipated development, including erosion, flooding, property damage and potential devaluation of property, as well as the potential contamination of the Spokane-Rathdrum Aquifer, the sole source of drinking water for most of Spokane County; and

WHEREAS, the Plan recommended a comprehensive drainage management program to address drainage needs in Spokane County, and further recommended adoption of a program that could be integrated into the existing organizational structure of the County; and

WHEREAS, in September, 1991, a Stormwater Management Utility Cost of Service/Rate Study was submitted to the Board, prepared by the same firm that had earlier prepared the Plan, which Study recommended formation of a stormwater utility by Spokane County, pursuant to chapter 36.89 RCW, to address the County's stormwater needs, and further recommended a basis for financing the County's stormwater quantity and quality management program; and

WHEREAS, the Citizens Committee has carried out a public awareness program to

needs, and further recommended a basis for financing the County's stormwater quantity and quality management program; and

WHEREAS, the Citizens Committee has carried out a public awareness program to inform the residents of Spokane County about stormwater management issues and to receive comment from the public regarding the proposed formation of a stormwater utility; and

WHEREAS, the Citizens Committee submitted recommendations to the Board on December 17, 1991, to form a stormwater utility for Spokane County, to establish a stormwater service area for certain portions of Spokane County, and to establish rates and charges pursuant to chapter 36.89 RCW for all properties within the service area for the furnishing of stormwater services by the utility; and

WHEREAS, the County Division of Engineering concurs in the recommendations of the Citizens Committee to the Board; and

WHEREAS, following publication of a notice of public hearing, the Board held a public hearing on February 18, 1992, to consider formation of a stormwater utility, establishing a stormwater service area and providing for a billing study to recommend the amount of rates and charges that should be established by the Board for the properties served by the utility if formed; and

WHEREAS, a declaration of nonsignificance (DNS) was issued for the proposed action to be taken by the Board, as above described; and

WHEREAS, the Board finds that there is a public need to control and regulate stormwater respecting those properties located within the unincorporated areas of Spokane County described on Attachment "A", attached hereto and incorporated by this reference, and comprising a map entitled "Proposed Stormwater Utility Service Area Boundary", and that a stormwater utility should be established by Spokane County to regulate and control stormwater runoff within such areas as described on Attachment "A", attached hereto and incorporated by this reference, and comprising a map entitled "Proposed Stormwater Utility Service Area Boundary", and that a stormwater utility should be established by Spokane County to regulate and control stormwater runoff within such areas as well as stormwaters within other portions of the unincorporated area of Spokane County that require regulation; and

WHEREAS, the Board finds that a Stormwater Service Area should be established as described on Attachment "A", within which Spokane County will provide stormwater services and levy rates and charges on the properties located therein, pursuant to chapter 36I.89 RCW; and

WHEREAS, the Division of Engineering, Spokane County Public Works Department, currently maintains and operates, or is obligated to maintain and operate, stormwater facilities for certain subdivisions within the proposed Stormwater Utility Service Area, and levies or is authorized to levy service charges on the lots therein pursuant to chapter 36.89 RCW and chapter 9.14 of the Spokane County Code;

WHEREAS, the Division of Engineering is currently responsible for maintaining drainage facilities within county rights-of-way, and for establishing and administering standards for drainage of building sites, including the "Guidelines for stormwater Management"; and

WHEREAS, the Board finds that the Division of Engineering is qualified to operate and manage the stormwater utility; and

WHEREAS, the Board agrees that a master account file and billing system needs to be developed by the stormwater utility and would like the utility to make recommendations to the Board regarding the establishment of initial rates and charges not exceeding $10.00 per equivalent residential unit per year to pay for services provided by the stormwater utility; and

WHEREAS, for those subdivision

Board regarding the establishment of initial rates and charges not exceeding $10.00 per equivalent residential unit per year to pay for services provided by the stormwater utility; and

WHEREAS, for those subdivision properties which the Division of Engineering is already providing, or is obligated to provide stormwater services for, the initial rates and charges referenced above would be in addition to the charges levied by the County for such services; and

WHEREAS, the Board finds it appropriate for the Division of Engineering to borrow up to a maximum of $170,000.00 from the County Road Reserve Fund to establish the master account file and billing system for the stormwater utility and to form such utility, such funds to be repaid with interest to the Reserve Fund within two (2) years of the appropriation of such funds for the stormwater utility;

NOW, THEREFORE, BE IT RESOLVED that Spokane County establish a stormwater utility, pursuant to chapter 36.89 RCW, to be owned by Spokane County and to be managed and operated by the Division of Engineering, Spokane County Department of Public Works, for the purpose of regulating and controlling stormwater and surface waters within the unincorporated area of Spokane County.

BE IT FURTHER RESOLVED that a stormwater Service Area be established within the boundaries indicated on Attachment "A", attached hereto and incorporated by reference hereto, within which the Board will establish rates and charges for properties served by the stormwater utility.

BE IT FURTHER RESOLVED that the Division of Engineering establish a master account file and billing system for the utility, and make recommendations to the Board for the initial setting of rates and charges not exceeding $10.00 per equivalent residential unit per year for properties located within the stormwater Service Area and served by the account file and billing system for the utility, and make recommendations to the Board for the initial setting of rates and charges not exceeding $10.00 per equivalent residential unit per year for properties located within the stormwater Service Area and served by the Utility; to pay for services provided by the utility, including but not limited to the cost of establishing the utility and the master account file and billing system.

BE IT FURTHER RESOLVED that such rates and charges will be in addition to the stormwater charges levied by Spokane County for stormwater services the Division of Engineering is currently providing, or is obligated to provide, to certain subdivisions within the Service Area.

BE IT FURTHER RESOLVED that the Division of Engineering is authorized to borrow up to $170,000.00 from the County Road Reserve Fund for the cost of establishing the master account file and billing system for the utility and for establishing the utility, such funds to be repaid with interest within two (2) years of appropriation of such funds by the utility.

AND BE IT FURTHER RESOLVED that the Board finds that the actions taken above are exempt from the requirements for actions under the State Environmental Policy Act and the Local Environmental Ordinance, pursuant to WAC 197-11-800(20); and that should it be determined that such actions are not exempt from the referenced environmental requirements, the Board further finds that the actions taken will not have a significant impact on the environment.

PASSED and ADOPTED this 25th day of February, 1992.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

John R. McBride, Chair
Patricia A. Mummey

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

John R. McBride, Chair
Patricia A. Mummey

ATTEST:
WILLIAM E. DONAHUE, Clerk of the Board

No. 93 0155
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF ENACTING A STORMWATER RATE ORDINANCE AND ADDING A CHAPTER TO TITLE 9 OF THE SPOKANE COUNTY CODE

RESOLUTION:

WHEREAS, pursuant to chapter 36.89 RCW, Spokane County is authorized to finance, acquire, develop, construct, improve, maintain and operate stormwater control facilities, and to establish rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any stormwater control facility or contributing to an increase of surface water runoff; and

WHEREAS, pursuant to Resolution No. 92 0253, adopted on February 18, 1992, the Board formed a Stormwater Utility to be owned by Spokane County and to be managed and operated by the Division of Engineering, Spokane County Department of Public Works, for the purpose of regulating and controlling storm and surface waters within the unincorporated area of Spokane County; and

WHEREAS, pursuant to Resolution No. 92 0253, the Board established a Stormwater Service Area in unincorporated Spokane County, within which rates and charges would be established for properties served by the Stormwater Utility; and

WHEREAS, pursuant to Resolution No. 92 0253, the Board established a Stormwater Service Area in unincorporated Spokane County, within which rates and charges would be established for properties served by the Stormwater Utility; and

WHEREAS, a cost of service/rate study for operation of a stormwater management program by the Stormwater Utility has been performed by Spokane County and submitted to the Board of County Commissioners for review; and

WHEREAS, the Stormwater Utility has established a master account file and billing system for the utility, and made recommendations to the Board for the initial setting of rates and charges not exceeding $10.00 per equivalent residential unit per year for properties located within the Stormwater Service Area and served by the Utility; to pay for services provided by the utility; and

WHEREAS, such rates and charges would be in addition to the stormwater charges levied by Spokane County for special stormwater services the Division of Engineering is currently providing, or is obligated to provide, to certain subdivisions within the Service Area; and

WHEREAS, the Stormwater Utility has proposed that the Board adopt a comprehensive stormwater ordinance setting rates and charges for properties within the Stormwater Service Area, as set forth on Attachment A hereto; and

WHEREAS, on February 9, 1993, the Board held a public hearing on the proposed stormwater rate ordinance, after due notice was provided to the public regarding such hearing; and

WHEREAS, the Board finds that the properties located within the Stormwater Service Areas will be served or benefited by stormwater services to be provided by the Stormwater Utility, or contribute to an increase of surface water runoff in Spokane County;

WHEREAS, the Board finds that the properties located within the Stormwater Service Areas will be served or benefited by stormwater services to be provided by the Stormwater Utility, or contribute to an increase of surface water runoff in Spokane County; and

WHEREAS a stormwater management program is necessary for Spokane County in order to promote the public health, safety and welfare;

WHEREAS the board finds that the rates and charges provided for in the proposed stormwater rate ordinance are reasonable;

NOW, THEREFORE, BE IT RESOLVED that a stormwater rate ordinance be adopted for Spokane County, as more particularly set forth in Attachment A, attached hereto and incorporated by reference herein, and that a new chapter be created in Title 9 of the Spokane County Code codifying said ordinance.

PASSED and ADOPTED this 9th day of February.

BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

PATRICIA A. MUMMEY, CHAIR
D.E. CHILBERG

ATTEST:
WILLIAM E. DONAHUE, Clerk of the Board

SPOKANE COUNTY, WASHINGTON

ORDINANCE NO. 93-0155

RELATING TO STORMWATER MANAGEMENT RATES AND CHARGES

BE IT ORDAINED:
The following new chapter in Title 9 is added to the Spokane County Code:

RELATING TO STORMWATER MANAGEMENT RATES AND CHARGES

BE IT ORDAINED:
The following new chapter in Title 9 is added to the Spokane County Code:

CHAPTER 9 - CHARGES FOR STORMWATER MANAGEMENT SERVICES AND BENEFITS

SECTIONS:

1. Purpose
2. Applicability
3. Definitions
4. Special Stormwater Service Charges
5. Rate Structure
6. Billing and Collections
7. Delinquencies
8. Adjustments and Appeals
9. Special Operating Fund
10. Investments
11. Reserve Accounts
12. Bad Debts
13. Effective Date
14. Severability

SECTION 1: PURPOSE

The Board of County Commissioners finds that a stormwater management program is necessary for Spokane County in order to promote public health, safety and welfare, by establishing and operating a comprehensive approach to stormwater problems. The purpose of this chapter is to create a funding methodology which provides the resources necessary to plan, manage, construct, maintain, use and where necessary, alter the stormwater runoff systems within the Stormwater Service Area established within Spokane County.

SECTION 2: APPLICABILITY

(1) Pursuant to the Revised Code of Washington Chapter 36.89, charges shall be imposed for furnishing stormwater management services and benefits to all developed properties lying within the

SECTION 2: APPLICABILITY

(1) Pursuant to the Revised Code of Washington Chapter 36.89, charges shall be imposed for furnishing stormwater management services and benefits to all developed properties lying within the established Stormwater Service Area in unincorporated Spokane County and to all such property lying within incorporated areas of Spokane County for which such charges are provided by interlocal agreement between the county and such incorporated areas, which are served or receive benefits or which are to be served or to receive benefits from county Stormwater Facilities or which are contributing to an increase of stormwater runoff.

(2) Stormwater management service charges shall be paid by the owners of record of the properties charged and such other persons as may be liable therefore by law.

(3) Beneficiaries of stormwater services shall include all properties within the established Stormwater Service Area within Spokane County which benefit by the provision, maintenance, operation and improvement of a stormwater control system by the Stormwater Utility, regardless of how that system may be constituted.

SECTION 3: DEFINITIONS

(1) Developed Parcel - Any parcel altered from its natural state by the construction , creation or addition of impervious surfaces.

(2) Director - The Director of the Stormwater Utility

(3) Equivalent Residential Unit - A unit equal to the average areas covered by impervious surfaces on an average single family residential lot in Spokane County. This area equals 3,160 square feet.

(4) Impervious Surface - A hard surface areas which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development, which causes water to run off the surface in greater quantities or at an increased rate of

(4) Impervious Surface - A hard surface areas which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development, which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, driveways, patios, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled surfaces or other surfaces which similarly impede the natural infiltration of stormwater

(5) Impervious Factor - A factor assigned to a surface or parcel that evaluates the hydrologic nature of the surface or parcel being measured. The hydrologic nature of a surface can be defined by its intensity of use. The intensity of use of a surface or parcel relates to activities or development which alter the hydrologic condition of the surface or parcel from natural conditions pre-existent to development. Intensity of use can include the amount of impervious area or other types of activities that can influence the quantity or quality of stormwater runoff, or could influence the quantity or quality of stormwater percolating to groundwater. The impervious factor is assigned to a surface or parcel to address differing intensities of use of a surface or parcel.

(6) Maintenance - The act or process of cleaning, repairing, replacing or preserving a system, unit, facility, structure or piece of equipment.

(7) Parcel - The smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax parcel identification number by the Spokane County Assessor.

(8) Residential Parcel - Any parcel that contains a single family dwelling unit and is used primarily for residential purposes. This

documented for property tax purposes and given a tax parcel identification number by the Spokane County Assessor.

(8) Residential Parcel - Any parcel that contains a single family dwelling unit and is used primarily for residential purposes. This includes mobile home sites used or intended for use as single family dwelling units, and condominium units. Duplexes shall be regarded as two (2) single family residences.

(9) Stormwater Service Area - This area is generally described as the urban and urbanizing areas of unincorporated Spokane County. The service area is outlined on exhibit A, attached hereto and made a part hereof.

(10) Stormwater Facilities - Any facility improvement, development, property or interest therein, made, constructed or acquired for the purpose of controlling, or protecting life or property from any storm, waste, flood or surplus waters.

(11) Watershed Plan - The plan and all implementing regulations or resolution procedures including but not limited to land use management adopted by ordinance for managing stormwater facilities and features within individual drainage basins.

SECTION 4: SPECIAL STORMWATER SERVICE CHARGES

Properties which are directly served or benefited by specific stormwater facilities operated and maintained by Spokane County pursuant to resolution or agreement shall pay or continue to pay the special stormwater service charges in addition to the general stormwater service charge provided for in this ordinance.

SECTION 5: RATE STRUCTURE

(1) Service charges imposed by this ordinance shall be based on the relative contribution of increased stormwater runoff from a given parcel to the stormwater management system. The impervious characteristics of each parcel will be used to determine the relative

(1) Service charges imposed by this ordinance shall be based on the relative contribution of increased stormwater runoff from a given parcel to the stormwater management system. The impervious characteristics of each parcel will be used to determine the relative contribution of increased stormwater runoff from the parcel to the stormwater management system. The relative contribution of increased stormwater runoff from each parcel determines that parcel's share of the service charge revenue needs.

(2) All developed property within the Stormwater Service Area shall be subject to annual rates and charges as follows:

(a) Residential parcels as defined herein shall receive a flat rate service charge based on the average area of impervious characteristics of residential parcels in Spokane County. This shall equal the rate charged for 1 Equivalent Residential Unit (ERU). A flat rate of $10.00 per year applies to all residential parcels.

(b) All other developed parcels shall receive a rate based on their impervious characteristics as compared to the impervious characteristics which defined the ERU. The impervious areas on these parcels shall be calculated and the parcel shell be assigned an ERU count according to the specific characteristics of each site which determines their contribution to increased stormwater runoff. ERUs shall be rounded to the nearest 1/10 of an ERU.

(c) The rate formula for all developed parcels which are not residential parcels shall be as follows:

Total impervious area per parcel (ft2) = ERUs 3,160 ft2

ERUs X $10.00 per ERU = Service Charge

(d) Impervious factors shall be assigned to the impervious surfaces on all

ERUs X $10.00 per ERU = Service Charge

(d) Impervious factors shall be assigned to the impervious surfaces on all developed parcels which are not residential to reflect their specific impervious characteristics. These factors shall be used to determine the total impervious area per parcel. These impervious factors are established as follows:

AREAS
IMPERVIOUS FACTOR
Rooftops and pavement
1.0
Gravel or natural surfaces: heavy use
0.9
Gravel or natural surfaces: moderate use 0.8
Gravel or natural surfaces: light use
0.7
Grassy or natural surfaces: no traffic storage or development
0.0

(e) State highway right of way shall be charged thirty percent of the rate for comparable real property pursuant to RCW 90.03.520 and 90.03.525.

(f) The Board of County Commissioners may annually amend the rates established by this ordinance by resolution.

SECTION 6: BILLING AND COLLECTING

Rates and charges fixed by this ordinance shall be billed and collected annually through the Spokane County Treasurer's Office. The full service charge shall be due on or before April 30 of each year.

SECTION 7: DELINQUENCIES

(1) Delinquent service charges shall bear interest as provided in RCW 36.89.092 at the

service charge shall be due on or before April 30 of each year.

SECTION 7: DELINQUENCIES

(1) Delinquent service charges shall bear interest as provided in RCW 36.89.092 at the
rate of twelve percent (12%) per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid.

(2) Pursuant to RCW 36.89.090, the county shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges. Said lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments of Spokane County. Pursuant to RCW 36.89.083, the lien shall be effective for one year's delinquent service charges without the necessity of any writing or recording of the lien with the county auditor. To make the lien effective for more than one year's charges, the county treasurer shall record a notice of such lien with the county auditor in substantially the form prescribed by RCW 35.67.210; Provided, that satisfaction of such lien shall promptly be recorded with the county auditor by the county treasurer after full payment has been made.

(3) Upon the expiration of sixty days after the attachment of the lien, the county may bring suit in superior court and foreclose the lien in the same form as the foreclosure of real property tax liens. In addition to the costs and disbursement provided by statute, the court may allow the county a reasonable attorney's fee.

SECTION 8: ADJUSTMENTS AND APPEALS

(1) Any person receiving a billing statement for stormwater management charges and making a timely payment thereof, may file an "Application for a Rate Adjustment" if there is an alleged error in billing. This request shall

SECTION 8: ADJUSTMENTS AND APPEALS

(1) Any person receiving a billing statement for stormwater management charges and making a timely payment thereof, may file an "Application for a Rate Adjustment" if there is an alleged error in billing. This request shall be filed with the Stormwater Utility on forms provided by the Director.

(2) The burden of proof shall be on the applicant to show that the rate adjustment sought should be granted. The applicant may submit with the application any information which he or she considers relevant to support their position.

(3) Decisions on rate adjustments applied for in 1993 shall be made by the Director based on information submitted by the applicant and by the Stormwater Utility within 60 days of the adjustment request except when additional information is needed. For subsequent years, decisions on rate adjustments shall be made by the Director within 30 days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the Director's decision.

(4) An application for rate adjustment filed within 30 days of the billing date, if granted, shall be effective for the current billing year. Rate adjustment applications filed after 30 days of the billing date, if granted, shall be effective only for subsequent years.

(5) Applications for rate adjustment may be granted only when:

(a) The impervious area of the property as defined by its number of ERU's is incorrect;

(b) The recipient of the billing statement is not the owner or the responsible party of the property charged;

(c) A computational error was made in calculating the amount charged.

(6) The Director' decision regarding a rate adjustment application shall be final and conclusive, unless within thirty (30) calendar days from the date the decision of the Director was mailed, the original applicant files a notice

(c) A computational error was made in calculating the amount charged.

(6) The Director' decision regarding a rate adjustment application shall be final and conclusive, unless within thirty (30) calendar days from the date the decision of the Director was mailed, the original applicant files a notice of appeal with the Stormwater Utility. All notices of appeal shall include a brief statement of the grounds for appeal, in accordance with Section 8 (5) above, and shall be accompanied by any appeal fee imposed by the Board of County Commissioners by resolution for such hearings. The appeal shall be heard by a hearing examiner appointed by the Board of County Commissioners. The burden shall be on the appellant to show that the Director's decision was erroneous. The hearing examiner shall cause a written notice to be provided to the appellant of the time and location of the appeal hearing at least ten (10) calendar days prior to the hearing date. The hearing examiner shall, in conformity with this chapter and Section 8 (5) above, reverse or affirm, wholly or in part, or modify, the Director's decision. The appellant and the Stormwater Utility shall be notified in writing of the hearing examiner's decision.

(7) The hearing examiner's decision on any rate adjustment appeal shall be final and conclusive, unless within thirty (30) Calendar days from the date the decision of the hearing examiner was mailed, the original applicant for the rate adjustment, or the Stormwater Utility, files a notice of appeal with the Clerk of the Board of County Commissioners. All notices of appeal shall specifically reference the hearing examiner's decision appealed from and shall be accompanied by any appeal fee imposed by the Board by resolution for such hearings. Review shall be confined to the record of hearing before the hearing examiner, and the Board may not accept new evidence or testimony. The appealing party shall pay for a written transcript required by the Board for review. The Clerk of the Board shall cause a

of hearing before the hearing examiner, and the Board may not accept new evidence or testimony. The appealing party shall pay for a written transcript required by the Board for review. The Clerk of the Board shall cause a written notice to be provided to the appellant of the time and location of the appeal hearing at least ten (10) calendar days prior to the hearing date. The Board shall, in conformity with this chapter and Section 8 (5) above, affirm or reverse, wholly or in part, or remand the hearing examiner's decision, if it finds such decision to be arbitrary or capricious. The parties shall be notified in writing of the Board's decision.

(8) The decision by the Board of County Commissioners on any appeal shall be final and conclusive, unless within thirty (30) calendar days from the date the Board's decision was mailed, the original applicant for the rate adjustment applies to the Superior Court of Spokane County for a writ of Certiorari (review). Review shall be based on the record of the hearing below. The appellant shall pay for the written transcript of the proceedings before the hearing examiner and the Board required for review by the court.

(9) The Stormwater Utility shall provide administrative support to the hearing examiner in implementing the hearing process. The Board may establish additional procedures not in conflict with this ordinance for conduct of appeal hearings by the hearing examiner or by the Board.

SECTION 9:SPECIAL OPERATING FUND

All service charges collected shall be deposited in a special fund in the County Treasury, to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating stormwater management facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving stormwater control and treatment facilities, or operating stormwater management facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving stormwater control and treatment facilities, or to secure the payment of all or any portion of any issue of general obligation bond or revenue bond issued for such purpose.

SECTION 10: INVESTMENTS

Monies in said fund not needed for immediate expenditure shall be invested for the benefit of the stormwater management fund pursuant to the first paragraph of RCW 36.89.020 and such procedures and limitations contained in county ordinance.

SECTION 11: RESERVE ACCOUNTS

(1) An Operating Reserve Account shall be maintained. Fifteen percent of the annual operating expense, excluding capital appropriations, shall be reserved as unappropriated operating reserve to accommodate cash flow variations and react to special circumstances.

(2) An Emergency Reserve Account shall be maintained at $250,000. This account will be accrued over a five year period at $50,000 per year. This account shall be available to fund initial response to emergencies and to provide coverage for bond debt service to finance any major capital improvement.

SECTION 12: BAD DEBTS

The Stormwater Utility is authorized to write off debts upon specific approval by the Spokane Board of County Commissioners by resolution after determination of uncollectability using collection process concluding with the use of a collection agency if needed.

SECTION 13: EFFECTIVE DATE

This Chapter shall be effective on February 9, 1993

SECTION 14: SEVERABILITY

SECTION 13: EFFECTIVE DATE
This Chapter shall be effective on February 9, 1993

SECTION 14: SEVERABILITY
If any provision of this chapter, or its application to any person or circumstances is held invalid, the remainder of this ordinance or the application of the provisions to other persons or circumstances shall not be affected.

PASSED and ADOPTED this 9th day of February 1993.

BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

PATRICIA A. MUMMEY, CHAIR
D.E. CHILBERG

ATTEST:
William E. Donahue, Clerk of the Board

No. 93 0276
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF AMENDING THE STORMWATER RATE ORDINANCE AND TITLE 9 OF THE SPOKANE COUNTY CODE, RESOLUTION:

WHEREAS, pursuant to chapter 36.89 RCW, Spokane County is authorized to finance, acquire, develop, construct, improve, maintain and operate stormwater control facilities, and to establish rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any stormwater control facility or contributing to an increase of surface water runoff; and

WHEREAS, on February 9, 1993, pursuant to Resolution No. 93-0155, the Board of County Commissioners of Spokane County adopted a comprehensive stormwater rate ordinance setting rates and charges for properties lying within the Stormwater Service Areas previously established by Spokane County; and

WHEREAS, said resolution provides that the stormwater rate ordinance adopted will be codified as a new chapter in Title 9 of the Spokane County Code; and

WHEREAS, the Spokane County Stormwater Utility has recommended that the Board of County Commissioners amend the stormwater rate ordinance to include rights of way, easements and other units of land with an identified surface area but which may not be documented by tax parcel identification number as properties subject to stormwater charges; and

WHEREAS, on March 16, 1993, the Board held a public hearing on amending the stormwater rate ordinance as recommended by the Stormwater Utility, after due notice was provided to the public regarding such hearing; and

WHEREAS, the Board finds that the additional properties described above and located within the Stormwater Service Area will be served or benefited by stormwater services to be provided by the Stormwater Utility, or contribute to an increase of surface water runoff in Spokane County; and

WHEREAS the Board finds that application of the rates and charges established in the stormwater rate ordinance to the

additional properties described above is reasonable;

NOW, THEREFORE, BE IT RESOLVED that Section 3 of the stormwater rate ordinance, adopted by Spokane County pursuant to Resolution No. 93-0155, be amended as follows:

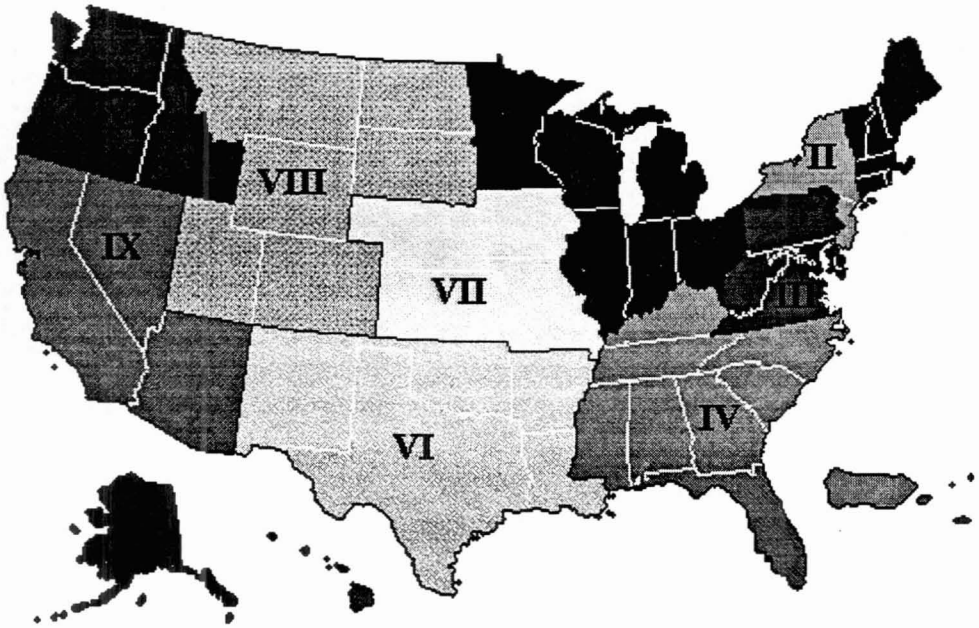
(7) Parcel - The smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax parcel identification number by the Spokane County Assessor; or any right of way, easement or unit of land having an identified owner or lessee, boundaries and surface areas whether or not such property is documented for real property tax purposes or has a tax parcel identification number.

PASSED and ADOPTED this 16th day of March, 1993.

Regional Distribution of Respondent Agencies

C.

REGIONAL DISTRIBUTION OF RESPONDENT AGENCIES



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Boston Water & Sewer Commission - Boston, MA

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New York City DEP - Corona, NY

Region III
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City of Philadelphia Water Dept. - Philadelphia, PA
City of Alexandria - Alexandria, VA
Arlington Co. Public Works - Arlington, VA
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Region IV
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Metro-Dade County DERM - Miami, FL
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City of Tampa Stormwater Mgt. Division - Tampa, FL
Hillsborough County - Tampa, FL
DeKalb Co. Roads and Drainage Division - Decatur, GA

Region VI
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