

**CHAPTER 918
Stormwater Utility Charges**

918.01	Establishment of stormwater utility, purposes.	918.08	Failure to pay stormwater utility service charge.
918.02	Definitions.	918.09	Late payments.
918.03	Calculation of stormwater utility service charge.	918.10	Stormwater utility coordinator; appeals.
918.04	Stormwater utility service charges; ESU rates.	918.11	Establishment and use of stormwater utility fund.
918.05	Stormwater utility service charge credits.		
918.06	Payment of stormwater utility service charge.		
918.07	Collection of stormwater utility service charge.		

918.01 ESTABLISHMENT OF STORMWATER UTILITY, PURPOSES.

(a) There is established in the City a stormwater utility to provide efficient and effective management and financing of a stormwater system within the City; to provide a system for mitigating the damaging effects of uncontrolled and unplanned stormwater runoff; to mitigate and reduce the amount of stormwater mixed with sanitary sewage and sent to the City's wastewater treatment facilities; to protect the public health, safety and welfare by providing for the safe and efficient capture and conveyance of stormwater runoff, for the correction of stormwater conditions detrimental to the public health, safety and welfare; to authorize the establishment and implementation of plans and mechanisms for dealing with stormwater drainage, including design, coordination construction, management, operation, maintenance and replacement of stormwater management facilities, inspection and enforcement activities and administration of the City's stormwater utility; to establish reasonable stormwater utility service charges based on each property's contribution of stormwater runoff to the system and use and benefit of services and facilities to fund the City's stormwater system; and to encourage and facilitate urban water resources management techniques, including detention of stormwater runoff, enhancing the amount of and use of permeable surfaces, minimization of the need to construct storm sewers, and the protection of the environment.

(b) It is determined that the establishment of a stormwater utility is necessary to enable the City to comply with the unfunded mandates imposed on it under the federal Clean Water Act and under requirements imposed on the City under the City's National Pollutant Discharge Elimination System (NPDES) permit.

(c) It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and necessary in order to accomplish the aforementioned purposes that a stormwater utility service charge shall be made on each lot or parcel in the City

from which stormwater drains and which contributes to stormwater runoff. Each property's contribution to runoff shall be the primary consideration in setting the service charge. Secondary consideration shall be given 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 stormwater runoff mitigation facilities.

(d) The City's stormwater utility service charges are intended and designed to be fair and reasonable and bear a substantial relationship to the cost of providing service and facilities, regulation of stormwater runoff and administration of the City's stormwater utility. Similar properties shall pay similar stormwater service charges. Charges shall reflect the area of each property and its intensity of development, since these factors bear directly on the peak rate of stormwater runoff. Stormwater utility service charge rates are designed to recover the cost of rendering stormwater service for the time period under consideration. The stormwater utility service charge rates are also 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.

(Ord. 15-164, Passed 6-9-15.)

918.02 DEFINITIONS.

The definition of terms provided in Sections 101.02 of the Codified Ordinances shall be applicable to this Chapter; except as a term is otherwise defined in this section.

- (a) "Calendar year" means a twelve calendar month period beginning January 1 and ending December 31.
- (b) "Commercial property" means property with a Stormwater Class of Commercial.
- (c) "Condominium property" means property with a Stormwater Class of Condominium.
- (d) "Credit" means a reduction in the amount of the stormwater utility service charge that is levied against a Property.
- (e) One "Equivalent Stormwater Unit" or "ESU" is equal to 1,898 square feet of Impervious Area.
- (f) "ESU Rate" means a fee charge on each ESU.
- (g) "Gross area" means a total square footage of a parcel as measured by the Auditor of Clark County, Ohio.
- (h) "Impervious Area" means the number of square feet of horizontal surface area covered by buildings and other impervious surfaces.
- (i) "Impervious Surface" means a surface area which is compacted or covered with a material that is resistant to infiltration by water or to allow water to percolate through, including, but not limited to, pavements, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graded, or compacted soils, or other surface which impedes the natural infiltration of surface water.
- (j) "Month" or "monthly" means a period of approximately thirty days.
- (k) "Non-Residential Property" means property with a Stormwater Class of Commercial, Condominium, or Agricultural. The term "Non-Residential Property" includes all property which is not defined as Residential Property under the definition of Residential Property established in this section.
- (l) "Owner" means the legal owner of a freehold estate in real property.
- (m) "Property" means land and buildings together considered as a parcel as identified by the tax parcel established by the County Auditor.
- (n) Residential Property means property with a Stormwater Class of Residential (being property with a residential use and which is a single, two or three family dwelling, but does not include condominium units).
- (o) "Runoff Coefficient" means the percentage that is used to estimate the impervious area for property. The Runoff Coefficient for property with a

Stormwater Class as Agricultural is 10 percent. The Runoff Coefficient for all other property is 15 percent.

- (p) “Stormwater Class” means the classification of property as Residential, Commercial, Condominium, and Agricultural based on the land use code applied to the property by the Auditor of Clark County and as designated by the following table:

Stormwater Class	Land Use Code
Residential	500, 501, 502, 503, 504, 505 510, 511, 512, 513, 514, 515, 520, 521, 522, 523, 524, 525, 530, 531, 532, 533, 534, 535, 540, 541, 560, 561, 562, 563, 564, 565, 599
Commercial	103, 104, 108, 109, 113, 114, 200, 220, 230, 240, 250, 260, 300, 400 401, 402, 403, 410, 411, 412, 415, 416, 419, 420, 421, 422, 424, 425, 426, 427, 429, 430, 435, 439, 440, 441, 442, 444, 445, 447, 448, 449, 452, 453, 454, 455, 456, 460, 461, 462, 463, 464, 465, 480, 482, 490, 496, 499, 600, 610, 620, 630, 640, 645, 650, 660, 670, 680, 685, 690, 700, 710, 720, 730, 740, 800, 810, 820, 830, 840, 850, 860, 870, 880, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 399, 400
Condominium	450, 550, 551, 552, 553, 554, 555
Agricultural	101, 102, 105, 106, 107, 100, 110, 111, 112, 115, 116, 117, 120, 121, 190, 199

- (q) “Stormwater Service Charge” means the schedule of user charges created by this Chapter to operate, maintain, and improve the system and for such other purposes as stated in this Chapter.
- (r) “Stormwater System” means the City’s system or network of storm and surface water management facilities including but not limited to inlets, conduits, manholes, channels, ditches, gullies, canals, lakes and ponds, curb and gutter, infiltration facilities, components (or allocated portions of components) of the City’s wastewater treatment system deemed necessary to treat wastewater containing stormwater, and other components as well as natural waterways. (Ord. 15-164, Passed 6-9-15.)

918.03 CALCULATION OF STORMWATER UTILITY SERVICE CHARGE.

(a) Residential Property. There are established five rate tiers for Residential Property to account for the wide range of the amount of Impervious Area that exists on individual Residential Property in the City. The classification of Residential Property into the five tiers is made based on calculated impervious area. The five Residential Property tiers are as follows:

Residential Property Tier	Amount of Impervious Area
Tier No. 1	1 to 999 square feet of Impervious Area

Tier No. 2	1,000 to 1699 square feet of Impervious Area
Tier No. 3	1,700 to 2099 square feet of Impervious Area
Tier No. 4	2,100 to 3,399 square feet of Impervious Area
Tier No. 5	Over 3,399 square feet of Impervious Area

(b) For Residential Property, the monthly Stormwater Service Charge shall be based on the Residential Property Tiers described in 918.03(a) and the greater amount of impervious area derived from the following:

- (1) Multiplying the gross area of the property by the Runoff Coefficient, or
- (2) Measuring the Impervious Surface on the property.

(c) For Commercial, Condominium, and Agricultural Properties, the monthly Stormwater Service Charge shall be determined as follows:

- (1) Agricultural and Commercial Property. The monthly Stormwater Service Charge shall be based on the greater number of ESUs derived from the following:
 - A. The numerical factor obtained by multiplying the gross area of the property by the Runoff Coefficient and then dividing the above product by the calculated ESU. (This division shall be calculated to the second decimal place.)
 - B. The impervious Surface on the property divided by the ESU. (This division shall be calculated to the second decimal place.)
- (2) Condominium Property. The monthly Stormwater Service Charge shall be based on the ESU derived when the Impervious Surface in the Condominium Association is the dividend and the total number of parcels in the Condominium Association is the divisor. (This division shall be calculated to the second decimal place.)
(Ord. 15-164, Passed 6-9-15.)

918.04 STORMWATER UTILITY SERVICE CHARGES; ESU RATES.

For the purposes identified in Sections 918.01, there is levied and assessed upon all properties in the City and upon the owner of such premises, a stormwater utility service charge at rates to be in effect and payable as hereinafter provided, and in the amount, as applicable, determined as follows:

- (a) Stormwater utility service charge on Residential Property within the City's corporate boundaries:

Monthly ESU Rate of \$1.30 – Effective January 1, 2014

<u>Tier</u>	<u>ESU</u>	<u>Monthly Service Charge</u>
Tier No. 1	0.40	\$0.52/month
Tier No. 2	0.75	\$0.97/month
Tier No. 3	1.00	\$1.30/month
Tier No. 4	1.30	\$1.69/month
Tier No. 5	2.00	\$2.60/month

Monthly ESU Rate of \$2.25 – Effective January 5, 2016

<u>Tier</u>	<u>ESU</u>	<u>Monthly Service Charge</u>
Tier No. 1	0.40	\$0.90/month
Tier No. 2	0.75	\$1.69/month
Tier No. 3	1.00	\$2.25/month
Tier No. 4	1.30	\$2.92/month
Tier No. 5	2.00	\$4.50/month

- (b) The Stormwater utility service charge on Non-Residential Property within the City's corporate boundaries is:

Effective January 1, 2014	\$1.30 per ESU per month
Effective January 1, 2016	\$2.25 per ESU per month

- (c) Voluntarily accepted additional stormwater utility service charges: The charges pertaining to a property owner's allocated share of total costs to design, construct, and collect costs related to City constructed stormwater utility improvements benefiting the property and which a property owner has voluntarily accepted, in writing, as additional service charges. The voluntarily accepted additional stormwater utility service charges shall be billed to the customer receiving services at the property to which the voluntarily accepted additional service charges apply, regardless of changes in ownership, until paid in full.
- (d) No stormwater utility service charge shall be imposed upon premises owned or operated by either the City of Springfield or by National Trail Parks and Recreation District.
(Ord. 15-259, passed 9-15-15; Ord. 15-336, passed 12-22-15.)

918.05 STORMWATER UTILITY SERVICE CHARGE CREDITS.

(a) A 100-percent credit shall be allowed for Agricultural lands; with the exception that no credit shall be allowed for Agricultural lands operated under an NPDES permit nor for Agricultural lands which have a land use code of 102 or 112.

(b) Additional credits shall be allowed as provided for in stormwater utility charge credit policies adopted by the City Commission.
(Ord. 11-352, Passed 12-20-11; Ord. 13-59, Passed 3-5-13; Ord. 15-164, Passed 6-9-15.)

918.06 PAYMENT OF STORMWATER UTILITY SERVICE CHARGE.

(a) The stormwater utility service charge levied and assessed by this Chapter shall be payable in payment periods determined by the Finance Director, as applicable, in each calendar year; provided, that if the charge exceeds \$50.00 per month for a Property, the amount of the charge payable for its first payment period after service begins shall be determined on the basis of a per diem proration of the minimum charge herein established, otherwise there shall be no proration of monthly stormwater utility service charges.

(b) Notwithstanding all other provisions of the Chapter, public right-of-way [i.e. government-owned roads (whether or not dedicated), utility easements, sidewalks, bridges, bike trails, and the like] and railroad track right-of-way is exempt from the assessment of stormwater

utility service charges and no stormwater utility service charge is required to be paid for such Property.

(c) It is the intent of this Chapter that the stormwater utility service charge be imposed only on property that is likely to contribute stormwater to the Stormwater System. There is a presumption that all properties in the City are likely to contribute stormwater to the Stormwater System; however, a property owner may rebut this presumption by providing evidence to the City's Stormwater Utility Coordinator proving that a property is unlikely under any circumstances to contribute stormwater to the Stormwater System. In the event a property owner is able to prove that the property owner's property is unlikely under any circumstances to contribute stormwater to the Stormwater System, then no stormwater utility service charge will be applicable to that property.

(Ord. 13-59, Passed 3-5-13; Ord. 15-164, Passed 6-9-15.)

918.07 COLLECTION OF STORMWATER UTILITY SERVICE CHARGE.

Each stormwater utility service charge levied pursuant to this Chapter shall be collected by the Finance Director, and the City Manager shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the City stormwater system and the City's sewage treatment and disposal works, for the construction and use of house rainwater handling systems, drainage, sump pumps, sewers and connections to the City's sewage system and for the regulations, collection, rebating and refunding stormwater utility service charges.

(Ord. 13-59, Passed 3-5-13; Ord. 15-164, Passed 6-9-15.)

918.08 FAILURE TO PAY STORMWATER UTILITY SERVICE CHARGE.

(a) Unpaid Charges Made a Lien. Each stormwater utility service charge levied by or pursuant to this Chapter is hereby made a lien upon the corresponding lot, land or premises served by the City's stormwater system and, if the same is not paid within thirty days after it is due and payable, it shall be certified to the Auditor of Clark County, who shall place the same on the tax duplicate of the County, with the interest and penalties allowed by law and be collected as other taxes are collected.

(b) Payment Required Prior to Water Service Resumption. Where a bill for a stormwater utility service charge levied and assessed by this Chapter has not been paid as provided by the rules and regulations of the City Manager and the proper shutoff notice has been delivered, the water shall thereafter be shut off in accordance with these rules and regulations, it shall not thereafter be turned on again until all charges due and payable, including advance charges, if any, are fully paid.

(c) Application. This section shall apply whether or not there has been, in the meantime, a change of ownership or possession of the Property to which the stormwater utility service charge pertains, except as provided in subsections (d) and (e) hereof.

(d) Insolvent or Bankrupt Sewer User. Where premises in arrears for payment of stormwater utility service charges becomes subject to a bankruptcy or insolvency court, the City Manager may permit the supply of water to such premises to be continued or restored without previous payment of the stormwater utility service charge accrued under the bankrupt or insolvent owner.

(e) Foreclosure Proceedings Against Premises Supplied With City Storm-water Utility Services. Whenever the Department of Finance, Utilities Billing Division, has been given written notice that foreclosure proceedings have been instituted against Property supplied with City stormwater utility services, the Department shall arrange to require deposit payments or other suitable guaranties in advance for the stormwater utility services furnished to such

premises until the premises have been sold or the proceedings otherwise terminated. If the Department receives notification in writing of the pendency of the foreclosure proceedings and the location of the Property affected thereby prior to such sale, the purchaser at the foreclosure sale shall be entitled to have stormwater utility services furnished to the Property without payment of charges accrued under the previous owner, for any period subsequent to the date of the receipt of notice of the pendency of foreclosure proceedings by the Department.
(Ord. 15-164, Passed 6-9-15.)

918.09 LATE PAYMENTS.

All stormwater utility service charges due from Property owners under the provisions of the Chapter and remaining unpaid after they have become due shall bear interest at the rate of one percent (1%) per month or part thereof.
(Ord. 15-164, Passed 6-9-15.)

918.10 STORMWATER UTILITY COORDINATOR; APPEALS.

(a) Stormwater Utility Coordinator. The City Manager shall designate a City employee who shall report to the City Engineer and who shall administer the City's stormwater utility, including;

- (1) Receiving reviewing and granting or denying applications for credits,
- (2) Determining the appropriate Stormwater Class for Properties based on GIS and land use information collected and maintained by the County Auditor,
- (3) Using any and all land use data, determining the Impervious Area measurement for Properties, and
- (4) Reviewing and granting or denying applications for reconsideration of ESU multiples, Stormwater Class determinations, determinations of impervious surface, determinations of whether a property is unlikely under any circumstances to contribute stormwater to the Stormwater System, the amount of a stormwater utility service charge assessed, and other determinations made by the Stormwater Utility Coordinator.

(b) Any person obligated under this Chapter to pay a stormwater utility service charge to the City may make application to the Stormwater Utility Coordinator, on application forms to be prescribed by the Stormwater Utility Coordinator, seeking a credit or seeking a determination of whether a property is unlikely under any circumstances to contribute stormwater to the Stormwater System or seeking reconsideration of a determination made by the Stormwater Utility Coordinator. The application shall be accompanied by a processing fee reasonably related to recovering the City's costs expected to be experienced in processing such applications, as determined by the Finance Director. The applicant shall attach to the application any affidavits and/or other documentary evidence the applicant relies upon to justify the request in the application and shall fully explain in writing in the application the applicant's reasons and support for the relief sought. The Stormwater Utility Coordinator shall grant or deny the application and issue a written explanation of the Stormwater Utility Coordinator's decision.

(c) Appeals. An applicant aggrieved by a decision of the Stormwater Utility Coordinator made on an application filed with the City, may file an appeal with the City Engineer along with a processing fee of \$100.00 for property with a Commercial or Industrial Stormwater Class designation and \$25.00 for property with an Agricultural, Condominium, Residential, or Vacant Stormwater Class designation; provided that the filing of the appeal is made within fourteen days after the Stormwater Utility Coordinator issues his/her decision granting or denying the application. The appeal shall be made to a panel comprised of the City Manager, the Finance Director and the Law Director, or their designees. The appeal panel shall consider the provisions of this Chapter, land use data establishing the actual conditions of the property,

the application and its attachments, the decision of the Stormwater Utility Coordinator and the contents of the appeal document in reviewing the Stormwater Utility Coordinator's decision and shall affirm or reverse or reverse and remand the Stormwater Utility Coordinator's decision. The decision of the appeal panel shall be final. Further appeal shall be to the Court of Common Pleas.

(Ord. 13-59, Passed 3-5-13; Ord. 15-164, Passed 6-9-15.)

918.11 ESTABLISHMENT AND USE OF STORMWATER UTILITY FUND.

The funds received from the collection of the stormwater utility service charges authorized by this Chapter shall be deposited daily with the City Treasurer and shall be accounted for and be known as the Stormwater Utility Revenue Fund and when appropriated by the City Commission, shall be used solely for the payment of the costs and expenses of design, coordination construction, management, operation, maintenance and replacement of stormwater management facilities, inspection and enforcement activities pertaining to the City's stormwater system and administration of the City's stormwater utility and any surplus in such Fund shall be used for the payment of the principal and interest on bonds issued or loans obtained and outstanding or which may be issued to provide funds with which to pay the City's portion of the costs of constructing components of such system, and to retire such bonds or loans when they mature, and for the enlargement or replacement of the stormwater system.

(Ord. 15-164, Passed 6-9-15.)