

CHAPTER 36 – UTILITIES

Article VIII: STORMWATER MANAGEMENT UTILITY

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Sec. 36-181. - GENERAL POLICY.

(A) It shall be the policy of the town to create a stormwater management utility for the purpose of funding operation, maintenance and improvement of stormwater collection system. The town shall establish a fee structure, billing/collection procedure and an appeal process.

(B) The jurisdiction (service area) of the stormwater management utility shall extend to the corporate limits of the town, including all areas legally annexed thereto.

Sec. 36-182. - DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL PROPERTY. Any developed property used for any purpose other than single- or multi-family residential.

DEVELOPED LAND. Parcels altered from a natural state by construction or installation of impervious surfaces.

EQUIVALENT RESIDENTIAL UNIT(ERU). Two thousand four hundred (2400) square feet of impervious surface.

IMPERVIOUS SURFACE AREA shall mean developed areas of land that prevent or significantly impede the infiltration of stormwater into the soil. Typical impervious surface areas include, but are not limited to: roofs, sidewalks, walkways, patios, swimming pools, private driveways, parking lots, access extensions, alleys and other paved, engineered, compacted or gravel surfaces containing materials that prevent or significantly impede the natural infiltration of stormwater into the soil.

MULTI-TENANT DEVELOPMENT. A non-residential development in which there exists two or more individual tenants or leaseholds, and/or separate activities and in which there are appurtenant shared facilities (such as parking areas or pedestrian mall areas).

PRIVATE SHARED PARKING AREAS. Those privately owned parking areas that are jointly used by more than one business (i.e., shopping centers, office complexes).

Sec. 36-183. - BILLING AND COLLECTION

(A) All fees will be calculated based upon ERUs. The current rate for ERU is established in the Master Fee Schedule adopted within the current year's budget.

(B) All single family detached properties shall be billed for one (1) ERU per month.

(C) Developed commercial and non-single-family properties shall be billed based upon the number of ERUs per month (i.e., 24,000 square feet = 10 ERUs). If the square feet is not a whole multiple of ERU, then it will be rounded up/down at 0.5.

(D) Multi-tenant developments will be billed to the property owner based upon the total ERUs entire property.

(E) Properties having a water account will be billed monthly on the water bill.

(F) Commercial properties without an active water account will be billed monthly to the property owner. The town may utilize any method permissible by law to collect stormwater management utility fees including, but not limited to, attaching, as a lien, the amount of the outstanding bill including all associated penalties and fee to the property.

(G) All bills for stormwater management utility services are due at the same set schedule as standard utility bills.

(H) In the event any consumer of stormwater management utility services fails to pay his/her bill by due date, a penalty shall be imposed and added to such bill. The penalty shall be the same as standard utility bills.

Sec. 36-184. - APPEAL PROCESS.

Anyone who receives a stormwater utility bill may appeal this bill.

(A) If the appeal is based upon incorrect calculation of square feet or math/billing error, it will be reviewed by the Planning Director or his or her designee. The Planning Director will then re-measure the property based on current GIS technology with the results being transmitted to the appellant. If it is determined that the appeal is valid, an adjustment will be made in-house. If the appellant disagrees with this calculation, the appellant must obtain a registered Land Surveyor to certify the amount of impervious surface area based on the current ordinance definitions.

(B) If the appeal is based upon change in ownership or occupancy, then the previous owner/occupant will be responsible if the change occurs on or after the fifteenth of the month. If the change occurs prior the fifteenth of the month, then the current owner/occupant will be liable.

(C) If the appeal is based upon an interpretation of this chapter, questions concerning the impervious nature or any other factors, then it will be presented to the Town Council at its next regularly scheduled meeting.