

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7895

Passed October 12, 2015

ORDINANCE NO. 7895

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES OHIO, ESTABLISHING CHAPTER 945 OF THE CODIFIED ORDINANCES OF THE CITY, STORM WATER UTILITY, TO PROMOTE THE GENERAL WELFARE OF THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, the City has previously experienced severe and profound flooding due to surface water runoff; and

WHEREAS, said flooding caused by such runoff has caused economic and personal harm to the citizens of Rittman; and

WHEREAS, in order to alleviate the damage caused by flooding and to comport with the Federal Clean Water Act, the City determines that provision must be made in its Codified Ordinances to remedy or alleviate the peril caused by surface water runoff.

NOW THEREFORE, be it ordained by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, three-fourths of all members elected or appointed thereto concurring:

SECTION ONE.

Chapter 945 of the Codified Ordinances of Rittman, Storm Water utility, is hereby enacted. A copy of said Chapter is attached and incorporated herein as Exhibit A.

SECTION TWO.

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

RECORD OF ORDINANCES

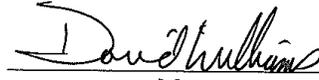
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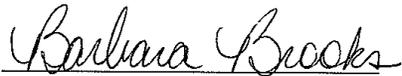
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Acting Mayor

Attest:



Clerk of Council

CHAPTER 945: STORM WATER UTILITY

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SECTION 945.01 STORM WATER UTILITY

For purposes of compliance with the Federal Clean Water Act and the associated requirements there is created a storm water utility. City Council shall establish just and equitable rates or charges applicable to land in the City that contributes to storm water runoff which just and equitable rates and charges shall be used for the payment of the cost of the management, maintenance, operation, repair, construction, reconstruction, enlargement, and related cost of the storm drainage system.

SECTION 945.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words in the singular shall include the plural, and the plural shall include 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 in this

section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

BASE RATE. The storm water user's fee for residential property within the City.

CONSTRUCTION. The erection, building, acquisition, alteration, reconstruction, improvement, or extension of storm water facilities; preliminary planning to determine the economic and engineering feasibility of storm water facilities; the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of storm water facilities; and the inspection and supervision of the construction of storm water facilities.

DEVELOPED PROPERTY. Real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement, or other improvements.

EQUIVALENT RESIDENTIAL UNIT or ERU. The average square footage of a residentially-zoned property determined pursuant to this ordinance.

EXEMPT PROPERTY. All public rights of way, public streets, public alleys, public sidewalks and all land owned by the federal government, the State of Ohio, and political subdivisions of the State of Ohio.

FEE or STORM WATER USER FEES. The charge established under this chapter and levied on owners or users of parcels to fund the costs of storm water management and of operating, maintaining, and improving the storm water system in the City. The storm water user fees are in addition to any other fee that the City has the right to charge under any other rule or regulation of the City.

IMPERVIOUS SURFACE. A surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, athletic courts, or any other surface which impedes the natural infiltration of surface water.

IMPERVIOUS SURFACE AREA. The number of square feet of horizontal surface covered by buildings and other impervious surface.

OTHER DEVELOPED PROPERTY. Property other than residential property. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, offices, and churches. Multi-family residences where the property owner of record receives all billing from the Municipal Water, Sewer and Refuse utilities are also included in this definition.

PERSON. Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state.

RESIDENTIAL PROPERTY. A developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A separate unit within a multi-family building is included

in this definition provided that the unit receives a residential water, sewer and refuse service bill from the City.

STORM WATER. Storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.

STORM WATER FUND or FUND. The fund created by this chapter to operate, maintain, and improve the City's storm water system.

STORM WATER MANAGEMENT. The planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.

SURFACE WATER. Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes, and reservoirs.

USER. The account holder of record with the City water, sewer and refuse utility subject to the storm water user fees imposed by this ordinance.

SECTION 945.03 FUNDING

Funding for the storm water utility's activities may include, but not be limited to, the following:

- (A) Storm water user fees.
- (B) Civil penalties and damage assessments imposed for or arising from the violation of the city's storm water management program.
- (C) Storm water permit and inspection fees.
- (D) Other funds or income obtained from federal, state, local, and/or private grants.

SECTION 945.04 STORM WATER FUND

All revenues generated by or on behalf of the storm water utility shall be deposited in a Storm Water Utility Fund and used exclusively for the storm water utility.

SECTION 945.05 OPERATING BUDGET

City Council shall adopt an operating budget for the storm water utility each fiscal year. The operating budget shall be set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement, and debt service.

SECTION 945.06 STORM WATER USER'S FEES ESTABLISHED

There shall be imposed on each and every developed property in the City, except exempt property, a storm water user fee, which shall be set from time to time by ordinance or resolution.

SECTION 945.07 EQUIVALENT RESIDENTIAL UNIT (ERU)

- (A) All applications for service shall be in accordance with and conform to the provisions of Chapter 931 through Chapter 975 of the Rittman Codified Ordinances and the regulations adopted by Rittman City Council.
- (B) Establishment: There is established for purposes of calculating the storm water user fees the equivalent residential unit (ERU).
- (C) Definition: The ERU is the average square footage of impervious area of a developed single family residentially-zoned parcel within the City.
- (D) Setting the ERU: The ERU shall be set by the City Council from time to time by ordinance or resolution. The established ERU is 3,100 square feet.
- (E) Source of ERU: The City Council shall have the discretion to determine the source of the data from which the ERU is established, taking into consideration the general acceptance and use of such source on the part of other storm water systems, and the reliability and general accuracy of the source. The Utilities Director shall determine the impervious surface area of other developed property through property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information.

SECTION 945.08 PROPERTY CLASSIFICATION FOR STORM WATER USER FEES

- (A) For purposes of determining the storm water user fees, all properties in the City are classified into one of the following classes:
 - (1) Single Family Residential property – All Single Family properties will be assigned one (1) ERU. A flat rate will apply to all Single Family Properties.
 - (2) Duplex Residential property – A Duplex property shall be assigned an ERU of one (1) ERU per residential unit for a total of two (2) ERU's to represent their status as two single family units.
 - (3) Multi Unit Residential property – Each unit will be assigned one (1) ERU per residential unit for a total of all units under one roof.
 - (4) Other developed property; or
 - (5) Exempt property.
- (B) Single Residential property fee: The City Council finds that the intensity of development of most parcels of real property in the City zoned residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all residential properties in the City shall be charged a flat storm water management fee, equal to the base rate, regardless of the size of the parcel or improvements. Each Duplex Unit or Multi Family Unit will be charged one ERU.

- (C) Other developed property fee: The fee for other developed property in the City shall be the base rate multiplied by the numerical factor obtained by dividing the total impervious area (square feet) of the property by one ERU. The impervious surface area for non-residential property is the square footage for the buildings and other improvements on the property. The minimum storm water management fee for non-residential developed property shall equal the base rate for residential property.
- (D) No fee shall be imposed as to exempt property as defined in § 945.02.

SECTION 945.09 BASE RATE

- (A) The base rate has been calculated to insure adequate revenues to fund the costs of storm water management and to provide for the operation, maintenance, and capital improvements of the storm water system in the City.
- (B) The base rate for the storm water utility is \$2.25/month/ERU.

SECTION 945.10 CREDITS

- (A) The established rate may be reduced for a property, other than conventionally developed residential property, where approved runoff control measures have been implemented and maintained. Review and analysis of these measures shall be calculated on an individual case basis by the Utilities Director, according to established policies and standards, and the decision of the Utilities Director shall be provided to the property owner in writing. The maximum rate reduction shall not exceed fifty percent (50%) of the established rate. Eligibility for credit may be revoked if, as determined by the Utilities Director, any condition of granting the credit has changed.
- (B) Any property owner aggrieved by a decision of the Service Director as provided herein may file an appeal in writing to the City Manager within thirty (30) days of the decision of the Service Director.
- (C) The City Manager is authorized to hear appeals regarding disputes and complaints brought by property owners concerning the application of the Storm Water Management Utility fees, including the authority to make adjustments as appropriate which may include but shall not be limited to:
 - (1) Calculation of the total number of billing units assigned to a property that are claimed to be incurred due to alleged inaccuracies in data utilized.
 - (2) Adjustments arising from a break in billing units due to change in property ownership, account responsibility, or similar matters.
- (D) Any appeal must be filed in writing, must describe the specific error alleged, and contain reasoning from the property owner that justifies the appealed issue. The City Manager may request additional information from the appealing party and the decision of the City Manager shall be final.

SECTION 945.11 COLLECTION OF FEES

The fees imposed by this Chapter shall be collected each month and shall be separately set forth and billed together with each utility bill issued by the City for property located in the city. Imposition of the fees shall begin January 1, 2016 by inclusion with the utility bill issued for that month and shall continue monthly thereafter. Any fee not paid by the due date on the utility bill shall be subject to a 10% penalty.

SECTION 945.12 RULES AND REGULATIONS

The City Manager shall establish rules and regulations regarding operation of the utility, including methods of and process for appeal of fees.