



32            *Stormwater management facility* means a control measure that controls stormwater runoff and  
33 changes the characteristics of that runoff including, but not limited to, the quantity and quality, the  
34 period of release or the velocity of flow.

35            *Unimproved parcel* means any parcel that has less than two hundred and fifty (250) square feet  
36 of impervious area.

37            *Utility fee* means any permit or local program fees allowed by State Code.

38    **Sec. 6-5-4. Stormwater utility fee.**

39            (a) A stormwater utility fee is hereby imposed on every parcel of real property in the city that  
40 appears on the real property assessment rolls as of July 1 of each year.

41            (b) When new properties or impervious areas are brought into the utility system, such as from new  
42 construction, fees will accrue or increase commencing on the next billing cycle as established in  
43 Section 6-5-7(a).

44            (c) The billing rate per billing unit to be used for calculating the stormwater utility fee shall be  
45 \$ \_\_\_\_\_ per year.

46            (d) All stormwater utility fees and other income from the fees shall be deposited into the  
47 stormwater utility fund. The funds deposited shall be used exclusively to provide services and  
48 facilities related to the stormwater system pursuant to the provisions of the Virginia Code §15.2-  
49 2114.

50            (e) The stormwater utility shall be in effect starting July 1, 2015.

51            (f) The stormwater utility shall be under the administration of the director of public works.

52            (g) Consistent with Virginia Code §15.2-2114, the stormwater utility fee shall be waived in its  
53 entirety for the following:

- 54            1. A federal, state, or local government, or public entity that holds a permit to discharge  
55 stormwater from a municipal separate storm sewer system; except that the waiver of  
56 charges shall apply only to property covered by any such permit; and
- 57            2. Public roads and street rights-of-way that are owned and maintained by state or local  
58 agencies including property rights-of-way acquired through the acquisitions process.

59    **Sec. 6-5-5. Stormwater utility fee calculations.**

60            (a) Unless otherwise specified in this article, the annual stormwater utility fee for all property in the  
61 city shall be calculated in the following manner:

- 62            1. Determine the impervious area of each parcel of real property in square feet;
- 63            2. Divide the property's impervious area by the billing unit;
- 64            3. Round the resulting calculation to the nearest whole number to determine the billing  
65 units and multiply by the billing rate established to obtain the annual stormwater utility  
66 fee for the property.

67            (b) The stormwater utility fee is applicable to condominium unit owners and to property held by a  
68 common interest community association, as defined in Virginia Code §55-528. The common  
69 area within the common interest community shall be evenly divided among the individually

70 owned parcels, or as per an alternative methodology, as determined by the director of public  
71 works, including but not limited to directly charging the association based on the methodology  
72 described in subsection (a) above.

73 **Sec. 6-5-6. Stormwater Program Fund.**

- 74 (a) The stormwater program fund is hereby established as a dedicated enterprise fund. The fund  
75 shall consist of revenue generated by the stormwater utility fee as well as any other deposits  
76 that may be made from time to time by the city council.
- 77 (b) The stormwater program fund shall be dedicated special revenue used only to pay for or recover  
78 costs for the following:
- 79 1. The acquisition, as permitted in Virginia Code §15.2-1800, of real and personal property,  
80 and interest therein, necessary to construct, operate, and maintain stormwater control  
81 facilities;
  - 82 2. The cost of administration of the stormwater program;
  - 83 3. Planning, design, engineering, construction, and debt retirement for new facilities and  
84 enlargement or improvement of existing facilities, whether publicly or privately owned,  
85 that serve to control stormwater;
  - 86 4. Facility operation and maintenance;
  - 87 5. Monitoring of stormwater control devices and ambient water quality; and
  - 88 6. Other activities consistent with the state or federal regulations or permits governing  
89 stormwater management, including, but not limited to, public education, watershed  
90 planning, inspection and enforcement activities, and pollution prevention planning and  
91 implementation.

92 **Sec. 6-5-7. Billing, payment, and penalties.**

- 93 (a) The stormwater utility fee shall be billed so that half the fee is billed two times per year to the  
94 record owner of each parcel subject to the fee. Such bills or statements shall be included on and  
95 payable with the parcel's real estate tax bill. For properties that do not receive a real estate tax  
96 bill, a separate bill for stormwater services shall be issued. Any fee not paid in full by the  
97 respective due date shall be considered delinquent
- 98 (b) All payments received shall be first credited to stormwater charges, and then to property tax.
- 99 (c) A delinquent stormwater utility fee shall accrue interest at the legal rate provided in Virginia  
100 Code § 6.2-301(A). Such interest shall be applied to late payments overdue for more than thirty  
101 (30) days, and shall be calculated for the period commencing on the first day such fee is first  
102 due, until the date the fee is paid in full.

103 Any delinquent stormwater utilities fee, together with all interest due, shall constitute a lien on the  
104 property on which assessed ranking on a parity with liens for unpaid taxes and shall be collected in the  
105 same manner as provided for the collection of unpaid taxes.

106 **Sec. 6-5-8. Stormwater utility fee credits.**

- 107 (a) The director of public works shall administer a system of credits in accordance with Virginia  
108 Code § 15.2-2114.D that provide for partial waivers of charges to any person who installs,  
109 operates, and maintains a stormwater management facility that achieves a permanent  
110 reduction in stormwater flow or pollutant loadings. The credit policy shall also, in accordance  
111 with Virginia Code § 15.2-2114.E provide for full or partial waivers of charges to public or private  
112 entities that implement or participate in strategies, techniques or programs that reduce  
113 stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the  
114 public stormwater management system.
- 115 (b) The director of public works will develop written policies to implement the credit system, which  
116 shall include a requirement for property owners to provide maintenance verification to the city  
117 or enter into a maintenance agreement. No credit will be authorized until the city council  
118 approves written policies to implement the system of credits; a copy of the approved policies  
119 shall be on file with the public works department.
- 120 (c) City Council may modify the adopted system of credits to apply to future stormwater  
121 management facilities. Previously granted credits shall be grandfathered so that existing credits  
122 cannot be modified as long as the property owner continues to provide maintenance  
123 verification or meets the requirements of the maintenance agreement.

124 **Section 6-5-9. Petitions for adjustments.**

- 125 (a) Any property owner may request an adjustment of the stormwater utility fee by submitting a  
126 request in writing to the director of public works or their designee within thirty (30) days after  
127 the date the bill is mailed or issued to the property owner. Grounds for adjustment of the  
128 stormwater utility fee are limited to the following:
- 129 1. An error was made regarding the square footage of the impervious area of the  
130 property;
  - 131 2. The property is exempt under the provisions of 6-5-4(8)
  - 132 3. There is a mathematical error in calculating the stormwater utility fee;
  - 133 4. The identification of the property owner invoiced is in error; or,
  - 134 5. An approved credit was incorrectly applied.
- 135
- 136 (b) The property owner shall complete a stormwater utility fee adjustment application form  
137 available on the city's website or supplied by the director of public works.
- 138 (c) If the application alleges an error in the amount of the impervious area, a plan view of the  
139 property's impervious area will be provided by the city with labeled dimensions of all impervious  
140 areas with the properties boundaries, including buildings, patios, driveways, walkways, parking  
141 areas, compacted gravel areas, and any other separate impervious structures identified in the  
142 city's impervious area database.
- 143 (d) If the applicant is not satisfied with this assessment, the applicant may:
- 144 1. Request a meeting with the director of public works or his designee; and/or
  - 145 2. Submit an appeal with a revised plan signed and sealed by a professional engineer  
146 or professional land surveyor licensed in the Commonwealth of Virginia attesting to  
147 the accuracy of the impervious area measurements.

- 148 (e) The requirement for a plan view of the property’s impervious area required in subsection (c)
- 149 above may be waived by the director of public works, if at the sole discretion of the director of
- 150 public works the error is obvious and is the result of technical error or oversight by the city. In
- 151 such case, the city shall be responsible for recalculating the impervious area of the property.
- 152 (f) The director or their designee shall make a determination within forty-five (45) days of receipt
- 153 of a complete submittal for the request for adjustment. In the event that the director or their
- 154 designee finds that the appeal is deficient or incomplete, the director or their designee shall
- 155 offer the owner sixty (60) days to supply the missing information. The forty-five (45) day time
- 156 for a decision will begin at such time as the requested information is provided. If the
- 157 information requested is not provided to the director within sixty (60) days of the original
- 158 request, the petition will be deemed withdrawn.
- 159 (g) The director of public works’ decision on a stormwater utility fee adjustment petition is a final
- 160 decision from which the aggrieved party may appeal to the Rockingham County Circuit Court within
- 161 30 days of such decision.
- 162

163 Draft dated: September 12, 2014

164

165 This ordinance shall be effective on the \_\_\_\_ day of [INSERT MONTH]\_\_\_\_, 2015.

166 ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

167 \_\_\_\_\_

168 MAYOR

169 ATTEST:

170

171

172 \_\_\_\_\_

173 CITY CLERK