

**CITY OF PHILOMATH
Storm Drainage System Master Plan**

**Sample Storm Drainage User Fee Ordinances
APPENDIX F**

SAMPLE ONLY (DRAFT)

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PHILOMATH, OREGON, RELATING TO UTILITIES AND STORMWATER MANAGEMENT; AMENDING THE PHILOMATH MUNICIPAL CODE TO ADD A NEW CHAPTER ESTABLISHING A STORMWATER UTILITY; ADOPTING A SYSTEM AND PLAN FOR THAT UTILITY; AND AMENDING THE PHILOMATH MUNICIPAL CODE TO ADD A NEW CHAPTER COMBINING THE STORMWATER UTILITY WITH THE WATERWORKS UTILITY.

WHEREAS, the City Council of the City of Philomath (the "City") has determined that the City's physical growth and urban development has and will continue to increase the volume of stormwater runoff collected in and routed through the City's stormwater facilities and system ("stormwater system"); and

WHEREAS, the City Council finds that stormwater runoff causes property damage and erosion; carries concentrations of nutrients, heavy metals, oil and toxic materials into receiving waters and ground water; degrades the integrity of City streets and the transportation system; and reduces citizen access to emergency services and poses hazards to both lives and property; and

WHEREAS, the existing stormwater system in the City cannot adequately address runoff quantity or quality issues; and

WHEREAS, the City Council has determined that stormwater runoff must be managed in a manner that protects the public health, safety and welfare; and

WHEREAS, the City Council finds that stormwater quality and quantity problems cannot be allowed to escalate as a result of inadequate stormwater design criteria, regulation, public awareness or code enforcement; and

WHEREAS, after public meetings on the subject, the City Council finds that the City's stormwater system must be funded in a manner enabling comprehensive maintenance, operation and regulation of stormwater through revisions to the City's existing surface water service charge; and

WHEREAS, the City Council finds that all developed real property within the City's boundaries, contributes runoff to the City's stormwater system; that all developed real property benefits from the City's maintenance and operation of the stormwater system; and that all developed property should contribute to the funding of the City's program for maintenance, operation and improvement of the stormwater system; and

WHEREAS, a professional stormwater management and engineering consultant, and staff of the City's Public Works Department, have assessed methods for stormwater management, evaluated options for improvements and made appropriate recommendations;

NOW, THEREFORE,
THE CITY COUNCIL OF THE CITY OF PHILOMATH, OREGON DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. A new chapter is added to the PHILOMATH Municipal Code, as follows:

CHAPTER _____

STORMWATER UTILITY

Purpose - Findings. The City finds and declares:

(1) All real property in the City contributes runoff to the common stormwater problem, and all real property in the City benefits from the stormwater utility of the City.

(2) The development of real property, as measured by the square footage of impervious surface area, is an appropriate basis for the determination of an individual parcel's contribution to the problem of stormwater runoff.

Potential Hazard Declared. The City finds and declares that absent effective maintenance, operation, regulation and control, existing stormwater drainage conditions in all drainage basins within the City constitute a potential hazard to the health, safety and general welfare of the City. The City Council further finds that natural and man-made stormwater facilities and conveyances together constitute a stormwater drainage system and that effective regulation and control of stormwater through formation, by the City, of a stormwater utility requires the transfer to the utility of all stormwater facilities and conveyances and related rights belonging to the City.

Stormwater Management Utility Created - Responsibilities. There is hereby created and established pursuant to Chapters _____ and _____ ORS, and Article ___, Section ___ of the Oregon State Constitution, a stormwater utility. All references to "the Utility" in this chapter refer to the stormwater utility. The Utility will have authority and responsibility for planning, design, construction, maintenance, administration and operation of all City stormwater conveyances and facilities.

Property Transferred to Utility. Title and all other incidents of ownership of the following assets are hereby transferred to and vested in the Utility: all properties, interests and physical and intangible rights of every nature owned or held by the City, however acquired, insofar as they relate to or concern stormwater, further including, without limitation, all properties, interests, and rights acquired by adverse possession or by prescription, directly or through another, in and to the drainage or storage, or both, of stormwater, through, under, or over lands, watercourses, sloughs, streams, ponds, lakes, and swamps, all beginning in each instance at a point where stormwater first enter the system of the City and ending in each instance at a point where the stormwater exits from the system of the City, and in width to the full extent of inundation caused by storm or flood conditions.

Utility Administered by Public Works Director. The Utility shall be administered by the Director of Public Works.

Section 2. A new chapter _____ is added to the PHILOMATH Municipal Code, as follows:

Chapter x COMBINED UTILITY

Combined Utility. The City is operating and maintaining a waterworks utility, consisting of a water and sewerage system. Pursuant to the provisions of ORS _____, the stormwater utility is hereby combined with the waterworks utility and, together with all additions, extensions and betterment thereof at any time made, shall hereinafter be called the "waterworks utility."

Waterworks Utility - Rates and Charges - Credit - Priority. In the event that any person, firm or corporation shall tender as payment of water, sewer, or stormwater services an amount insufficient to pay in full all of the charges so billed, credit shall be given first to the stormwater utility charges, second to the charges for sanitary sewer service and lastly to the charges for water service.

In the event that any utility account shall become delinquent, water service may be terminated by the City and discontinued until all delinquent rates or charges for the use of the stormwater 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 Oregon.

Section 3. The Public Works Department shall prepare or cause to be prepared a comprehensive stormwater quantity and quality management plan for consideration by the City Council. This plan shall be presented to Council no later than _____ months after enactment of this stormwater utility ordinance.

Section 4. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 5. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

INTRODUCED: Mayor

PASSED:

APPROVED AS TO FORM: ATTEST:

City Attorney
City Clerk

Published:

Effective:

ORDINANCE 1994-19

AN ORDINANCE AMENDING ORDINANCE 1983-2. AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERIDAN, as follows:

Section 1: Ordinance 83-2 shall be amended to include the following:

ARTICLE X
STORM DRAINAGE CHARGE

A. A storm drainage fee shall be established. The obligation to pay the storm drainage fee arises when a person responsible uses storm drainage services. It is presumed that storm drainage services are used whenever there is an improved premises.

B. Unless another person responsible has agreed in writing to pay, and a copy of that writing is filed with the city, the person paying the city's utility charges shall pay the storm drainage fees. If there is no water service to the property or if water service is discontinued, the storm drainage fees shall be paid by the person having the right to occupy the property.

C. When establishing fees for storm drainage service the Council shall:

1. Establish a monthly rate for a single family unit, which rate shall be applied to residentially used property based upon the number of dwelling units, and which rate shall be the rate for an equivalent residential unit, and

2. Establish a monthly rate for all property not included in subsection C(1) of this section, based on the amount of the property's impervious surface.

a. For each three thousand square feet of impervious surface, as determined by the City Engineer, the said property will be charged the rate for a single family unit. The minimum service charge shall be that established for a single family unit.

b. The storm drainage fees for a mobile home park shall be established at the rate of one single family unit per space.

c. The maximum charge for a multiple-family building or facility shall be limited to the number of multiple family units on the property multiplied by the charge for a single family unit.

D. When required, area measurements may be determined from records of the county assessor or by the City Engineer.

E. A responsible person may apply for a reduction or elimination of the monthly charge for storm drainage service through submission of appropriate evidence to the City Engineer. The applicant must show to the Engineer's satisfaction that:

1. The square footage of impervious surface was miscalculated for the property; or

2. All storm water from the property is being discharged directly into the South Yamhill River and not into the City drainage system.

Any reduction or elimination given shall continue until the property is further developed or until the City Engineer determines the property no longer qualifies for the reduction or elimination granted. Upon further development of the property another application may be made by a person responsible. Any applicant aggrieved by the City Engineer's decision may appeal to the City Manager by filing a written request for review. This must be done no later than ten days after receiving the City Engineer's decision. The City Manager's decision shall be final.

F. The rate of a single family unit shall be established at \$3.00 per month.

Section 2: The Council desires and deems it necessary for the preservation of the health, peace and safety of the City of Sheridan that this Ordinance take effect at once, and therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Council of the City of Sheridan this ____ day of _____, 1994, by the following vote:

AYES: _____

NAYS: _____

Approved by the Mayor this ____ day of _____, 1994

Mayor

ATTEST:

City Recorder