

Ordinance 1795

AN ORDINANCE TO AMEND TOWN CODE SECTIONS 18-702, 18-703, 18-704 AND 18-705
TO INCORPORATE RECOMMENDATIONS FROM THE BLACKSBURG STORMWATER
STAKEHOLDERS ADVISORY GROUP

WHEREAS, Town Council established the Blacksburg Stormwater Stakeholders Advisory Group in 2012 to evaluate a proposed stormwater utility, including a possible stormwater utility fee structure;

WHEREAS, the Advisory Group, which was comprised of representatives from the local engineering community, local government, non-profits, and the business community, studied the issues for over a year (August 2012 through November 2013) and based on their recommendations the Town Council established a stormwater utility by adopting Ordinance 1723;

WHEREAS, after the stormwater utility had been in effect for one year, Town Council asked the Advisory Group to hold a series of meetings to review the stormwater utility's implementation and consider possible revisions;

WHEREAS, the Advisory Group has concluded its meetings and developed proposed changes that include new definitions, an expanded tier structure to reduce billing inequities, and revisions that address billing common areas and permit credits for single family homes;

WHEREAS, after review, Town Council finds that the proposed stormwater changes developed by the Advisory Group, and as set forth in this ordinance, will improve the stormwater utility and that the stormwater charges continue to reflect a rational relationship between the amounts charged and the benefits received; and

WHEREAS, the Council held a public hearing in accordance with Virginia Code § 15.2-2114 (B), at which public hearing citizens were afforded the opportunity to present their opinions and views in support of or in opposition to the proposed amended stormwater utility.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Blacksburg:

1. That Town Code Sections 18-702, 18-703, 18-704 and 18-705 are amended and reordained, as follows:

Section 18-702. Definitions.

The following words and terms used in this article shall have the following meanings:

Agricultural property means undeveloped property used for the tilling, planting or harvesting of agricultural, horticultural or forest crops or land used for raising livestock.

Common area means land in a residential housing development that is not owned by an individual owner of the development but dedicated for shared use by all owners through a management organization, homeowners organization or cooperative board.

Developed property means real property that has been altered from its natural state by the addition of improvements such as buildings, structures, and other impervious surfaces. For new construction, property shall be considered developed pursuant to this section upon (a) issuance of a certificate of occupancy or (b) certification of the final building permit inspection for those facilities not requiring a certificate of occupancy.

Developed residential property means a developed lot or parcel containing at least one (1) but no more than four (4) residences or dwelling units, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities. Such property may include, but is not limited to, houses, duplexes, triplexes, quadruplexes, townhouses and mobile homes.

Developed multifamily residential property means developed property containing more than four (4) residences or dwelling units, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities. Such property may include, but is not limited to, apartments and condominiums.

Developed nonresidential property means developed property that does not serve a primary purpose of providing permanent dwelling units. Such property shall include, but is not limited to, commercial properties, industrial properties, parking lots, recreational and cultural facilities, hotels, offices and churches.

Impervious surface area means a surface that is compacted or covered with material that is highly resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, parking lots, *gravel parking lots and roads*, and other similar structures.

Permanent reduction means the reduction of flow or pollutant load achieved by verifiable stormwater practices. These practices available for use are limited to those contained in the Virginia Stormwater BMP Clearinghouse website and designed with the standards and specifications contained therein.

Revenues means all rates, fees, assessments, rentals or other charges or other income received by the stormwater management utility pursuant to this article in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the town, funds provided by developers or individual residents, and the proceeds from sale of general obligation bonds for stormwater projects or stormwater revenue bonds.

SBU rate means the amount charged for a stormwater billing unit.

Stormwater billing unit or SBU means the equivalent impervious area of a single-family residential developed property per dwelling unit located within the town based on the statistical average horizontal impervious area of a single-family residence in the town. A billing unit (BU) equals three thousand three hundred (3,300) square feet of impervious surface area. *For individually metered residential properties, any associated common areas shall be considered, on a prorata basis, as being included in the SBU, so that no bill will be generated for the common areas.*

Stormwater management system or system means the stormwater management infrastructure and equipment of the town and all improvements thereto for stormwater control in the town. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilation stations, and other plants, structures, and real and personal property used for support of the system. The system does not include private drainage systems.

Stormwater management utility or utility means the system of stormwater utility fees and the enterprise fund created by this article to maintain and operate the town's stormwater management system.

Stormwater utility fee means the monthly utility charges based upon the SBU rate applied and billed to property owners or occupants of developed residential property, developed multifamily residential property, developed nonresidential property and other property, all as more fully described in section 18-704.

Undeveloped property means any parcel which has not been altered from its natural state to disturb or alter the topography or soils on the property in a manner which substantially reduces the rate of infiltration of stormwater into the earth.

Section 18-703. Establishment of stormwater management utility; stormwater utility fee.

(a) The stormwater management utility is hereby established to provide for the general health, safety and welfare of the town and its residents.

(b) A stormwater utility fee is hereby imposed on every parcel of developed real property in the town that appears on the real property assessment rolls as of December 31 of each year. All stormwater utility fees and other income from the charges shall be deposited into the stormwater management enterprise fund.

(c) The SBU rate to be used for calculating the stormwater utility fee shall be six dollars (\$6.00) per month.

(d) Except as otherwise provided in this article, the impervious area for a property shall be determined by the town using aerial photography, as-built drawings, final approved site plans, field surveys or other appropriate engineering and mapping analysis tools.

(e) Notwithstanding subsection (b) above, and consistent with Virginia Code § 15.2-2114, the stormwater utility fee shall be waived in its entirety for the following:

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

(f) In the event that a stormwater utility bill is issued in error and a refund is necessary, no refund or proration shall be issued for any period less than one (1) month.

Section 18-704. Stormwater utility fee calculation.

Adequate revenues shall be generated to provide for a balanced operating and capital improvement budget for expansion and maintenance of the stormwater management system, as well as compliance with regulatory requirements by setting sufficient levels of stormwater utility fees. Income

from stormwater utility fees shall not exceed the costs incurred in providing the services and facilities described in this article. These fees shall be billed to owners of all property in the town subject to the stormwater utility fee; provided, however, where a tenant or occupant is the person to whom water or sewer service, or both, are billed, the utility fees may be billed to such tenant or occupant.

(a) For purposes of determining the stormwater utility fee, all properties in the town are classified into one (1) of the following classes:

- (1) Developed residential property;
- (2) Developed multifamily residential property;
- (3) Developed nonresidential property;
- (4) Undeveloped property; or
- (5) Agricultural property.

(b) The monthly stormwater utility fee for developed residential property shall equal the SBU rate. However, where more than one (1) residence or dwelling unit is located on a single lot or parcel the owner of the lot or parcel shall be charged a stormwater utility fee that is equal to the SBU rate multiplied by the number of residences or dwelling units (up to four (4)) located on the lot or parcel.

(c) The monthly stormwater utility fee for developed multifamily residential property shall be the SBU rate multiplied by the numerical factor obtained by dividing the total impervious surface area of a developed multifamily residential property by one (1) SBU, as set forth in the tiered rate structure shown in subsection (h). The minimum charge for any developed multifamily property shall equal the SBU rate.

(d) The monthly stormwater utility fee for developed nonresidential property shall be the SBU rate multiplied by the numerical factor obtained by dividing the total impervious surface area of a developed nonresidential property by one (1) SBU, as set forth in the tiered rate structure shown in subsection (h). The minimum charge for any developed nonresidential property shall equal the SBU rate.

(e) The stormwater utility fee for vacant developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.

(f) Undeveloped property shall be exempt from the stormwater utility fee; provided, however, that any impervious areas on the property greater than three hundred (300) square feet shall be subject to the monthly stormwater utility fee for developed nonresidential property, as set forth above in subsection (d).

(g) Agricultural property shall be exempt from the stormwater utility fee; provided, however, that (i) each developed residential unit situated on a parcel devoted to agricultural use shall be charged a stormwater utility fee equal to the SBU rate and (ii) other impervious areas on the property greater than three hundred (300) square feet shall be subject to the monthly stormwater utility fee for developed nonresidential property, as set forth above in subsection (d).

(h) Tiered rates.

Square feet of impervious surface area			Monthly Stormwater Utility Fee
0	to	300	\$0.00
301	to	6,800	\$6.00
6,801	to	10,000	\$12.36
10,001	to	20,000	\$18.18
20,001	to	30,000	\$36.36
30,001	to	40,000	\$54.55
40,001	to	50,000	\$72.73
50,001	to	60,000	\$90.91
60,001	to	70,000	\$109.09
70,001	to	80,000	\$127.27
80,001	to	90,000	\$145.45
90,001	to	100,000	\$163.64
100,001	to	200,000	\$181.82
200,001	to	300,000	\$363.64
300,001	to	400,000	\$545.45
400,001	to	500,000	\$727.27
500,001	to	600,000	\$909.09
600,001	to	750,000	\$1,090.91
750,001	to	1,000,000	\$1,363.64
Greater than 1,000,001			\$1,818.18

Square Feet of Impervious Surface Area		Monthly Stormwater Utility Fee
301	3,300	\$6.00
3,301	6,800	\$6.00
6,801	10,000	\$12.36
10,001	20,000	\$18.18
20,001	30,000	\$36.36
30,001	40,000	\$54.55
40,001	50,000	\$72.73
50,001	60,000	\$90.91
60,001	70,000	\$109.09
70,001	80,000	\$127.27
80,001	90,000	\$145.45
90,001	100,000	\$163.64
100,001	125,000	\$181.82
125,001	150,000	\$227.27
150,001	175,000	\$272.73
175,001	200,000	\$318.18
200,001	250,000	\$363.64
250,001	300,000	\$454.55
300,001	350,000	\$545.45
350,001	400,000	\$636.36
400,001	450,000	\$727.27
450,001	500,000	\$818.18
500,001	600,000	\$909.09
600,001	700,000	\$1,090.91
700,001	800,000	\$1,272.73
800,001	900,000	\$1,454.55
900,001	1,000,000	\$1,636.36
1,000,001 or greater		\$1,818.18

Section 18-705. Stormwater utility fee credits and exemptions.

(a) The town council shall adopt by resolution a system of credits in accordance with Virginia Code § 15.2-2114 (D) that will provide for full or partial waivers of stormwater utility fees for any persons who install, operate, and maintain a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. ~~However, to be eligible for a credit, the property must have an SBU greater than one (1).~~ The amount of the waiver shall be based in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. The system of credits may also, in accordance with Virginia Code § 15.2-2114 (E), provide for full or partial waivers of stormwater utility fees for public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

(b) The department of engineering and GIS will develop written policies, to be approved by the town council, to implement the system of credits. A copy of the approved policies shall be on file with the department of engineering and GIS. Nothing shall prevent the town council from modifying the adopted system of credits, and such modifications may apply to holders of existing credits. Credits shall not be issued retroactively.

(c) Except for new construction, applications for credits shall be made each year by January 1, with any approved credit to be effective on the following July 1. Applications for credits received after January 1 will be accepted but not reviewed until the following year.

2. That this ordinance shall be effective on and after January 1, 2017.

Mayor

ATTEST:

Town Clerk

1st Reading: _____

2nd Reading & Adoption: August 9, 2016

APPROVED AS TO CONTENT:

Engineering and GIS

APPROVED AS TO LEGAL SUFFICIENCY:

Town Attorney