

Ordinance No. 2024 - 09

**AN ORDINANCE
AMENDING, RESTATING AND REORDAINING
SECTION 13.05.055, STORMWATER PROGRAM FEE,
OF CHAPTER 13.05, IN GENERAL,
OF TITLE 13, ENVIRONMENT,
OF THE STAUNTON CITY CODE**

BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 13.05.055 of the Staunton City Code is hereby amended to read as follows:

13.05.055 Stormwater control program fee.

(1) Each owner of property, including but not limited to condominium or unit owners' associations, homeowners' associations and townhouse associations, or condominium unit owners or leaseholders, within the corporate limits of the city shall be charged a monthly stormwater control program fee as provided in this section, and such funds derived shall be used only to pay or recover costs as authorized by law for the city's stormwater control program, including but not limited to:

- (a) The cost of administration of such programs;
 - (b) Acquisition of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
 - (c) Engineering and design;
 - (d) Debt retirement;
 - (e) Construction costs for new facilities and enlargement or improvement of existing facilities;
 - (f) Facility maintenance, enlargement or improvement of existing facilities;
 - (g) Monitoring of stormwater control devices;
 - (h) Pollution control and abatement, consistent with state and federal regulations for water pollution control and abatement; and
 - (i) Planning, design, land acquisition, construction, operation and maintenance activities.
- (2) Each owner of property, except as provided otherwise, within the corporate limits of the city shall be charged a monthly stormwater control program fee based on an

equivalent residential unit (ERU) equal to ~~\$3.205.00~~ per ERU and square footage (sq. ft.) of impervious area deemed attributable to the property as follows for each applicable tier:

Tier	Impervious Area (sq. ft.)		Charge
1	<	3,400	\$3.205.00
2	3,401	6,800	\$6.289.80
3	6,801	10,000	\$10.3416.16
4	10,001	20,000	\$18.4628.84
5	20,001	30,000	\$30.7748.08
6	30,001	40,000	\$43.0867.30
7	40,001	50,000	\$55.3886.52
8	50,001	60,000	\$67.69105.76
9	60,001	70,000	\$80.00125.00
10	70,001	80,000	\$92.31144.22
11	80,001	90,000	\$104.62163.46
12	90,001	100,000	\$116.92182.68
13	100,001	200,000	\$184.62288.46
14	200,001	300,000	\$307.69480.76
15	300,001	400,000	\$430.77673.08
16	400,001	500,000	\$553.85865.38
17	500,001	1,000,000	\$923.081,442.30
18	>	1,000,000	\$1,230.771,923.08

(3) To encourage the proper maintenance of private storm drainage and stormwater control facilities that would reduce the polluting and other adverse effects of stormwater, the stormwater control program fee tier credit specified in subsection (3)(f) of this section shall apply to qualifying property as follows:

- (a) The owner shall apply for and demonstrate to the satisfaction of the city engineer or designee that a credit is warranted.
- (b) The total fee, after credits, shall not be less than the applicable fee for Tier 1.
- (c) The storm drainage and stormwater control facilities must be privately constructed, owned, operated and maintained.
- (d) The storm drainage and stormwater control facilities shall be continuously operated in strict accordance with a documented private inspection and maintenance program approved by the city engineer or designee.
- (e) The storm drainage and stormwater control facilities shall have been designed to meet or exceed the minimum written criteria established by the city engineer or designee, including a requirement to treat all stormwater from all impervious surfaces on the parcel.
- (f) The following tier credit reduction, not to exceed six tier credits as a reduction to the stormwater utility fee otherwise applicable, shall apply annually upon approval by the city engineer or designee:

Facility	Annual Tier Reduction Credit
Storm drainage and stormwater quantity controls (detention with controlled outfall)	Three <u>One</u> tiers
Storm drainage and stormwater quality controls (low impact development and bioretention)	Three <u>One</u> tiers

(g) Such credit is subject to annual review by the city engineer or designee to ensure that the facility is in continuous operation, and that it is being properly operated and maintained consistent with the intent of the stormwater control program.

(4) Should any owner of property dispute the impervious area deemed attributable to a parcel, such owner may appeal by filing a written appeal in the office of the city engineer no later than 10 calendar days after the date of the first billing of the stormwater control program fee. If the city engineer or designee denies the appeal, at the owner's sole expense, the owner may retain a Virginia-licensed land surveyor or professional engineer to perform and render an on-site, certified field measurement of the impervious area, and such certified descriptive and platted measurement filed with the office of the city engineer shall constitute the deemed impervious area for purposes of the stormwater control program fee and shall remain in effect until other physical changes occur as to any impervious area on the property.

(5) Exceptions – Waivers – Contiguous Lots.

(a) Exceptions. Solely for the purpose of this section, “property” shall include only property which has been altered from its natural state by the addition of impervious area in a manner reducing the rate of infiltration of stormwater into the earth.

(b) Waivers. The stormwater control program fee shall be waived for the following:

(i) Federal, state, or local government agencies when the agency owns and provides for maintenance of storm drainage and stormwater control facilities or is a unit of the locality administering the program;

(ii) Roads and public street rights-of-way that are owned and maintained by state or local agencies; and

(iii) Cemeteries, which shall solely include any land or structure used or intended to be used for the interment of human remains.

(c) Contiguous Lots. As to any two contiguous lots over which a single-family residential structure is erected as of June 1, 2010, such lots shall be deemed one property and only one stormwater control program fee shall be charged and collected.

(6) To the fullest extent permitted by law, the stormwater control program fee shall be charged to owners of property including those as defined and as referenced in subsection (1) of this section and collected as part of the bimonthly city user fees billing for water, sewer, and refuse, or charged and collected not less than every six months, with interest to accrue for any amounts remaining unpaid for 30 days after the date of the bill, or the final date on which it becomes payable, to equal to an annual rate of 10 percent, or such other maximum rate allowed by law, of the outstanding amounts, including accrued interest, or \$1.50, whichever is greater, and with discontinuance and/or denial of city water and/or sewer service at any location of property of the owner after such charges and accrued interest have been delinquent after two months, with the charges and interest to constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

In all other respects, the provisions of Chapter 13.05 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

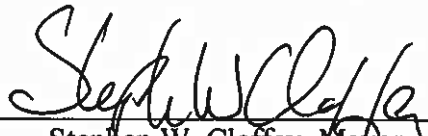
This ordinance shall be effective July 1, 2024.

Public Hearing Advertisement: March 28, 2024 and April 4, 2024

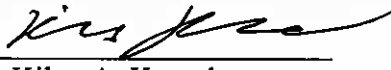
Introduction and Public Hearing: April 11, 2024

Proposed Adoption: April 25, 2024

Effective: July 1, 2024



Stephen W. Claffey, Mayor

ATTEST: 

Kiley A. Kesecker
Clerk of Council