

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

**AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT UTILITY IN
THE CITY OF BROOKVILLE, OHIO.**

WHEREAS, the City of Brookville is required by law to manage the stormwater system which provides for the collection, treatment, storage and disposal of stormwater in the City of Brookville; and

WHEREAS, the City desires to establish a stormwater management utility to assist with the cost of stormwater management in the City of Brookville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, THAT:

SECTION I: The Council of the City of Brookville hereby adopts Chapter 937 entitled Stormwater Management Utility of the Code of Ordinances as follows:

CHAPTER 937

STORMWATER MANAGEMENT UTILITY

937.01 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) STORMWATER MANAGEMENT UTILITY:

The Stormwater Management Utility for the City of Brookville which shall be responsible for developing and implementing stormwater management plans and for managing stormwater facilities, stormwater systems and stormwater sewers in the City of Brookville.

(B) STORMWATER MANAGEMENT USER FEE:

The Stormwater Management User Fee for the City of Brookville is a fee established to fund and support the City's efforts to address issues presented in the recital provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater permit and required operation, maintenance and replacement costs of the stormwater system in the City of Brookville

(C) DIRECTOR OF STORMWATER MANAGEMENT UTILITY:

The Director of the Stormwater management utility shall be the City Manager.

(D) STORMWATER SYSTEM

Stormwater System means all manmade facilities, structures and natural watercourses used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet, including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees and pumping stations.

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937.02 STORMWATER MANAGEMENT FEE

A stormwater management fee is imposed on each and every residential structure, mixed use structure, commercial structure, industrial structure and governmental or non-profit structure, and the owner thereof, excepting only public street, road, and alley rights of way. The stormwater management fee shall be used exclusively for the repair, replacement, improvement, operation, regulation and maintenance of existing and future City of Brookville stormwater systems.

937.03 CLASSIFICATION OF PROPERTY

(A) Except as provided in this Chapter, all residential developed property and non-residential developed property located within the limits of the city shall be subject to the stormwater management user fee established by this Chapter regardless of whether the properties are privately or publically owned. Unimproved property shall not be subject to the stormwater management user fee.

(B) There shall be five classifications of structures on property:

(1) Residential Structure: A Residential Structure is a structure or building that is used exclusively for residential purposes.

(2) Mixed Use Structure: A Mixed-Use Structure is a structure or building that is used for both residential and commercial purposes.

(3) Commercial Structure: A Commercial Structure is a structure or building used for commercial purposes such as an occupation or enterprise for the purchase, sale, barter or exchange of goods, wares, merchandise, or services, or the maintenance or operation of an office or offices for the provision of services or goods.

(4) Industrial Structure: An industrial structure is a structure or building wherein an enterprise engages in the manufacturing, assembly, or production of goods, wares, merchandise or products.

(5) Governmental or Non-Profit Structure: A governmental or non-profit structure is a structure or building used primarily for a government or non-profit purpose.

937.04 USER FEES ESTABLISHED

(A) The City Manager is directed to prepare a list of all lots and parcels within the City, and assign a classification for each structure on a lot and parcel. The classifications shall include the following:

- (1) Class A-Residential Structure
- (2) Class B-Mixed Use Structure
- (2) Class C-Commercial Structure
- (3) Class D-Industrial Structure
- (4) Class E-Governmental or Non-Profit Structure

(B) The user fee for the classes of structures shall be as follows:

(1) Class A-Residential Structure	\$2.25 per month
(2) Class B-Mixed Use Structure	\$3.75 per month
(2) Class C-Commercial Structure	\$3.75 per month
(3) Class D-Industrial Structure	\$5.25 per month
(4) Class E-Governmental or Non-Profit Structure	\$2.25 per month

(C) The user fee shall be assessed for each structure on a lot or parcel, excluding any accessory structures, and if there are multiple structures on a single lot or parcel, a user fee shall be assessed for each structure.

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(D) Rates and charges incurred under this section shall be prepared and collected by the City in accordance with those provisions regulating the preparation and issuance of bills for utility service. The monies collected under this section shall be used expressly for the benefit of the stormwater system and shall be deposited into the stormwater management fund.

937.05 COLLECTION

(A) The billing and collection of stormwater user fees shall be administered by the City Utilities Billing Office. The stormwater user fees shall be billed quarterly with payment due as of the date stated in the billing.

(B) The Stormwater Management Utility shall have authority to assess unpaid stormwater management user fees to the Montgomery County Auditor to be placed on the tax duplicate as an assessment on the property. In the alternative, the City may take appropriate legal action to collect unpaid stormwater management user fees.

937.06 REVENUE ADMINISTRATION

(A) All revenues generated by or on behalf of the Stormwater Management Utility shall be deposited in a Stormwater Management Fund and used exclusively for the stormwater management program.

(B) To the extent that the Stormwater Management user fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such City funds as may be determined by the Council. However, revenues from the City's stormwater utility shall not be utilized for non-stormwater drainage expenses.

(C) The Stormwater Utility Fund shall be used for the following purposes:

1. Acquisition of property by gift, purchase, or condemnation necessary to construct, operate, and maintain stormwater management facilities.
2. Costs of administration and implementation of the stormwater management program.
3. Engineering and design; debt service and related financing expenses, planning and construction costs for new stormwater facilities; and inspection, enlargement, or improvement of existing facilities.
4. Operation and maintenance of the stormwater system, including the monitoring and inspection of stormwater control devices and facilities.
5. Water quality monitoring and water quality programs.
6. Inspection and enforcement activities.
7. Elected official, appointed official, stakeholder, and general public education and outreach relating to storm water.
8. Billing and revenue collection.
9. Other activities that are reasonably required to manage and operate the stormwater system.

(D) Funding for the storm water management system and other stormwater management activities connected therewith may include, but not be limited to:

1. Funds appropriated by the City;
2. Stormwater management user fee;
3. Permit and inspection fees;

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4. Direct Charges. This charge will be collected from owners and developers for the costs of designing and constructing stormwater facilities and administrative costs and related expenses where the City designs and constructs, or contracts for the construction of the facilities.

5. Direct Assessments. The City may assess property owners for the costs of maintaining stormwater facilities that are not being maintained by the property owners directly benefiting from the stormwater facility.

6. Other income obtained from federal, state, local, and private grants, loans, or revolving funds.

937.07 POLICY FAIRNESS AND EQUITABILITY

The City Manager, with approval by the City Council, shall develop, periodically update, and make available to the public a document that expresses in the necessary detail the City's policies governing the stormwater user fee rate structure, billing administration, and other related issues.

937.08 ENFORCEMENT

The City Manager is authorized to take appropriate legal action to require compliance with this Chapter.

937.09 FLOODING NO LIABILITY

Floods and stormwater runoff may occasionally occur which exceeds the capacity of the system. This Ordinance does not imply nor create a duty on the City to insure that property subject to fees and charges established herein will always be free from flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost effectively constructed, operated, or maintained. Nor shall this ordinance create a liability on the part of, or cause of action against, the City, or any of their elected officials, officers, or employees for any flood damage or any damage that may result from storms or runoff thereof. Nor does this section purport to reduce the need or the necessity for obtaining flood insurance.

937.10 SEVERABILITY

If any section, subsection, sentence, clause or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions.

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: This Ordinance shall take effect thirty (30) days after passage as provide by the Charter of the City of Brookville.

PASSED this 6th day of August 2019.

ATTEST:


Meghan Wheeler, Clerk


Charles Letner, Mayor

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	2019-02	August 6	19
	Ordinance No. _____	Passed _____, 20_____	_____

CERTIFICATE

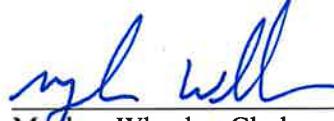
The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance 2019-02, passed by the Council of the City of Brookville, Ohio, on the 6th day of August 2019.



Meghan Wheeler, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2019-02, was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 7th day of August 2019 to the 6th day of September 2019, both days inclusive.



Meghan Wheeler, Clerk

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