

## CHAPTER 5

### STORMWATER UTILITY SERVICE CHARGES

#### SECTION

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18-501. Purpose and Objectives. (1) Purpose. The purpose of this chapter is to establish a stormwater utility and associated stormwater utility service charge within the City of Morristown pursuant to the authority granted by 68-221-11 of the Tennessee Code Annotated and for the purpose of providing dedicated funds for stormwater management operations and facilities within the City of Morristown.

(2) Objectives. The objectives of this chapter include but are not limited to the following:

(a) To establish an equitable approach to fund the City of Morristown's stormwater management services and facilities;

(b) To establish that impervious area, which is the most important factor influencing stormwater service requirements and costs posed by properties located throughout the City of Morristown, as the parameter utilized for calculating stormwater service charges;

(b) To adopt a schedule of service charges upon properties that is related to the burden of stormwater quantity and quality control service requirements and costs posed by properties throughout the City of Morristown.

(c) To establish service charge credits as a means of adjusting service charges in recognition of users who design, construct and maintain on-site stormwater facilities to retain and control the quantity of stormwater runoff in such manner as not to cause adverse effects on water quality, stream or channel erosion, or flooding either upstream or downstream of the facilities; and,

(d) To establish the rules and process for appeals of stormwater service charges.

18-502. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meaning hereinafter designated:

- (a) "City". The City of Morristown, Tennessee.

(b) "Credit". A conditional reduction in the amount of a stormwater service charge granted to an individual property in accordance with Section 18-505(2) of this chapter based on the provision and continuing presence of an on-site stormwater facility.

(c) "Customers of the stormwater utility". All persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the stormwater management programs, systems, and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served as a result of the stormwater management program.

(d) "Developed land". Property altered from a natural state by construction or installation of more than 200 square feet of impervious surfaces as defined in this chapter.

(e) "Duplex". Developed land containing two attached residential dwelling units located on one or more parcels of land.

(f) "Equivalent residential unit (ERU)". The median impervious coverage of detached dwelling unit properties in the City as determined by the City. Two thousand four hundred (2,400) square feet of impervious area shall be one equivalent residential unit (ERU). The ERU shall be used as the basis for determining stormwater service charges to single family residential detached dwelling unit properties or classes of single family residential detached dwelling unit properties and all other developed land.

(g) "Impervious surfaces". Impervious surfaces are defined as those polygonal features that significantly (but not absolutely) prevent the draining of stormwater into the ground. Typically, these features include: buildings, building foundations, storage tanks, parking lots, roads, driveways, runways, taxiways, aprons, hardened athletic courts, patios, decks, travel ways, parking and other areas comprised of gravel or un-vegetated soils, sidewalks (concrete or asphalt), concrete slabs surrounding swimming pools, or any other hardened surface consisting of concrete, asphalt, or other impervious material.

(h) "Multiple dwelling unit residential properties". Developed land whereon three or more attached residential dwelling units are located. Multiple dwelling unit residential properties shall include, but not be limited to, apartment houses, condominiums, townhomes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, multiple duplexes located on a single parcel of land, and other structures in which three or more family groups commonly and normally reside or could reside. Stormwater service charges for multiple dwelling unit properties shall be calculated in the same way as other developed lands.

(i) "On-site stormwater facilities". A manmade structure either privately or publicly owned, for which the partial or full purpose or use is to retain and control the quantity of storm water runoff. This includes all facilities for which the City has assumed a level of maintenance responsibility, to which the

City has made improvements, against the flooding of which the City must make provision to protect public and private property.

(j) "Other developed land". Other developed land shall mean, but shall not be limited to, multiple dwelling unit residential properties as defined in this chapter, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.

(k) "Single family residential detached dwelling unit". (1) Developed land containing one structure which is not attached to another dwelling and which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family; or, (2) a single duplex structure located on a single parcel of land or a single duplex structure where each half of the duplex is located on a single parcel of land.

(1) Single family residential detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land.

(2) Developed land may be classified as a single family residential detached dwelling despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. Single family residential detached dwelling units can also include developed land that has a non-residential use of a single dwelling unit or duplex designed for occupancy for one or two families so long as such use does not result in additional impervious areas, such as parking spaces, impervious surfaced playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar non-residential uses that are not normally associated with single family or duplex residential housing.

(3) Single family residential detached dwelling unit shall not include developed land containing: manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes; multiple duplexes located on a single parcel of land; or multiple-unit residential properties having three or more attached residential dwelling units.

(l) "Stormwater". Stormwater runoff, snow melt runoff, surface runoff, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage.

(m) "Stormwater service charge". or "Stormwater utility service charge". The stormwater management service charge or charges applicable to a parcel of developed land, which charge shall be reflective of the City of

Morristown stormwater utility's cost of providing stormwater management services and facilities.

(n) "Stormwater management system". Those natural and man-made drainage structures, conveyances, streams, wetlands, ponds, lakes, conduits, combined sewers, sewers, on-site stormwater facilities, flood control facilities and all device appurtenances located in the jurisdiction of the City of Morristown by means of which stormwater is collected, transported, pumped, treated, disposed of, or regulated.

18-503. Imposed; amount. A stormwater service charge is now and hereafter imposed upon all developed land located in the City of Morristown that discharges stormwater into or through, or is hereafter connected to or with, the stormwater management system. The stormwater service charge will be imposed as an amount per month, as set out in this section, to be paid and collected as provided by this chapter:

(1) Single family residential detached dwelling units. Properties classified as single family residential detached dwelling units shall be charged the rate applicable to one (1) equivalent residential unit, as specified in item (3) of this section, or as amended by ordinance in the future.

(2) Other developed lands. All other developed lands not classified as single family residential detached dwelling units shall be billed for one (1) equivalent residential unit as specified in item (3) of this section, or as amended by ordinance in the future, for each two thousand four hundred (2,400) square feet of impervious surface or increment thereof, or as amended by ordinance in the future.

(3) Service charge rate per ERU. The stormwater service charge rate per equivalent residential unit, as defined in this chapter, shall be \$1.00 (one dollar) per month until and unless the service charge rate per ERU is amended by ordinance in the future.

18-504. Effective date. Stormwater service charges will be effective and shall be employed March 18, 2008.

18-505. Exemptions and credits. Except as provided in this section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges. No exemption, credit, offset, or other reduction in stormwater service charges shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater management services and facilities.

(1) Exemptions allowed. The following exemptions from stormwater service charges shall be allowed:

(a) undeveloped land as defined in this chapter;

(b) railroad tracks; however, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service charges;

(c) improved public road rights-of-way that have been conveyed to and accepted for maintenance by the City of Morristown or the State of Tennessee

Department of Transportation and are available for use in common for vehicular transportation by the general public;

(d) properties that do not discharge stormwater runoff at any time into or through the stormwater management system, as defined in this chapter.

(2) Credits allowed. Other developed lands that have an on-site stormwater facility that is designed and constructed in accordance with City of Morristown requirements, standards and criteria, is maintained and fully-operational in accordance with the design approved by the City, and which reduces the cost of providing stormwater management services or facilities that is borne by the City shall be eligible to receive a credit against stormwater service charges.

(a) All credits granted for on-site stormwater facilities shall be generally proportional to the effect that the facility has on the volume, peak discharge, erosion potential or water quality of stormwater runoff from the individual property.

(b) Credits shall become effective upon the adoption of appropriate policy by City Council action and shall be defined and implemented in a City of Morristown Stormwater Credit Policy Manual which shall specify the design and performance standards of on-site stormwater facilities which qualify for application of a stormwater service charge credit, and shall specify how such credits are calculated. Any credit allowed against the stormwater service charge is conditioned on continuing compliance with the City's design and performance standards as stated in the Stormwater Credit Policy Manual and/or upon continuing provision of the on-site stormwater facility provided, operated, and maintained by the property owner or owners upon which the credit is based. The Stormwater Credit Policy Manual will be produced by the Office of the City Engineer and approved by City Council.

(c) A credit may be revoked by the City at any time for non-compliance with this chapter and the Stormwater Credit Policy Manual. Thirty (30) days notice of a non-complying condition and intent to revoke a stormwater service charge credit shall be provided to the stormwater service charge customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance.

18-506. Monthly billing and collection. The Witt Utility District, Russellville-Whitesburg Utility District and Alpha-Talbott Utility District, which are henceforth referred to as "other authorized agencies", and the Morristown Utilities Commission shall bill and collect stormwater service charges for the City from all customers who own or rent properties that are subject to the stormwater utility service charges imposed by this chapter. The Morristown Utilities Commission and other authorized agencies shall include such stormwater utility service charges as a designated item on its utility service bills each month, following the same procedure it uses in billing and collecting utility charges.

18-507. Discontinuance of water service for failure to pay stormwater service charges. The Morristown Utilities Commission and other authorized agencies may

discontinue water service to any customer for failure to pay the stormwater utility service charge, and shall not connect or re-establish water service for a customer who owes a delinquent stormwater utility service charge until such stormwater utility service charge has been paid.

18-508. Adjustments in charges. The City Engineer shall make adjustments in the stormwater utility service charge for over or under calculation of impervious surfaces.

18-509. Recorder to keep stormwater utility service charges in separate accounts. The recorder shall keep the funds received from stormwater utility service charges in a separate enterprise account entitled "Stormwater Fund".

18-510. Appeals. Any stormwater utility service customer who believes the provisions of this chapter have been applied in error may appeal the application or amount of the stormwater utility service charge in the following manner:

(1) An appeal must be filed in writing with the City Engineer. The appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area (in square feet), and any other features or conditions which influence the hydrologic response of the property to rainfall events.

(2) Using the information provided by the appellant, the City Engineer or his/her designee shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

(3) In response to an appeal, the City Engineer may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter and shall inform the appellant of such adjustment in writing.

(4) A decision of the City Engineer which is adverse to an appellant may be further appealed to the City Administrator within thirty (30) days from the date of the adverse decision. Notice of the appeal shall be delivered to the City Administrator by the appellant, stating the grounds for the further appeal. The City Administrator shall issue a decision on the appeal within thirty (30) days. All decisions of the City Administrator shall be final and shall be served on the customer personally or by registered or certified mail. Service shall be based upon the service charge billing address of the customer.

(5) The appeal process contained in this subsection shall not prevent an appellant from seeking relief in the approved manner and form from a court of competent jurisdiction.