

ORDINANCE 2007-15

AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT UTILITY FEES, PROVIDING FOR THE CLASSIFICATION OF REAL PROPERTY SUBJECT TO SUCH FEES, ESTABLISHING THE AMOUNT OF INTERIM STORMWATER MANAGEMENT UTILITY FEES AND PROVIDING FOR THE USE OF SUCH FEES BY THE STORMWATER MANAGEMENT UTILITY OF THE CITY OF ISLE OF PALMS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1 Findings.

A. By Ordinance 2007-14, City Council created a Stormwater Management Utility (the "Utility") and provided that fees may be adopted to assist in the establishment and administration of the Utility.

B. In the adoption of such Ordinance, City Council made certain findings and declarations which findings and declarations are hereby reaffirmed and made a part hereof as fully and completely as if set forth herein verbatim.

C. City Council is aware of the practical difficulty of determining precisely the particular need of each parcel of real property for stormwater management, and the special benefits to be derived by the owners and users of such property. Upon the completion of the Stormwater Utility Rate Study (Study), City Council will adopt a permanent fee system and rate structure so as to equally and reasonably address and relate such needs and benefits to the fees assessed. As an interim measure, City Council feels that it is appropriate to adopt a fee for real property throughout the City. City Council recognizes that after the Study has been completed and submitted to it for review, a different approach to the assessment of fees and classifications of real property may result.

D. City Council hereby advises Utility customers of the interim nature and basis of the fees and classifications set forth herein.

SECTION 2. That the following Title 3, Chapter 3, Stormwater Regulations, Article B, Stormwater Management Utility Fee, is hereby adopted:

"Sec. 3-3-21 Stormwater Management Utility Fee; Classification of Property

A. Stormwater Management Utility Fees:

All real property owners shall pay an annual Stormwater Management Utility Fee as follows:

1. Single Family Residential Property – Single family residential property owners shall be charged a fee equal to the Base Rate times one Equivalent Residential Unit (ERU), regardless of the size of the parcel or improvements (impervious area).

2. Vacant and/or undeveloped property – Vacant and/or undeveloped property owners shall be charged a fee equal to the Base Rate times one half (1/2) Equivalent Residential Unit (ERU), regardless of the size of the parcel.

3. Playgrounds/Parks Property – Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for playground/parks has been determined to be 0.11. An equation is used to relate the runoff coefficient of the playground/park property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.

4. Special Use Properties - Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for Special Use properties has been determined to be 0.50. An equation is used to relate the runoff coefficient of the special use property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.

5. Multi-use Residential Property - Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for Multi-use Residential property has been determined to be 0.64. An equation is used to relate the runoff coefficient of the Multi-use Residential property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.

6. Non-residential/Commercial Property - Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for Non-residential/Commercial property has been determined to be 0.82. An equation is used to relate the runoff coefficient of the Non-residential/Commercial property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.

B. For purposes of determining the fee, all real property in the City is classified as follows:

1. Single Family Residential
2. Vacant or undeveloped property
3. Playgrounds/open park areas (Parks)
4. Special use properties
5. Multi-use Residential Property
6. Non-residential/Commercial

C. Base Rate: The base rate shall be thirty-six (\$36.00) dollars annually. In no case shall a Utility customer be billed a fee for less than one half (1/2) the base rate.



D. Equivalent Residential Unit (ERU): One commonly accepted rate unit for stormwater utilities is the Equivalent Residential Unit (ERU). This is a descriptive value based on the total gross land area and the amount of impervious surface. The ERU is used to relate a rate charged for a typical residential property and this becomes the common denominator by which non-residential properties are evaluated. In general there are two principal methods used to assign values for impervious surface: Actual amounts of impervious surface on a parcel can be physically measured or accepted land use coefficients can be used to relate imperviousness to intensity of development. The latter method is adopted herein. Pursuant to this Ordinance, an ERU is considered to be a single family lot not less than or equal to 1/3 acre. The runoff coefficient (C-Factor) assigned to the ERU is 0.40.

The runoff coefficients (C-Factor) are assigned to the following categories:

1. Playgrounds/open park areas (Parks) C-Factor = 0.11
2. Special Use Properties (Manufacturing/Mining, Special Purpose Properties, Schools) C-Factor = 0.50
3. Multi-use Residential Property [Apartment Buildings, Condominium (Common area), Residential Commercial] C- Factor = 0.64
4. Non-residential/Commercial Property (Commercial, Hotel/Motel, Office, Restaurant, Retail, Cultural/Entertainment/Recreation) C-Factor = 0.82

Sec. 3-3-23 Determination of Amount of Stormwater Management Utility Fee.

A. Computation of Stormwater Management Utility Fee:

1. Determine Base Rate to assign ERU;
2. Calculate runoff ratio of playgrounds/parks, special use, multi-use residential and non-residential/commercial properties C-factor to ERU C-factor;
3. Calculate ERU's per acre;
4. Calculate the number of ERU's for the property in question; and
5. Calculate the annual fee.

B. Example Calculation:

Determine monthly fee for 1.50 acre commercial property.

1. ERU = \$36.00 / year
2. C-factor ratio of commercial to ERU =  $0.82 / 0.40 = 2.05$ .

3.  $ERU / \text{acre} = 2.05 \times 3 = 6.15 \text{ ERU} / \text{acre}.$

4.  $ERU\text{'s for } 1.50 \text{ acre property} = 1.50 \times 6.15 = 9.23 \text{ ERU's}.$

$Utility \text{ fee} = 9.23 \times \$36.00 = \$332.28 / \text{year}$

The use of real property and the identification of the Utility customer for the purpose of determining interim fees shall be determined from the records of the Charleston County Tax Assessor's Computer Assisted Mass Appraisal (CAMA) system. The Utility customer or person charged the fee is based on the classification of the real property as of January 1 of the year of billing and each year subsequently thereafter.

Where the tax records are incomplete or ambiguous, a physical inspection of the real property shall be made to determine the use of the property. Upon development of the City's database and review of the real properties on a case-by-case basis, the classifications in the CAMA system do not preclude an adjustment to the data that the City uses to determine the fee.

Sec. 3-3-24 Adjustment of Utility Fee. In cases where the Utility customer disputes the fee based on the actual impervious area of the real property in which he has interest, a notice of objection may be filed with the Zoning Administrator as outlined in the Stormwater Management Utility Ordinance, Section 3-3-9, Written Notice of Objection; provided, however, that City Council may delegate the Zoning Administrator's responsibilities hereunder to Charleston County or its duly authorized representatives pursuant to an inter-governmental agreement providing for same.

Where an adjustment of the fee is warranted, the Zoning Administrator shall recalculate and re-determine the fee using a weighted runoff coefficient (or C-Factor) that is based on the total impervious and pervious areas of the real property at issue.

Where deemed appropriate and at the discretion of the Zoning Administrator, the gross acreage of the real property may be adjusted as a means of recalculating and re-determining the fee. This method is applied in cases where the property is large and the ratio of pervious area to impervious area is low. The Zoning Administrator and the utility customer shall mutually agree on the general area of improvement. In cases where a mutual agreement cannot be reached, the utility customer may file a notice of objection as referenced above.

Sec. 3-3-25 Duration of Fee. The fees established by this Ordinance are temporary and shall apply only until such time as the pending Stormwater Utility Rate Study is completed and City Council adopts a permanent rate structure and schedule of fees for the Stormwater Management Utility.

Sec. 3-3-26 Billing of Stormwater Management Utility Fee; Late Charges. The fee shall not be prorated. No refunds of the fee shall be made except as set forth in this Ordinance. The fee shall be billed annually, commencing in 2007, with the bill mailed to each owner of record of real property as of January 1, 2007, and to the owner of record of the real property as of January 1 of each year subsequently thereafter. Annual fees unpaid as of the 61<sup>st</sup> day after the billing date shall be subject to a late fee of \$5.00 and an additional late fee of \$5.00 for each thirty (30) day period thereafter in which the fee remains unpaid. If legal action is instituted to collect any



fees due hereunder, owners will also be required to pay attorney's fees and court costs incurred by or on behalf of the City in such action. The City may delegate collection of the fees, including any required legal action, to the County of Charleston or its representatives pursuant to an inter-governmental agreement providing for same.

SECTION 3. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 4. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 5. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE 28<sup>th</sup> DAY OF AUGUST, 2007.

  
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F. Michael Sottile, Mayor

(Seal)

Attest:

  
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Marie B. Copeland, City Clerk



First Reading: July 24, 2007  
Public Hearing: August 28, 2007  
Second Reading: August 28, 2007  
Ratification: August 28, 2007