

ORDINANCE NO. 181-2022

AN ORDINANCE OF THE CITY OF DONALD CREATING DONALD MUNICIPAL CODE CHAPTER 54 ESTABLISHING A STORMWATER UTILITY FEE TO FUND THE STORMWATER MAINTENANCE

WHEREAS, the City of Donald maintains a municipal stormwater utility to manage stormwater and drainage in the City necessary to protect beneficial uses of groundwater and to protect persons and property in the City from flooding, erosion and introduction of pollutants into receiving waters and ground water; and

WHEREAS, the public stormwater system is a public utility providing a municipal service essential to public health and safety and the environment, currently funded by the City of Donald general fund; and

WHEREAS, the City of Donald wishes to establish a dedicated and sustainable funding source that provides for the operation improvement and maintenance of the city's storm drain infrastructure via a Stormwater Utility Fee; and

WHEREAS, the proposed Stormwater Utility Fee will be assessed to all account holders of properties currently receiving water service in the City; and

NOW THEREFORE, THE CITY OF DONALD ORDAINS AS FOLLOWS:

Section 1. There is hereby adopted a Chapter 54, as set forth on Exhibit A, attached hereto.

The first reading of this Ordinance was conducted on August 9, 2022. The second reading of this Ordinance was conducted September 13, 2022 and was passed and adopted by the City Council on September 13, 2022 as follows:

6 AYES

0 NAYS

0 ABSTENTIONS

This Ordinance shall take be effective on the thirtieth day after the date of enactment below, as per City Charter Section 36.

SIGNED and DATED this 13th day of September, 2022.

REDACTED FOR SECURITY
REDACTED FOR SECURITY
PURPOSES

Rick Olmsted, Mayor

ATTEST
REDACTED FOR SECURITY
REDACTED FOR SECURITY
PURPOSES

Eric Underwood, City Manager

PASSED by the City Council: September 13, 2022

SIGNED by the Mayor: September 13, 2022

EFFECTIVE: October 13, 2022

EXHIBIT A

54.05 INTENT AND IMPOSITION OF FEE. It is the intent of this ordinance to provide a utility-based funding mechanism to pay for the costs of operating, maintaining and expanding the City's storm water utility, which exists for the promotion of the safety and health of City residents and businesses.

- A. City water customers are deemed to use the City's public stormwater system, and shall pay a Stormwater Fee set by Council resolution, which fee shall reflect the actual costs of operation, maintenance, replacement and capital improvements needed to serve existing development, and for future maintenance.
- B. The City may choose to base a customer's Stormwater Fee, and may impose a special assessment, on actual impervious area or other criteria which most equitably assesses the customer's impacts on the utility and its costs.
- C. There shall be a Stormwater Fund. All Stormwater Fees imposed and collected under this Code shall be deposited in the Stormwater Fund.
- D. Money in the Stormwater Fund shall be used for planning, designing, and constructing the public stormwater system; for the regulation, maintenance and administration of the public stormwater system; for providing all stormwater services, including the repayment of any indebtedness incurred before or after the effective date of this Ordinance; and for all expenses related to the operation and management of the storm water utility.
- E. The Stormwater Fee is a fee for service and not a charge against property. The person responsible for paying for City water and/or sewer service is responsible for paying the Stormwater Fee, which in most cases is the occupant of the property served by City services. The Stormwater Utility Fee shall be included on the utility bill and collected on the same billing cycle as City water/sewer charges, and shall be subject to the provisions of Chapter 50.089 of this Code.

54.10 AMOUNT OF STORMWATER FEE. The Stormwater Fee shall be set by resolution of the Donald City Council.