

INTRODUCED: July 23, 2018

AN ORDINANCE No. 2018-218

To amend City Code §§ 28-899 and 28-922, concerning the City’s stormwater utility, to clarify the use of certain defined terms, and to amend the fee descriptions set forth in Appendix A of the City Code for sections 28-923 (concerning fees for developed single family residential stormwater service) and 28-924 (concerning fees for developed nonresidential and non-single family residential stormwater service) of the City Code to clarify the use of certain defined terms.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 24 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 28-899 and 28-922 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

Sec. 28-899. Definitions.

The following words and terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Base charge means the annual stormwater service management charge charged on each

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 24 2018 REJECTED: _____ STRICKEN: _____

1,000 square feet or a percentage of 1,000 square feet of impervious surface area. Such base charges shall be calculated by the Director and adopted by the City Council by ordinance.

Best management practices means schedules of activities, prohibitions of practices, including both a structural or nonstructural practice, maintenance procedures, and other management practices to prevent or reduce the pollution of surface water and groundwater systems from the impacts of land-disturbing activities. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act means the Federal Water Pollution Control Act (33 USC § 1251 et seq.), and any subsequent amendments thereto.

Developed means that manmade changes have been made to a property, which changes may include, but are not limited to, buildings or other structures for which a building permit must be obtained under the requirements of the Virginia Uniform Statewide Building Code and this Code, mining, dredging, filling, grading, paving, excavation or drilling operations, or the storage of equipment or materials.

~~[Developed non-single family property means non-single family residential properties.]~~

Hazardous materials means any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Household hazardous materials means products used and disposed of by single family or non-single family residential consumers as opposed to industrial consumers, including, but not

limited to, paints, stains, varnishes, solvents, pesticides, and other materials or products containing volatile chemicals that can catch fire, react or explode, or that are corrosive or toxic.

Illicit connection means either:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge means any discharge to a municipal separate storm sewer system that is not comprised entirely of stormwater, except discharges pursuant to a Virginia Pollutant Discharge Elimination System or Virginia Stormwater Management Program permit (other than the Virginia Stormwater Management Program permit for discharges from the municipal separate storm system), discharges resulting from firefighting activities, and discharges identified by and in compliance with 9 VAC 25-890-20(C)(2).

Impervious surface means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious cover includes, but is not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface.

Multiple of 1,000 square feet means the quotient of the total impervious surface area divided by 1,000 square feet.

Nonresidential property means property which does not serve the primary purpose of providing permanent dwelling units. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, recreational and cultural facilities, hotels, offices, churches, schools, hospitals, universities, cemeteries, Federal, State and local government properties.

Non-single family residential property means a building or other shelter that has been divided into separate units to house more than one family or household living independently of each other.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, partnership, firm, association, joint venture, corporation, trust, estate, commission, board, public or private institution, utility, cooperative, or any other legal entity.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Property means, for the purposes of this article, real property defined to mean land and generally whatever is erected or growing upon or affixed to land.

Single family residential property means a single family detached residential property, rowhouse, or townhouse regardless of the size of the parcel or the improvements located thereon.

Stormwater facilities means all conveyances, pipes, and treatment works which are a part of the municipal separate storm sewer and which are used to convey stormwater. Stormwater facilities excludes facilities on private property unless the City has agreed in writing to operate or maintain those facilities on a non-emergency basis.

Total annual charge means the annual amount to be billed and paid by each owner of developed property in the City.

Undeveloped land means any land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state.

Virginia Pollutant Discharge Elimination System permit means a document issued by the State Water Control Board pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters and the use or disposal of sewage sludge.

Virginia Stormwater Management Program permit means a document issued by the permit-issuing authority pursuant to the Virginia Stormwater Management Act authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters. Under the approved State program, a Virginia Stormwater Management Program permit is equivalent to a NPDES permit.

Waters of the State means all waters on the surface and underground wholly or partially within the Commonwealth or within its jurisdiction.

Sec. 28-922. Stormwater utility charge.

(a) *Application.* For the fiscal year beginning July 1, 2009, and for each and every fiscal year thereafter, each owner of a parcel of developed property in the city, whether the property is a single family residential property, a non-single family residential property, or a nonresidential property, shall pay a total annual charge for stormwater service. This charge shall be billed by a methodology in accordance with state law, which methodology shall be determined in accordance with subsection (e) of this section.

(b) *Calculation of total annual charge.* The Director shall calculate the total annual charge to be billed to each parcel of developed property in the city, using the applicable base charge and, for nonresidential properties and non-single family residential properties, the amount of impervious surface on the property. The Director shall issue regulations pursuant to section 28-26 establishing how the base charge will be used to calculate the total annual charge for developed single family residential, non-single family residential, or nonresidential property. The base charge and the total annual charge shall be calculated to insure adequate revenues to provide for a balanced operation, maintenance and capital improvements budget for the stormwater utility.

(c) *Classifications of service.* For purposes of determining the applicable total annual charge, all properties in the City shall be classified into one of the following three classes:

(1) Developed single family residential property under Section 28-923 of this Code;

(2) Developed nonresidential and non-single family residential property under Section 28-924; or

(3) Undeveloped property under Section 28-925.

(d) *Special provisions--waivers, credits and adjustments.*

(1) The total annual charge shall not be billed for properties owned by 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.

(2) The total annual charge shall not be billed for roads and public street rights-of-way that are owned and maintained by State or local agencies.

(3) Pursuant to Section 28-26, the Director shall issue a regulation governing whether and how to provide full or partial credits to certain developed properties with effective stormwater management mitigation or remediation.

(4) Waivers shall not be provided to any person who is required by law to obtain a stormwater permit from the Virginia Department of Environmental Quality but does not obtain such permit.

(e) *Charge for stormwater collection, treatment and management service.* For the provision of stormwater collection, treatment and management service, there is imposed a charge, which charge shall be determined as described in this section. This charge shall be collected from the owner of the real property for which services are provided. The Director of Public Utilities shall have the authority to determine total impervious surface on the property and for developed non-single family residential property and developed nonresidential property the determination will include the corresponding multiple of 1,000 square feet units for the property.

§ 2. That the fees set forth in Appendix A of the Code of the City of Richmond (2015) for sections 28-923 and 28-924 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

Code Section Description

Fee

28-923	Base charge for stormwater service for developed <u>single family</u> residential properties;	Per Month	Per Year
	(i) For property owners with homes that have impervious area measuring less than or equal to 1,000 square feet (Tier 1)	\$2.14	\$25.68
	(ii) For property owners with homes that have impervious area measuring greater than 1,000 square feet and less than or equal to 2,000 square feet (Tier 2)	\$3.94	\$47.28
	(iii) For property owners with homes that have impervious area measuring greater than 2,000 square feet and less than or equal to 3,000 square feet (Tier 3)	\$6.41	\$76.92
	(iv) For property owners with homes that have impervious area measuring greater than 3,000 square feet and less than or equal to 4,000 square feet (Tier 4)	\$9.14	\$109.68
	(v) For property owners with homes that have impervious area measuring greater than 4,000 square feet (Tier 5)	\$13.25	\$159.00
28-924	Base charge for stormwater service for developed <u>nonresidential and non-single family</u> residential properties (rate applied per 1,000 square feet)	Per Month	Per Year
		\$2.65	\$31.80

§ 3. This ordinance shall be in force and effect upon adoption.



RECEIVED
JUL 19 2018
OFFICE OF CITY ATTORNEY

CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O & R REQUEST
4-7950
JUN 27 2018

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: June 27, 2018 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *[Signature]*

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *[Signature]*

THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer, Operations *[Signature]*

THROUGH: Calvin D. Farr, Director of Public Utilities *[Signature]*

FROM: T. Wayne Lassiter, Deputy Director *[Signature]*

RE: Text Amendments to City Code Section 28-899, *Definitions*; Section 28-922 (e), *Charge for Stormwater Collection, Treatment and Management Service*; Appendix A, Section 28-923, and Section 28-924 to Include the Developed Nonresidential Property Stormwater Class in the Base Charge

ORD. OR RES. No. _____

PURPOSE: To amend text in various sections of Article VIII, Stormwater, under City Code to improve consistency and use of terminology, and to amend Appendix A, Section 28-924 of City Code to include the Developed Nonresidential Property stormwater class in the applicable base charge.

REASON: City Ordinance No. 2018-092 adopted May 14, 2018 by City Council inadvertently omitted the Developed Nonresidential Property stormwater class from Appendix A, Section 28-924 under the applicable base charge. This O&R corrects this omission by adding the Nonresidential Property stormwater class in the base charge. Additionally, this O&R proposes minor text amendments which improve the consistency and use of terminology within Article VIII of City Code.

RECOMMENDATION: Amend various sections of Article VIII, Stormwater, and Appendix A, Section 28-923, and Section 28-924 as shown on the attachment to this O&R.

BACKGROUND: During the Fiscal Year 2019 Budget Amendment Process, the Developed Nonresidential Property stormwater class was inadvertently omitted from Appendix A, Section 28-924.

City Code Section 28-922 (c) establishes the classifications for stormwater service. The classifications for stormwater service include developed single family residential property, developed nonresidential and non-single family residential property, and undeveloped property.

Appendix A to City Code contains the service fees associated with each classification of stormwater service, except for undeveloped property since undeveloped property has no impervious surface and receives no charge for stormwater service.

During its review of Appendix A, Section 924, staff reviewed other sections of Article VIII and recommended additional minor text amendments to improve consistency and use of terminology within the Article.

FISCAL IMPACT/COST: None. This amendment is a text amendment.

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: July 23, 2018

CITY COUNCIL PUBLIC HEARING DATE: July 23, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Requesting review by committee to be waived

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Department of Public Utilities

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Proposed Amended Text for Article VIII and Appendix A

STAFF: T. Wayne Lassiter, Deputy Director
Mark McClain, Customer Service Administrator
Calvin D. Farr, Director Public Utilities
Robert C. Steidel, Deputy Chief Administrative Officer