

CITY COUNCIL ORDINANCE NO. 2017-2091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING CHAPTER 102, ARTICLE IX, TITLED "STORMWATER MANAGEMENT UTILITY SYSTEM" OF THE CODE OF THE CITY OF LAKE CITY; AMENDING THE CODE TO INCLUDE AN ASSESSMENT OF THE SYSTEM EVERY THREE YEARS; AMENDING THE DEFINITIONS; AMENDING SERVICE FEES; AND AMENDING STORMWATER ATTENUATION CREDITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR THE INCLUSION OF THIS ORDINANCE IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2008-1144, was adopted on August 18, 2008; and created a Stormwater Management Utility System (the "System"); and

WHEREAS, the City Council, pursuant to Resolution No. 2017-028, entered into Task Assignment Six to the Basic Contract with Jones Edmunds & Associates, Inc. for services related to performing and preparing a Stormwater Utility User Fee Study Update – Phase Two (the "Fee Study"); and

WHEREAS, the City Council has received the Fee Study and finds it to be in the best interests of the citizens to adopt the fees recommended; and

WHEREAS, the schedule of Stormwater Rates and Classifications, as attached as Exhibit A to this resolution, shall stay in effect until such time as a change in the rate of stormwater utility assessment or method of calculation is proposed to be amended; and

WHEREAS, Ordinance No. 2008-1144, requires that the service fees for the System be adopted by ordinance; and

WHEREAS, the City Council finds it to be more economical and in the best interests of the citizens to amend section 102-537, titled "Service fees" to allow

future adjustments in the rate of Stormwater utility assessments or methods of calculation.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA:

Section 1. The City Council adopts the Stormwater rate of assessment of \$56.33 per ERU per year.

Section 2. The City Council adopts the Schedule of Stormwater Rates and classifications (Exhibit A), for all real property located within the City of Lake City, unless otherwise exempt.

Section 3. Article IX. Stormwater Management Utility System, Code of the City of Lake City, Florida, is hereby amended to read as follows:

Sec. 102-532. – Creation and Assessment of the Stormwater Management Utility.

...

On, or before, the third anniversary of the most recent enactment of a utility service fee the City Council shall review the Stormwater Utility Management System to promote transparency and the responsible usage of collected utility service fees.

Sec. 102-533. - Definitions.

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

...

Equivalent residential unit (ERU) shall mean the basic unit for the computation of stormwater service charges and is defined as 2,0872,019 square feet of impervious area, which represents the estimated average impervious area for all single-family residential parcels in the stormwater service area. The ERU shall serve as a reference from which an equitable distribution of the cost of services and facilities can be made among all properties in the stormwater service area through a stormwater management service fee rate methodology. Single-family residential parcels in the stormwater service area will each be billed based on tiered system. A rate of 0.35 ERU will be billed to a single-family residential parcel with 1 to 1,400 square feet of impervious area. A rate of 1.0 ERU will be billed to a single-family residential parcel with 1,401 to 2,600 square feet of impervious area. A rate of 1.6 ERUs will be billed to a single-family residential parcel with 2,601 to 3,800 square feet of impervious area. A rate of 2.19 ERUs will be billed to a single-family residential parcel with 3,801 or more square feet of impervious area. ~~All single family residential parcels in the stormwater service area will each be billed as one ERU.~~ All nonresidential parcels in the stormwater service area will be billed based upon the ERU equivalency factor on the parcel.

ERU equivalency factor shall mean the ratio of the square feet of impervious surface on the parcel compared to the 2,019 square feet of impervious surface in one ERU.

...

~~*Nonresidential*~~ *Non-single-family residential parcel* shall mean any developed property not fitting the definition of single-family residential parcel contained in this section and such property shall be deemed and treated as a nonresidential parcel for the purposes of stormwater management service charges. Nonresidential parcels shall include but not be limited to boarding houses, hotels and motels, houses used primarily for commercial purposes,

commercial properties which include dwelling units, storage areas, railroad rights-of-way, parking lots, park and recreation properties, public and private schools, hospitals and convalescent centers, office buildings, retail businesses, lands in agricultural use which alters the natural hydrologic response, water reservoirs and wastewater treatment plants.

...

Sec. 102-537. - Service fees.

The city council hereby establishes stormwater management utility service fees, which shall be adopted by ~~ordinance~~ resolution of the City Council, and which shall be billed to all properties in the stormwater service area of the city, except as specific exemptions allowed in this article or in future ordinances or amendments to this article shall apply. The stormwater management utility service fees may include a service rate fee applied to each property related generally to the amount and quality of runoff discharged to the public stormwater systems and stormwater receiving waters, a base rate fee for certain costs of service common to all stormwater management utility accounts, and special service fees to persons, entities or properties which require services and/or facilities not commonly needed by all persons, entities, or properties.

...

Sec. 102-540. - Stormwater attenuation credits.

If a single-family residential or non-single-family residential property is served by a constructed, privately maintained dry retention or wet detention system designed to meet SRWMD, or comparable criteria, such property owned shall be eligible for a stormwater attenuation credit. Properties served by privately maintained dry retention systems shall receive a 60% credit toward the stormwater fee. Properties served by privately maintained wet detention systems shall receive a 38% credit toward the stormwater fee. ~~If a nonresidential property~~

~~owner installs property permitted, constructed and maintained stormwater runoff attenuation facilities, systems and/or structures, such property owner shall be eligible for a stormwater attenuation credit, a 25 percent credit for systems designed for a 100 year 24 hour storm event and a 50 percent credit for systems designed for a 100 year 240 hour storm event. The sStormwater attenuation credits for all other stormwater treatment systems shall be determined by a professional, licensed engineer, at the property owner's expense, and shall be based upon the reduction of stormwater runoff achieved by the attenuation facilities, systems and/or structures during the applicable 5-, 10-, and 25-year 24-hour storm events compared to the stormwater runoff, without the attenuation facilities, systems and/or structures, expressed in terms of ERUs. The engineer's calculation of the attenuation credit shall be subject to the city's review and approval. In no case shall stormwater attenuation credits be given to any properties which have attenuation facilities systems and/or structures that are maintained by the city.~~

...

Section 4. Repealing all Ordinances in Conflict. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. Providing for Severability. If any section, subsection, sentence, clause or phrase of this ordinance, or the particular application thereof be held invalid by any court, administrative agency, or any other body with appropriate jurisdiction, the remaining section, subsection, sentence, clause or phrase under application shall not be affected hereby.

Section 6. Providing for Provision of Ordinance to be made a part of the City Code. It is the intention of the City Council of the City of Lake City, Florida that the provisions of this ordinance shall become and be made a part of

the Code of the City of Lake City, Florida, and that the sections of this ordinance may be re-numbered or re-lettered and the word ordinance may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 7. Effective Date. This ordinance shall take effect upon its adoption.

PASSED AND ADOPTED upon first reading the ____ day of October, 2017.

NOTICE PUBLISHED on the ____ day of _____, 2017.

PASSED AND ADOPTED upon second and final reading the ____ day of _____, 2017.

CITY OF LAKE CITY, FLORIDA

BY: _____
Stephen M. Witt, Mayor

ATTEST:

Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

Frederick L. Koberlein, Jr.
City Attorney

SCHEDULE OF STORMWATER RATES & CLASSIFICATION

ERU RATES

Annual ERU fee = \$56.33/yr.
 Monthly ERU fee = \$4.69/mo.

SINGLE-FAMILY BILLING RATES

Single-Family Tier	ERUs	Annual Fee	Monthly Fee
Tier 1 (0 – 1,400 sqft)	0.35	\$19.72	\$1.64
Tier 2 (1,401 – 2,600 sqft)	1.00	\$56.33	\$4.69
Tier 3 (2,601 – 3,800 sqft)	1.60	\$90.13	\$7.50
Tier 4 (3,801 + sqft)	2.19	\$123.36	\$10.27

NON-SINGLE-FAMILY BILLING RATES

The rates of off non-single-family properties will be calculated by:

One ERU being equal to the ratio of impervious area to 2,019 square feet.
 (1 ERU = ratio of impervious area/2,019 sqft)

ATTENUATION CREDITS

Dry Retention Credit	60%
Wet Detention Credit	38%