

ORDINANCE NO. 1519

AN ORDINANCE TO AMEND CHAPTER 31 OF THE CODE OF THE CITY OF JAMESTOWN ESTABLISHING A STORMWATER UTILITY FEE FOR THE CITY OF JAMESTOWN

WHEREAS, the City of Jamestown has certain responsibilities in managing stormwater within its boundaries;

WHEREAS, these responsibilities require continual upkeep and maintenance of the stormwater system throughout the City of Jamestown;

WHEREAS, the City has determined the need for an additional revenue source to lessen the costs to individual landowners in creating, maintaining, operating, repairing, removing, or otherwise modifying the stormwater system;

WHEREAS, the imposition of a stormwater utility fee offers additional financial management options for improving drainage services;

WHEREAS, the stormwater utility fee provides a revenue source for education and mitigation costs to reduce pollution of local bodies of water by supporting the pollutant discharge elimination system requirements for the municipal stormwater drainage system which includes the ponds, streams, and rivers;

WHEREAS, it is in the best interests of the residents of the City that stormwater management be funded by the imposition of a stormwater utility fee which allocates the cost of stormwater management to all property owners.

NOW, THEREFORE, be it enacted by the City Council of the City of Jamestown that Chapter 31, Article VIII of the Code of the City of Jamestown be adopted as follows:

ARTICLE VIII. STORMWATER UTILITY FEE.

Section 31-35. Generally.

Section 31-36. Definitions.

Section 31-37. Collection.

Section 31-38. Calculation.

Section 31-39. Fees for Residential and Nonresidential Properties.

Section 31-40. Exemptions or Reduced Fees.

Section 31-41. Frequency of Change.

Section 31-42. Review of Stormwater Utility Fee for Nonresidential Property Owners.

Section 31-43. Certification of Unpaid Charges.

Section 31-44. Proceeds of the Stormwater Utility Fee.

Section 31-45. Stormwater Utility Fund.

Section 31-35. Generally.

A monthly stormwater service fee shall be collected for each property located within the City of Jamestown.

Section 31-36. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article:

- (1) Unless specifically otherwise identified in this Article or may otherwise be identified by Resolution of the City Council, the *Current Use of Property* is that classification identified, as may be amended from time to time in Appendix A: Airport Zoning and Appendix C: Zoning Regulations – Generally.
- (2) *Area* is the total square footage of all improved and unimproved property contained within the boundaries of each parcel of land as determined by the City Engineer or the City Engineer's designee.
- (3) *Stormwater Utility Rate* is the rate set by the City Council, as may be set from time to time for certain categories of property.
- (4) *Stormwater Utility Fee* is the actual charge imposed against each parcel of land within the City.
- (5) *Nonresidential Property* is any property that does not meet the definition of residential property.
- (6) *Residential Property* is any property with a one, two, or three unit dwelling, or a group home as defined under the City of Jamestown Zoning code, or otherwise shares the characteristics of any of these, which is currently used as a residential dwelling.

Section 31-37. Collection.

The Stormwater Utility Fee shall be collected from each parcel and will be incorporated into the existing utility account for that parcel. The Stormwater Utility Fee will be included as a separate line item on the monthly utility bill. If a parcel of property does not have a utility account, the City shall establish an account and send a bill to the owner of the property on a monthly basis. The City shall accept any and all prepayments for the Stormwater Utility Fee.

Section 31-38. Calculation.

The Stormwater Utility Fee shall be a flat fee based on the Stormwater Utility Rate as may be set from time to time by the City Council. The City Council may base the Stormwater Utility Rate on: the percentage of impervious surface and the size of the property draining into the City's Stormwater system; the square footage of the property; the property's current or anticipated use; or any other consideration within the City Council's discretion for the health, safety, and welfare of the City.

Section 31-39. Fees for Residential and Nonresidential Properties.

Property within the City shall be assessed a monthly Stormwater Utility Fee. The amount of the fee shall be established by Resolution of the City Council.

Section 31-40. Exemptions or Reduced Fees.

Exemptions and reduced fees may be adopted by Resolution of the City Council.

Section 31-41. Frequency of Change.

The Current Use of Property for a parcel shall be changed no more than twice during a calendar year, and only upon the recommendation of the City Engineer and by authorization of the City Administrator, provided that the City Administrator may, at their discretion, refer the proposed change to the City Council for action.

Section 31-42. Review of Stormwater Utility Fee for Nonresidential Property Owners.

- (1) Any nonresidential property owner may seek review of the Stormwater Utility Rate or the Stormwater Utility Fee by filing a signed, written request for review with the City Engineer. The request shall be filed in writing within thirty (30) days of the mailing of the first monthly bill or the first monthly bill containing a new Stormwater Utility Rate or Stormwater Utility Fee. The request must be received at the City Engineer’s Office at City Hall. The request shall set forth the particular grounds in which the review is sought.
- (2) Grounds for review include questions relating to the City’s determination of the parcel’s area and the parcel’s impervious surface.
- (3) The City Council, by Resolution and upon recommendation of the City Engineer, may adjust the rate after considering all pertinent data, including data provided by the property owner before determining the merits of each petition.

Section 31-43. Certification of Unpaid Charges.

The balance of any Stormwater Utility Fee, which has not been paid within one (1) year of issuance, may be certified for collection with the real estate taxes in the following year. Certification shall only occur after notice is sent to the record title owner of the property.

Section 31-44. Proceeds of the Stormwater Utility Fee.

The City of Jamestown Stormwater Utility Fee proceeds shall be used to construct, operate, maintain, repair, improve or remove the City of Jamestown Stormwater system, for stormwater nonpollution discharge elimination, for stormwater education, and any other expenses related thereto. The City may, by resolution of the City Council, use proceeds of the Stormwater Utility Fee for other City public works infrastructure projects.

Section 31-45. Stormwater Utility Fund.

The Stormwater Fees paid to the City shall be maintained in a separate fund to be known as the “Stormwater Utility Fund.”

ATTEST:

APPROVED:

Sarah Hellekson, City Administrator

Dwaine Heinrich, Mayor

Introduced by Council Member Buchanan

Seconded by Council Member Brubakken

First Reading: June 3, 2019

Second Reading: July 1, 2019

Final Passage: July 1, 2019

Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent.