

City of Berkley Stormwater Utility Ordinance & Fees

- **Sec. 126-162. - Storm water service charges.**

(a)

All users shall pay a **stormwater** service charge based on the volume of storm water which is projected to discharge into the combined sewer system from their property.

(b)

The city council shall, by resolution, set storm water service charges at a rate which will recover each user its share of the costs of the storm water sewer system attributable to the discharge of **stormwater** from non city property. The city shall use the revenues of the **stormwater** service charges to pay the costs of water treatment operation and maintenance of the **stormwater** sewer system, and for necessary improvements and additions to the **stormwater** sewer system.

(c)

The city may also collect from users charges imposed to pay the implementation and operation of any of the following:

(1)

Monitoring, inspection and surveillance procedures;

(2)

Reviewing accidental discharge procedures and construction;

(3)

Discharge permit applications; or

(4)

Other fees as the city may deem necessary to operate the **stormwater** sewer system.

- **Sec. 126-163. - Property affected.**

The city shall impose the **stormwater** service charges on all regardless of whether privately or publicly owned.

- **Sec. 126-164. - Calculation of charges.**

The **stormwater** service charge shall equal the number of ERUs for a given lot, multiplied by the annual rate established by the city council per ERU per year. The formula for determining the number of ERUs per multi-

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family residential or nonresidential lot shall be calculated from the amount of pervious and impervious lot area as follows:

$$\text{Number of ERU's} = \frac{0.15 (TA - IA + 0.90 (IA))}{2,600 \text{ square feet/ERU}}$$

where,

TA = total area of each multifamily residential or nonresidential lot (reported in square feet);

IA = impervious area of each multifamily residential or nonresidential lot (reported in square feet).

- **Sec. 126-165. - Billing.**

The billing for the storm water service may be combined with the billing for other **utility** services. Final determinations on measurements per ERU will be determined by the director.

- **Sec. 126-166. - Collection.**

Pursuant to [section 126-147](#) of this Code, unpaid storm water service charges shall constitute a lien against the property affected. Charges which have remained unpaid for a period of six months prior to April 30 may be certified to the city clerk/treasurer who shall place the charges on the next tax roll of the city. In the alternative, the city council may direct the city attorney to take appropriate legal action to collect unpaid charges.

Storm Water Fee: \$62.14 per ERU (Billed Quarterly)

This charge represents the storm water that is treated through Berkley's combination sewer system. The formula is a standard engineering calculation designed to determine storm water runoff based on pervious and impervious areas. The charge has gone up because of the upgrading of the Twelve Towns drainage project, now called the George Kuhn Drainage System. Berkley's share of this project is over 6 million dollars.

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Conversation with City of Berkley DPD Director Derrick Schueller, 248-658-3499

Schueller stated on 6-16-15 that the stormwater ordinance was enacted in 1994 and revised in 2001. A consultant made recommendations with Bolt vs. Lansing court decision in mind. Berkley has no mechanism for users to obtain credits under their stormwater utility system. He knew of no legal action against the city.