

# City of St. Clair Shores Stormwater Utility Ordinance

- **25.110 - STORM WATER UTILITY ORDINANCE Ord. Effective: July 27, 1993**
- **25.111 - Definitions.**

Sec. 1. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meaning hereinafter ascribed to them:

- (1) *Impervious area.* Land area covered by buildings, pavement or other material that prevents **stormwater** from penetrating the soil.
- (2) *Pervious area.* All land area that is not impervious.
- (3) **Stormwater.** Atmospheric precipitation, surface water or cooling water.
- (4) **Stormwater system.** Public sewers, drains, ditches, retention ponds, dams, river impoundments and flood control facilities used for collecting and transporting **stormwater**.
- (5) *EHA.* Effective hydraulic area.

*(ord. eff. July 27, 1993)*

- **25.112 - Stormwater service charge.**

Sec. 2. All owners of real property in the City of St. Clair Shores shall be charged for the use of a **stormwater** system based on the amount of **stormwater** and rate of flow of **stormwater** which is determined to be entering the **stormwater** system from the property. The impact of the **stormwater** from the property on the system shall be determined on the basis of the flat rates or the measurements contained in this chapter.

*(ord. eff. July 27, 1993)*

- **25.113 - Flat rate charges.**

Sec. 3. The quarterly charges for the following properties shall be:

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Single-family residential	\$8.52	Per home
Single-family residential located on waterfront or canal	4.26	Per home
Duplex	4.26	Per unit
Condominium	6.09	Per unit
Apartments	3.65	Per unit
<b>CHARGE</b>	<b>BASIS</b>	

*(ord. eff. July 27, 1993; amend. eff. July 1, 1995; further amend. eff. July 1, 1996; July 7, 1998; June 22, 1999; July 13, 2005; June 7, 2006; June 15, 2007; June 16, 2008; June 29, 2010; July 13, 2011; June 6, 2012; July 5, 2013; June 6, 2014)*

- **25.114 - Charges based on land area.**

Sec. 4. The quarterly charges for properties other than described above shall be computed in the following manner: \$121.71 per EHA multiplied by the following factors for the acreage of the following types of land area:

0.20 for pervious area

0.95 for impervious area

The minimum quarterly fee per parcel is \$3.65.

*(ord. eff. July 27, 1993; amend. eff. July 1, 1995; further amend. eff. July 1, 1995; July 7, 1998; July 13, 2005; June 7, 2006; June 15, 2007; June 16, 2008; June 29, 2010; Aug. 19, 2010; July 13, 2011; June 6, 2012; July 5, 2013; June 6, 2014)*

- **25.114A - Appeals.**

The mayor shall appoint, upon confirmation of council, and the council shall confirm a **Stormwater** Charge Review Board ("Board") to consider appeals by owners of real property upon which a **stormwater** service charge is imposed. The Board shall meet annually during the month of January. Appeals to the Board shall be limited to the issue of the Equivalent Hydraulic Acreage ("EHA") for the real property which is the subject of the appeal as said EHA has been established by city staff. The Board shall recommend to the City Council the action to be taken in regard to each appeal. The City Council shall then take final action on each appeal.

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The Board shall consist of five (5) members including the Director of Community Services or his designee, the Chief Building Official, the City Engineer and two (2) residents of the City of St. Clair Shores. A quorum shall consist of the Director of Community Services or his designee or at least two other Board members.

The factors the Board may consider in evaluating the EHA for the subject property include, but are not limited to, whether downspouts are connected to the sanitary system, whether other measures have been taken by the property owner to eliminate or reduce **stormwater** from entering the sewer and/or drains on the real property, and whether other information exists indicating that the imperviousness of the property has been incorrectly estimated. However, if information is presented during the appeal which indicates that the subject real property's EHA should be increased instead of decreased, the Board, at its discretion, may recommend that the property's EHA be increased.

A real property owner shall commence an appeal with a written submission to the Director of Community Services setting forth the detailed basis for the appeal, including the EHA which the real property owner claims should apply to the subject property. The Director of Community Services may establish written procedures which address non-substantive procedural aspects of the appeal process. The Director of Community Services shall prepare a written evaluation of the appeal, provide the property owner with a copy and forward the appeal and the evaluation to the Board. The Board, in its discretion, may consider and decide the appeal based on the written submission or may permit an oral presentation. The Board shall maintain a written record with regard to the action taken on each appeal and the basis therefor.

*(ord. eff. June 22, 1999)*

- **25.115 - Property affected.**

Sec. 5. Except as provided in this section, all real property shall be subject to the **stormwater** service charges regardless of whether privately or publicly owned. Public streets shall not be subject to **stormwater** service charges. Nonpublic land having its own private storm sewer which discharges all **stormwater** directly to Lake St. Clair shall not be subject to **stormwater** service charges.

*(ord. eff. July 27, 1993)*

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- **25.116 - Billing.**

Sec. 6. The billing for stormwater service will be combined with the billing for other water services. The stormwater charge will appear as an entry on the quarterly water bill. The basis for stormwater service shall be computed by the Director of Community Services.

*(ord. eff. July 27, 1993)*

- **25.117 - Collection.**

Sec. 7. Unpaid stormwater service charges shall constitute a lien against the property affected. Charges which have remained unpaid for a period of six (6) months prior to March 31 of any year may, after notice to the owner, by resolution of the City Council, be certified to the City Assessor, who shall place the charges on the next tax roll. In the alternative, the City Council may direct the City Attorney to file suit and to collect unpaid charges.

*(ord. eff. July 27, 1993)*

- **25.118 - Use of funds.**

Sec. 8. All funds collected for stormwater service shall be placed in an Enterprise Fund.

*(ord. eff. July 27, 1993)*

- **25.119 - Use of stormwater system.**

Sec. 9. No person shall place or cause to be placed any substance into the stormwater system other than stormwater.

*(ord. eff. July 27, 1993)*

- **25.120 - Regulations.**

Sec. 10. The City Manager may promulgate regulations for the operation, management and maintenance of the stormwater system and for connections to that system. The regulations shall take effect upon approval by the City Council.

*(ord. eff. July 27, 1993)*

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- **25.121 - Severability clause.**

Sec. 11. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid, such invalidity shall not affect the remaining portions or applications of the Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined to be inoperable, and to this end the Ordinance is declared to be severable.