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REVIEWED BY
PREPARED BY

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CITY ATTORNEYS OFFICE

[Signature]

AN ORDINANCE TO AMEND CHAPTER 29, UTILITIES, OF THE
CODE OF THE CITY OF ROCK HILL AND APPENDIX A FEE SCHEDULE
CONCERNING STORMWATER FEES FOR UNDISTURBED AND
UNDEVELOPED PROPERTY

BE IT ORDAINED by the Governing Body of the City of Rock Hill
in Council assembled:

SECTION 1. That this ordinance is being adopted in order to effect
proper compliance with the provisions of the Home Rule Act of 1975,
now South Carolina Code of Laws for 1976, Section 5-7-30 and
Section 5-7-260 and Section 2-48 and Section 2-96 of the Code of
the City of Rock Hill.

SECTION 2. That this Ordinance was adopted by the Rock Hill City
Council by a majority vote and applicable public hearing
requirements.

SECTION 3. That the Proposed Amendment to **Chapter 29, Article V.
STORMWATER MANAGEMENT UTILITY, Section 29-302. Definitions,** be and
the same is hereby amended by adding the following:

See Exhibit A attached hereto.

SECTION 4. That the Proposed Amendment to **Chapter 29, ARTICLE V.
STORMWATER MANAGEMENT UTILITY, Section 29-313. Fees, Subsection (b)
Schedule; and Section 29-315. Billing fee.** be and the same are
hereby amended by deleting the current language and inserting in
lieu thereof the following:

See Exhibit A attached hereto.

SECTION 5. That the Proposed Amendment to **Appendix A, Fee Schedule Article V. Stormwater Management Utility**, be and the same is hereby amended by deleting the current language and inserting in lieu thereof the following:

See Exhibit B attached hereto

SECTION 6. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. That this Ordinance shall be and become finally binding after receiving first and second readings given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the ____ day of _____, 2010.

A. Douglas Echols, Jr., Mayor

Susie B. Hinton, Mayor Pro Tempore

John A. Black, III, Councilmember

Kathy S. Pender, Councilmember

James C. Reno, Jr., Councilmember

Osbey Roddey, Councilmember

Kevin H. Sutton, Councilmember

ATTEST:

David B. Vehaun
Municipal Clerk

Exhibit "A"

Sec. 29-302. Definitions.

Undisturbed Property means the property must be raw land which means land in its natural and non-disturbed state. Examples of disturbance shall include, but not be limited to, grading, clearing, dirt removal, dirt depositing, excavation activities, tree harvesting, farming, land activities which change the land, and any activity which may affect stormwater run-off beyond undisturbed raw land. In addition, such land shall not have been subdivided into building lots, does not have water, sewers, streets, utilities, or other improvements necessary before a structure can be constructed. Notwithstanding the above, in the event the City has cleared such acreage for City purposes and not for the direct benefit of the property owner, such clearing shall not disqualify the property from the above classification.

Undeveloped Property means the property may have some limited disturbances as follows: very limited grading, clearing, dirt removal and dirt depositing so long as such activities do not increase stormwater run-off, limited excavation activities so long as such activity does not increase stormwater run-off, and very infrequent tree harvesting not more than once every twenty-five (25) years. In addition, such land shall not have been subdivided into building lots, does not have water, sewers, streets, utilities, or other improvements necessary before a structure can be constructed.

Sec. 29-313. Fees.

(b) Schedule

(3) Monthly nonresidential property fees shall be as set forth in the fee schedule in Appendix A of this Code.

(4) Monthly fees shall also apply to other property including, but not limited to, construction projects, vacant dwelling units, lots, raw acreage and unimproved real estate. The public works director shall determine the appropriate subsection (b)(1), (b)(2), or (b)(3)a or b) in order to properly calculate the correct fee(s).

(5) Where there are multiple residential or nonresidential users, all served from a single or master meter, then the stormwater fee shall be included on such single utility statement and calculated as set forth in subsections (b)(2) and (b)(3) of this section. Where there are multiple nonresidential users, buildings, structures, or units which exist on one parcel of property but are served by separate utility accounts, stormwater fees shall be calculated according to subsection (b)(3) of this section. Total area for each of these separate accounts shall be calculated by

including the individual user's area plus its weighted average share of common and parking areas.

Sec. 29-315. Billing fee.

The stormwater management utility fee shall be billed monthly to users by being included on the combined utility system bill. Payment schedule and discontinuance of utilities service will be governed by the relevant provisions of this chapter. Where a user does not have a utility account, the owner will be billed separately on a regular cycle. Owners of vacant dwelling units and owners of unimproved real estate will likewise be billed on a regular cycle. Where an owner does not have a utility account, any bill remaining unpaid for 30 days after mailing shall constitute a lien upon the property, collectible in the same manner as taxes assessed against such property. In addition, the city may discontinue any other municipal utility service(s) to any customer delinquent in the payment of any stormwater management fee bill in excess of 30 days.

Exhibit "B"

§ 29-313(b). Stormwater management utility fees.

(3) Nonresidential monthly fees for property shall be:

$(\text{Number of ERUs} \times \text{DWF} \times \$2.08) + (\text{acres or fraction} \times \$1.44) + \$0.28$

a) Undisturbed Property as defined will be assigned a C-Factor of 0.00.

b) Undeveloped Property as defined will be assigned a C-Factor of 0.05.

Initially, all nonresidential parcels of property of ten acres or less shall be assigned a runoff coefficient of 0.60. Runoff coefficients for all remaining properties shall be calculated on an individual basis. The minimum monthly fee for nonresidential property shall be \$2.88.

Those properties which have been assigned a runoff coefficient of 0.60 shall be systematically reviewed and adjusted up or down as appropriate.