

Mayor and Council Communication

DATE: 06/13/23

M&C FILE NUMBER: M&C 23-0474

LOG NAME: 20SWM ORDINANCE AMENDMENT-BILLING POLICY 2023

SUBJECT

(ALL) Adopt Ordinance Amending Chapter 12.5, "Environmental Protection and Compliance," of the City Code, Sections 12.5-336, 12.5-340, and 12.5-343, "Definitions, Categories of Drainage Utility Rates, and Administration; Rules," Respectively, to Replace Outdated Definitions for Different Categories of Properties to Ensure Correct Stormwater Utility Rates are Charged to Each Respective Property Within the Municipal Drainage Utility System

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 12.5, "Environmental Protection and Compliance," of the City Code, Sections 12.5-336, 12.5-340, and 12.5-343, "Definitions, Categories of Drainage Utility Rates, and Administration; Rules," respectively, to replace outdated definitions for the different categories of properties to ensure correct stormwater utility rates are charged to each respective property within the Municipal Drainage Utility System.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to request that the City Council adopt an ordinance to revise and clarify the definitions for the types of property subject to a stormwater utility fee for the Municipal Drainage Utility System within Chapter 12.5 of the City Code. The updates do not change how properties are billed or the current fee structure and rates but make it more clear what types of properties are subject to the current rate structures already in place.

In 2019, M&C 19-0242 amended Section 12.5-336 and Section 12.5-340 to increase the Stormwater Utility fee. In addition to the fee revisions, the definitions of non-residential and residential properties were revised and the definition of multi-family residential was deleted in order to simplify the billing categories. When the property names were updated, the definitions for the respective property names were not.

This M&C revises both the property names and their respective definitions so that it is easier to determine which type of property is subject to the billing categories under the ordinance.

"Non-Single-Family Residential Property" will be revised to be called "High Occupancy Residential/Non-Residential Property" which will now be defined as "All developed properties within the City that do not fall under the definition of Low Occupancy Residential Property, generally consisting of commercial, industrial, institutional, and apartment type land uses." This type of property is billed based on the total estimated impervious area of each parcel under the ordinance.

"Single Family Residential Property" will be revised to be called "Low Occupancy Residential Property" which will now be defined as "Any property platted, zoned or used for one-family or two-family residential purposes including manufactured homes, or any triplex or quadplex used for residential purposes. This category of property assigns rates based on residential square footage under the ordinance.

These updated definitions will not change any fee for a respective property as currently defined under the Code and will be changed throughout Division 4 of Chapter 12.5 of the Code where needed. These changes to the definitions are made strictly to clarify the original intent of the updates that were made back in 2019 and simply make it more clear what properties are subject to the associated fees adopted in 2019 under M&C 19-0242.

This project is located in ALL COUNCIL DISTRICTS.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

Submitted for City Manager's Office by: William Johnson 5806

Originating Business Unit Head: Lauren Prieur 6035

Additional Information Contact: Monty Hall 8662

