

CITY OF LIMA STORMWATER ASSESSMENT POLICIES

INTRODUCTION

The following policies are the foundation and principles upon which the stormwater utility and assessments instituted per Ordinance 189-10 and Resolution 11-10 are formulated.

The billing mechanism for the stormwater assessment is via the County Auditor's property tax system. As such, all assessment charges are required to be certified to the County Auditor by September of the previous year the assessment is due. Further, at Council's request, the proposed rate for the following year is to be submitted to Council for their review by July of the preceding year.

DEFINITION OF A SINGLE FAMILY RESIDENTIAL AND NON-RESIDENTIAL PROPERTY

1. Single-family Residential Property (SFR) is defined as follows:

- All single-family residential parcels located within the City of Lima regardless of the size of the building lot or the square footage of the buildings.
- Two-family or duplex properties.
- Condominium properties where each unit is on its own parcel.
- Agricultural properties.

2. Non-residential properties are defined in the following manner:

- All property not encompassed by the definition of Single-Family Parcel, Duplex Parcel, Agricultural and or certain Condominium parcels.
- Apartment property.
- Some condominium properties.
- Commercial property.
- Industrial property.
- Institutional property.
- Governmental property.
- Churches.
- Schools.
- Mobile home/manufactured home parks.
- Federal, State and Locals property.
- Any other property not mentioned in this or the above single-family list.

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DEFINITION OF IMPERVIOUS AREA

Impervious area means areas that have been paved and/or covered with buildings and materials, which include, but are not limited to, concrete, asphalt, rooftop, blacktop and gravel.

PUBLIC ROADWAYS

Public roadways, sidewalks located in the right-of-way, driveway aprons located in the right-of-way (where a parcel boundary ends at the street centerline, exclude the sidewalk and include the driveway apron), and bike paths/trails **are defined as part of the stormwater conveyance system as defined in the definition of the MS4 program.** This protocol will be followed when measuring the impervious area polygons as applicable for non-residential parcels, but limits this inclusion such that it leaves open the avenue to enforce water quality regulations against State and Federal agencies for water quality impacts as allowed by the Clean Water Act MS4 program.

Any private road that does not currently meet local roadway construction standards and would not currently qualify to be dedicated to the city or county will be considered impervious area. The impervious area will be measured and billed to the property owner.

If the private roadway currently meets local construction standards and would currently qualify to be dedicated to the city or county, the impervious area associated with the private road(s) will be measured and billed to the property owner until such time that the private road(s) are dedicated to the city or county by approval action from the appropriate agency.

CONDOMINIUMS

When there is a one to one condominium parcel relationship in the County GIS and County Auditor property tax billing file, each condominium is categorized as a single family residential. In such cases, each unit is assigned one ERU. Under this scenario, the common area amenities and any private roads and parking lots will not be measured and calculated.

If there is not a one to one condominium parcel relationship in the County GIS and County Auditor property tax billing file, the complex will be categorized as multi-family commercial. The impervious area for the entire complex will be measured and the service charge will be assigned to the owner of record.

APARTMENT PROPERTY

Apartment property means a non-single family lot or parcel on which is situated three or more dwelling units. Apartment properties are classified as non-residential properties, and therefore the property owner is billed for the total impervious area of the property.

STRIP MALLS / OFFICE PARKS / MALLS

Stormwater assessments for property used as strip malls, office parks or malls will be the responsibility of the owner of record per the County Auditor's records. Strip malls, office parks and malls are calculated as non-residential properties.

AGRICULTURAL PROPERTIES

All agricultural properties are classified as a single-family residential property and are charged one (1) ERU per month.

MANUFACTURED HOMES

The City of Lima storm water utility shall treat manufactured home parks (no property boundary for each unit) as a non-residential property, measuring the impervious area for the entire complex and billing the property owner of record.

If a manufactured home park exists and each home resides within the park and on land with a clearly defined boundary for each unit, and each property has a separate parcel ID numbers, each property is owned separately, and each property receives a property tax bill from the Auditor's office, these manufactured home properties will be treated as single-family residential properties. Each unit will be billed one ERU per month. Any common areas or private roads and/or amenities will be treated as non-residential property and billed to the park owner or homeowner association.

SPECIAL SITUATIONS

- Railroad lines will be treated as pervious and not be measured. However, any railroad yards will be measured and charged.
- Properties used for auto storage (a.k.a. junkyards) will have the areas used for auto storage determined. If the autos are stored on gravel or paved surfaces, these areas will be measured and treated as gravel or impervious area. Gravel or paved driveways will be measured and treated as

impervious surfaces. All buildings and paved parking lots are included in the impervious area measurement.

- Manufacturing properties that use outside and uncovered storage of raw materials will have the areas beneath and used for storage of materials determined. If the raw materials are being stored on gravel or paved surfaces, these areas will be measured and treated as gravel or impervious area. Driveways will be measured and treated as gravel or impervious area. All buildings and paved parking lots will be calculated as impervious area measurement.
- Stone quarry properties that store large piles of stone will be charged as impervious for any structures, parking lots and driveways located within the properties. The area used for storage of stone will not be included in the impervious area measurement.

EXEMPTION OF CERTAIN PROPERTIES OR LAND USE TYPES FROM STORM WATER SERVICE CHARGES

No exemptions from the storm water service charge will be provided.

BILLING

The owner of the parcel is responsible for the storm water service charge. The Utility does not offer “deconsolidation” of charges in situations where a property owner wishes to reallocate charges to tenants.

PROPERTIES WITH MORE THAN ONE (1) PARCEL CONTAINING IMPERVIOUS AREA AND VACANT PROPERTIES

Developed and undeveloped (parcels that do not contain impervious area) parcels will be charged a minimum of 1 ERU for each individual parcel, whether a residential or non-residential parcel.

PARCEL CONSOLIDATION

Parcel splits or consolidation changes made and approved prior to July 31st may take effect the following year after combining or splitting of parcels. Completion of a *Parcel Change Form* must be received and approved by the Stormwater Manager prior to July 31st for stormwater assessment modifications.

IMPERVIOUS AREA CHANGES

For newly developed or re-developed properties:

- ERU calculations for newly developed properties and/or re-development properties received and approved by the Stormwater Manager by July 31st will be delivered to the County Auditor's Office for the next billing year. No pro rations or refunds will be provided.

Properties that have been demolished or damaged due to some catastrophic event:

- Each property filed as demolished will be inspected to determine if all of the impervious area has been removed from the property. After completion of inspection, the Stormwater Manager will adjust the stormwater billing file to reflect changes.
- Changes to impervious areas prior to July 31st will be updated for the next billing year.

HANDLING OF STORM WATER UTILITY AND PROPERTY OWNER BILLING POLICY DISAGREEMENTS

The City of Lima storm water utility will act to resolve any disputes between parties asking for resolution. When a dispute occurs, the following process would be initiated immediately:

1. The party raising the question must submit the issue in writing to the City of Lima Storm Water Manager, advising them of the issue in dispute and requesting a resolution.
2. The Public Works Director and Storm Water Manager will meet to discuss the issues and reach a conclusion to resolve the problem.
3. The officials will advise the party, in writing, of their joint decision and the parties will proceed with the disputed issue based upon that decision.
4. Should the City of Lima storm officials and the property owner fail to reach agreement on this matter, and there appears to be no possibility of reaching agreement, then the property owner may request that the Board of Appeals hear both parties and make a final judgment to resolve the disputed issue.

ERU DETERMINATION

Use 2,600 square feet of impervious area to represent one (1) Equivalent Residential Unit (ERU).

SERVICE CHARGE CALCULATION IN WHOLE OR PARTIAL ERUs

The ERU and rate system only recognizes complete or whole ERUs. The following rounding protocol will be followed in rounding to whole numbers:

- Below 0.50 is rounded down to the nearest whole ERU; and
- 0.50 and above is rounded up to the next higher whole ERU;
- All properties should receive at least 1 ERU.

Examples of rounding situations (with a calculated ERU of 2,600 ft²):

<u>Impervious Area</u>	<u>ERU (before rounding)</u>	<u>ERU (rounded)</u>
1,175 ft ²	0.45	1.0
4,125 ft ²	1.58	2.0
11,250 ft ²	4.32	4.0
31,750 ft ²	12.21	12.0
100,981 ft ²	38.83	39.0

CREDITS

Credits means an on-going reduction in a customer’s stormwater user charge given for certain qualifying activities that either reduce the impact or increased stormwater runoff or reduce the City’s costs of providing stormwater management.

Credit is available for all eligible non-residential, commercial properties only. See Stormwater Credit Manual for types of credits available and the process to apply.