



# City of Mount Vernon Stormwater Utility Rules and Regulations

Stormwater Utility

Approved June 2, 2020

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## **Introduction**

*In accordance with Chapter 920 of the Codified Ordinances of the City of Mount Vernon, the Utility Commission has established the following Rules and Regulations to provide for the implementation of the provisions of Chapter 920 of the Codified Ordinances, the safe and efficient capture and conveyance of stormwater runoff through the management and operation of the City's Stormwater Utility and construction and maintenance of the City's stormwater system and the regulation, assessment, collection and crediting of rates and charges for stormwater service.*

## 1. Definitions

Definitions not included in Section 920 of the Codified Ordinances that are utilized in these Rules and Regulations are defined in this section.

“Shall” is always mandatory and is not discretionary; “may” is permissive; “should” is permissive but indicates strong suggestion.

Customer: The owner of a lot or parcel of residential or non-residential property shall be considered the customer for the purpose of assessing stormwater service charges, unless otherwise determined by agreement between the owner and third party such as a lease or contract to purchase, whereby third party accepts responsibility for payment of City Utilities.

Lot: A tract of land that has been assigned a parcel identification number by the Knox County Auditor’s Office.

Rounding: Replaces a numerical value with a different number that is approximately equal to the original number. Rounding ERUs to the nearest whole number, or one’s place, means that when the tenths place is 0, 1, 2, 3, or 4 then the ERU is rounded down to the nearest whole number. If the tenths place is 5, 6, 7, 8 or 9 then the ERU is rounded up to the nearest whole number.

Rules and Regulations: This document, which outlines additional information not contained in the City Ordinance, is used by the City to regulate stormwater management and the stormwater utility. The document is maintained by the City of Mount Vernon Utility Commission. Amendments to the document are open for public review a minimum of 21-days prior to acceptance by the Utility Commission by a majority vote.

## 2. Service Charges and Billing Practices

### 2.1 General

Current residential and non-residential parcels with impervious area within the City of Mount Vernon will be assessed a stormwater service charge as of July 1, 2020. The service charge is based on the usage of the stormwater system by the property which is based on the impervious surface area generating stormwater runoff.

The stormwater service charges shall be billed monthly unless there is a need for additional or prorated billing to reflect any customer changes or initial customer billing. Stormwater service charges shall be billed along with the water and sewerage charges and shall be payable on the same date to the Division of Water and Wastewater. Customers without water and sewer service will receive separate stormwater service billings if their property has impervious area within the City of Mount Vernon limits. Bills will be sent at the first of each month, with payment required by the 15<sup>th</sup> of each month. All bills for stormwater service not paid by the due date shall be considered delinquent.

If a bill for stormwater service charge remains unpaid for a 30-day period, the balance due will be added to the next monthly billing. Notice shall be provided with the second bill that if all bills are left unpaid,

current delinquent and additional service charges shall be applied to the bill. If the charge is not paid, it shall be certified to the Auditor of Knox County, who shall place that amount on the tax duplicates of the County, with interest and penalties allowed by the law and the balance will be collected by the Auditor of Knox County.

For new construction or redevelopment, stormwater service charges shall commence following construction plan review approval. Information regarding the construction of impervious area is requested in the plan review process. This impervious area data and ERUs will be input into the City's GIS database on an annual basis, prior to July 1 of each year. Thus, the first bill for new stormwater service associated with new or redevelopment would be issued within a year following completion of property improvements identified by construction stormwater inspections. Charges for maintenance or other work performed by the City of Mount Vernon Stormwater Utility on behalf of a customer shall be reimbursed at the time the work is completed and shall be included on the customer's next utility bill. Installment payments must be arranged through the Utility Commission.

Stormwater service charges may be adjusted and/or credits applied for to modify the amount due per property as detailed in Section 4.

## **2.2 Owner's Rights and Responsibilities**

Notwithstanding billings to, and assumption of responsibility by any other person, charges for stormwater service shall remain the ultimate responsibility of the customer billed, who shall hold the Utility harmless from any loss occasioned by the delinquency of the person billed, including all penalties, recording fees, attorney's fees, interest and court costs, if any.

The owner of the parcel/lot shall, upon request to the Utility Commission, have the right to examine the Utility's records of billing and collection for the owner's property to ascertain whether such charges have been timely paid and the amount thereof.

Nothing herein contained shall permit the owner, or any other person other than the customer being billed, to inspect, examine or otherwise obtain confidential information including the income, employment, finances, or other personal information of the customer.

For properties with inactive utility accounts, where no water or sewer charges have been generated for 60 days or more, the stormwater service charge shall revert to the owner. For billing purposes, a stormwater only account will remain in place for the property, payable by the owner of the property.

Stormwater service charges attach to the property unless the customer is other than the property owner. However, if an owner sells or otherwise transfers premises billed for stormwater service, that owner will be held responsible for the payment of all bills rendered for stormwater service until written notice of the transfer has been given to the Utility Commission, and the account may properly be transferred to another customer.

## **2.3 Service Charge Updates**

City Council by resolution institutes the base rate to ensure adequate revenues to fund expenditures of stormwater management and to provide for operations, maintenance, and capital improvements of stormwater conveyance systems within the City.

The City Engineer shall perform an analysis of rates each even year, starting in 2022. The analysis shall compare revenue with expenditures and assess the adequacy of the billing rate. The Engineer shall present the analysis to City Council prior to any request for billing rate adjustment. The Engineer shall submit a proposal to City Council who may approve, modify and approve, or disapprove the proposed billing rate adjustment. It is intended that the rate will eventually fully fund the City's Stormwater Program.

## **2.4 Billing Methodology**

The City Water and Wastewater billing department will collect the fees for the Stormwater Utility, as it is already billing most property owners in the City. The actual procedures for collecting the monies is the same as for water and wastewater billing, and will be included on the same bill. Water and wastewater rates can be found in Chapters 913 and 919 of the Codified Ordinances of the City of Mount Vernon. Fees, credits and other policies can be found in the Rules and Regulations of the Water and Wastewater Department, Council under Chapter 919.08 of the Codified Ordinances of the City of Mount Vernon.

The amount to be billed for this Stormwater Utility is determined by City Council under Chapter 920.41 of the Codified Ordinances of the City of Mount Vernon.

### **3. Engineering and Construction Practices**

#### **3.1 General**

It shall be a violation of these Rules and Regulations to connect or outlet, either directly or indirectly, any discharge line or sewer carrying anything other than stormwater, surface runoff (including normal street or yard drainage), or groundwater to a storm sewer, ditch or conveyance structure. See Chapter 924 and 920 of Codified Ordinances of the City of Mount Vernon.

It shall be a violation of these Rules and Regulations to dump or dispose of trash, garbage, yard waste, household waste, industrial waste or debris in a stormwater sewer, ditch or conveyance structure.

All site development and redevelopment shall include adequate and proper stormwater drainage and erosion control provisions.

#### **3.2 Private Stormwater Facilities Draining to the Public Drainage System**

The City of Mount Vernon shall have no responsibility for the installation, maintenance and repair of private stormwater facilities or private drain systems.

No newly constructed drain shall cross the property of another private owner unless such private owner has granted an easement for such private drain which is duly recorded in the office of the Knox County Recorder.

All costs and expenses incidental to the installation and connection of the private drain or private drainage system shall be borne by the owner. The owner shall indemnify the City for any loss or damage directly or indirectly occasioned by the construction or installation of the private drain, including backwater damages from the public drainage system.

The connection or outlet of a private drain into the public drainage system shall conform to the City of Mount Vernon specifications and standards. Any deviation of the prescribed procedure or material must be approved by the City Engineer before installation.

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Engineer.

All excavations for construction or installation of drainage facilities shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in accordance with the City of Mount Vernon specifications and standards.

All private construction and installation of stormwater drainage works shall include proper restoration and provisions for erosion and sediment control in accordance with City of Mount Vernon specifications and standards and in accordance with the Ohio Environmental Protection Agency.

No property owner shall change the stormwater runoff pattern of their property in such a way that neighboring properties or City property is adversely affected. Consideration and provisions must be made for drainage to and from neighboring properties when land use or development is altered.

### **3.3 Extension of City's Storm System**

If adequate public drainage outfalls do not exist, the developer shall extend or cause to be extended adequate outfall drains. Plans for any such outfall drain extension must be approved by the City Engineer.

Review of the plans and inspection prior to and during construction by the City Engineer shall be at the expense of the developer.



## **4. Credits and Adjustments**

The City Engineer shall one time per year, based upon development plans for new additions, new developments, or demolition, revise and adjust impervious area and ERUs as appropriate. The City Engineer shall complete the necessary calculations and billing adjustments prior to July 1 each year.

Customers seeking credits or adjustments must file an application on the appropriate forms and be accompanied by the appropriate application fee. No credits will be available for the first year of the storm utility, from July 1, 2020 to June 30, 2021. Adjustments can be made at any time.

Billing adjustments based on updated impervious area measurements will be reviewed and approved by the Mount Vernon Utilities Commission. Adjustments shall be applied retroactively to the date of the customer's initial written inquiry. Adjustments may be made by crediting the customer's utility account until overpayment has been fully repaid or by refund as approved by the Utilities Commission.

Where impervious area, and thus ERU, and credit adjustments are requested, the ERU determination must be completed prior to billing adjustments.

### **4.1 Retention/Detention Credit for Non-Residential Customers**

Retention/Detention credits are available for non-residential customers on a case by case basis as defined in Section 920.47. Appendix A contains the application for the customers.

No credits are available for a parcel that is not current on all utility bills.

Retention/Detention credits may be granted for facilities that reduce the quantity of stormwater runoff and/or improve stormwater quality through detention. Facilities with a retention/detention facility designed to meet City design standards may apply for this credit. The minimum credit of 20% will be granted provided the facility meets the design standard as documented in as-built documents, signed and sealed by a Professional Engineer registered in the State of Ohio. There is a one-time non-refundable application fee of \$250.00 for the first retention/detention facility on a site. An additional charge of \$100.00 is required for each additional facility on the same property.

Facilities which provide extended detention, beyond that required in the City's Stormwater Ordinance, may receive greater than 20% credit, not to exceed a maximum of 50%, based on the calculated percent reduction as specified on the application in Appendix A.

The City Engineer shall review the Credit Application and all of the required submitted materials including engineering calculations, as-built drawings and the operation and maintenance plan. Documents provided to the City Engineer must be signed and stamped by a Professional Engineer registered in the State of Ohio.

If there is not sufficient information the City Engineer shall request up to two times for additional information. If sufficient information is not provided upon the third submission the credit will be denied and the application fee will be surrendered.

The City Engineer shall determine the appropriate credit available to the non-residential customer following review of the submitted information. Disputes on the credit offered by the City Engineer will be discussed at a Utility Commission meeting.

In order to maintain credits, reapplication is required biennially (every two years) to ensure that operation and maintenance of the facilities is ongoing, and that the facility is functioning within design parameters.

The City Engineer reserves the right to inspect all storm drainage control facilities and ascertain whether they are operating properly. If a system, due to improper maintenance or any other reason, fails to manage stormwater in an effective manner, the City Engineer shall issue an order to complete the repairs on the facility within 60 days.

If such repairs are not completed in a timely manner the City Engineer may issue an order eliminating or reducing credits.

#### **4.2 Adjustments for Residential Customers**

Residential customers all receive a bill for one Equivalent Residential Unit (ERU). If a customer receives a bill for a residential lot where no impervious area is present (there is no development on the parcel), then the customer can apply for an adjustment of the monthly billing rate. Appendix A contains the application for residential customers. No more than one application can be requested per address per year.

The City Engineer shall review the Adjustment Request and, if needed, perform a visit to the parcel to ensure that no impervious area is present on the parcel. Starting January 1, 2022, a fee of \$25.00 shall be assessed if it is found that an improvement is removed without the proper demolition permit or it is found that the Adjustment is not warranted.

The City Engineer shall determine whether an adjustment shall be granted. Disputes on any adjustment decision by the City Engineer shall be reviewed by the Utility Commission.

Reapplication is not required to maintain the adjusted rate.

Development or adding impervious area on the parcel shall negate any adjustment. The issuance of any zoning permit or other action which increases the impervious area shall be cause for an adjustment of the stormwater service charges. The property owner or customer shall have the obligation of informing the City Engineer of any such changes.

#### **4.3 Adjustments for Non-Residential Customers**

Non-residential customers receive a bill based on the amount of impervious area on their parcel. The impervious area is divided by the square footage per ERU, which was determined to be 2,900 square feet.

This provides the City with the number of ERUs that each non-residential customer must contribute as their stormwater service charge.

Changes in the impervious area on a parcel can increase or decrease the total charges to the parcel. The issuance of any zoning permit or other action which increases the impervious area shall be cause for an increase in the number of ERUs which results in an increased stormwater service charge. Removal of impervious area through demolition and restoration to natural pervious ground cover shall be cause for a decrease of the stormwater service charges. The property owner or customer shall have the obligation of informing the City Engineer of any such changes.

The City Engineer shall determine whether an adjustment shall be granted. Disputes on any adjustment decision by the City Engineer shall be reviewed by the Utility Commission.

Reapplication is not required to maintain the adjusted rate.

Appendix A contains the application for the non-residential customers. No more than one application can be requested per address per year.

## **5. Appeals**

The appeal process will be used for appeals by customers of the fee they are being charged, not to contest the rate structure or the existence of the fee itself.

Customers may only appeal on the basis of their belief that City staff applied the fee determination methodology incorrectly to their individual property.

Appeals may be filed with the City Engineer, using the Stormwater Utility Customer Appeal Form (Appendix A). There is a \$250 application fee to begin the appeal. Only one appeal can be made per year per mailing address.

The City Engineer or a designee will review all appeals and render a decision. Adjustments or credits that would change a customer bill by greater than \$500 per month must be approved by the Utility Commission.

The decisions of the City Engineer can be appealed to the Utility Commission.

The Utility Commission will review the appeal and will have 60 days to perform the review and shall render a written determination. The opinion shall be forwarded to the user by certified mail, return receipt requested.

If the appeal is denied the customer may appeal to the Knox County Court of Common Pleas.

## **6. Delinquencies and Collection**

The failure to receive a bill shall not affect the right of the City of Mount Vernon to seek any remedies available to it by law.

Disputing the accuracy of a bill shall not be a valid reason for non-payment of a bill by the customer. Nor shall the filing of an application for a discount or credits stay the customer's obligation to pay stormwater charges when due. The customer may pay a bill under protest, thus giving written notices that redress is being sought. Such written notices must be filed with the City Engineer prior to the due date of the bill.

Delinquent stormwater service bills shall be subject to a collection or late charge of ten (10%) percent on the outstanding balance.

Bills are due 15 days from the issuance of the bill. If a bill is unpaid after 30 days a double bill shall be issued to the customer along with delinquent and additional charges.

Where the property having a delinquent account for charges for stormwater and the charges are not paid within 90 days, the Utility Commission shall certify to the Auditor of the County where the property is located, who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law to be collected as other utility service charges are collected.

Moving from one location to another in no way absolves the customer from responsibility for any unpaid charges incurred at a previous location.

Checks returned for nonsufficient funds will be subject to reimbursement of the fee the banking institution charges the City of Mount Vernon and an administrative charge of \$5.00.

In addition to the foregoing remedies, the Utility may foreclose liens established under Section 920.99.

## **7. Enforcement and Procedure**

In accordance with Section 920.99, the power to enforce the provisions of Chapter 920 not specifically dealt with elsewhere shall be vested in the City Engineer and such designees as s/he may appoint for such purposes.

Whenever the City Engineer or any such designee shall deem it appropriate to charge any person with a violation of Section 920, s/he may issue to such person a Notice of Violation and/or Summons.

All enforcement actions taken by the City requiring a response by the user shall be made in writing and sent by certified mail, return receipt requested.

The Utility Commission reserves the right, by appropriate action, to amend, modify, delete, change, or otherwise revise these Rules and Regulations as it may deem, from time to time, to be desirable and/or necessary.

City of Mount Vernon June 2, 2020  
Stormwater Utility Rules and Regulations

# Appendix A: Credit and Adjustment Application Forms



## Stormwater Utility Retention/Detention Credit Application

- 1 Applicant Name
- 2 Contact Name (if different than applicant)
- 3 Parcel Number
- 4 Mount Vernon Water/Sewer/Stormwater Account Number
- 5 Property Address
  
- 6 Mailing Address (if different)
  
  
- 7 Phone Number
- 8 Email Address
- 9 Retention/Detention Facility Description
  
- 10 Include Documents Signed and Stamped by a Professional Engineer Registered in the State of Ohio
  - Engineering Calculations based on City Ordinance 920.47 (a) 2
  - As-Built Drawings
  - Inspection and Maintenance Plan

In order to maintain credits, reapplication is required biennially to show inspection and maintenance of facilities.



## Stormwater Utility Residential Adjustment Request

1 Applicant Name

2 Parcel Number

3 Mount Vernon Water/Sewer/Stormwater Account Number

4 Property Address

5 Mailing Address (if different)

6 Phone Number

7 Email Address

8 Location/Description of the Undeveloped Property with No Impervious Area for Adjustment





## Stormwater Utility Non-Residential Adjustment Request

- 1 Applicant Name
- 2 Contact Name (if different than applicant)
- 3 Parcel Number
- 4 Mount Vernon Water/Sewer/Stormwater Account Number
- 5 Property Address
  
- 6 Mailing Address (if different)
  
  
- 7 Phone Number
- 8 Email Address
- 9 Location/Description of the Adjustment



## Stormwater Utility Customer Appeal

1 Applicant Name

2 Contact Name (if different than applicant)

3 Parcel Number

4 Mount Vernon Water/Sewer/Stormwater Account Number

5 Property Address

6 Mailing Address (if different)

7 Phone Number

8 Email Address

9 Decision being Appealed Including Date of the Decision

10 Statement with Specific Reasons why the Decision is Incorrect, Provide Additional Documents as Necessary