

ORDINANCE NO. 02-04-06

AN ORDINANCE ESTABLISHING A STORMWATER UTILITY PURSUANT TO FLORIDA STATE STATUTES 166 AND 403.0893; ESTABLISHING A UTILITY RATE STRUCTURE INCLUDING USES APPLICABLE TO THE UTILITY, EXEMPTIONS, MITIGATION CREDITS, IMPACT FEES, BILLING, OPERATING BUDGET, AND RATE STRUCTURE; TO REPEAL CONFLICTING ORDINANCES OR PROVISIONS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF NICEVILLE, FLORIDA:

WHEREAS, Resolution No. 03-01-01 was adopted on March 13, 2001, as amended, initiating activities directed towards the creation of a Stormwater Utility within the corporate limits of the City of Niceville to address the control and management of area stormwaters including drainage, flooding, and the adverse water quality conditions of receiving surface waters; and

WHEREAS, the concept of stormwater management as a utility is similar to those for water, sewer, gas, and electric service. That is, users pay for improvements based on extent of use (or contribution). The term "use" in a Stormwater Utility is defined as the levels of runoff generated by a particular land use, less any exemption or credit for the mitigation of adverse stormwater effect which have been provided by a landowner; and

WHEREAS, Stormwater utilities are frequently created for a specific purpose such as improvement of drainage, the elimination of flooding, or the improvements to water quality. Most stormwater utilities provide the bulk of the stormwater management systems funding needs and are substantially based on the extent of discharge from particular types of property. The revenues generated by a Stormwater Utility are typically used for: capital projects, operation and maintenance, planning and engineering, development of regulations and their enforcement, and administration; and

WHEREAS, special attention has been given to the following rate schedule for the City of Niceville to provide a reasonable rate structure for City residences and modest rate for the City's non-residential users.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NICEVILLE, FLORIDA, THAT in accordance with Florida State Statutes 166 and 403.0893, a Stormwater Utility is hereby established and the Stormwater Utility Rate Schedule is as follows:

Single Family Detached Residence: each residence will be billed \$1.50 per month.

Other Residential: multifamily residential units will be billed \$1.50 per month for each residential dwelling unit.

Institutional (Governmental and Not-for-Profit Facilities): Institutional uses will be billed \$1.50 per month for each major structure (larger than 5,000 sq.ft.) plus \$1.50 per month for each equivalent residential (7,500 square feet) impervious area other than major structures.

Commercial: Each commercial use within the City will be billed a minimum of \$3.00 per month plus \$1.50 per month for each equivalent residential (7,500 square feet) impervious area.

Industrial: Industrial users will be billed a minimum of \$3.00 per month plus \$1.50 per month for each equivalent residential (7,500 square feet) impervious area. However, industrial users which contribute identified pollutants to its runoff can receive a water quality surcharge of up to 200 percent of the standard rate as determined by the City Council.

Vacant Land: Vacant lands which are cleared would be billed at a rate of \$.50 per actual acre of cleared land. Vacant lands which are not cleared would be exempt from stormwater utility fees.

Eglin Air Force Base: Eglin Air Force Base has a comprehensive environmental quality control program with a highly trained professional staff to manage the environmental effects of its land and facilities. Based on this existing program, all lands under the jurisdiction of Eglin Air Force Base will be exempt from stormwater fees at this time.

Exemptions: The City may exempt certain uses as conditions or situations warrant. Initially the following exemptions will apply: undeveloped-uncleared lands, roadways, outdoor recreation, and hardships, on a case by case basis.

Mitigation Credits: Stormwater rate credits of up to 80% can be given to parcels of land which demonstrate stormwater control and management facilities which, generate less volume of runoff, generate runoff at a slower rate, or contribute less polluted runoff than a parcel without similar facilities. The calculations of the percentage of credit will be determined by the City Manager, or his designee(s), based on sound technical principles. Credits will be awarded by the City Manager, or his designee(s), on a four-year basis thus requiring each property owner to reestablish his or her credits every four years.

Stormwater Impact Fees: A one-time stormwater impact fee will be levied on each City building permit which is equivalent to five years of standard utility billing rates. For example, a new single-family home would pay \$1.50 per month times 60 months or \$90.00. A commercial use would pay \$3.00 per month for 60 months or \$180.00. Stormwater impact fees will apply to new development or redeveloped parcels.

Payment of Fees and Bills Required: Bills for the monthly charges and fees hereinbefore mentioned shall be submitted by the City, utilizing the utility billing and shall be paid by the users monthly. The charges shall be due on the first day of each month. The City shall establish a payment receipting priority for utility payments that provides for the Stormwater Utility payment being processed and credited immediately after any arrearage has been satisfied.

Operating Budget: The City shall adopt an operating budget for the Stormwater Utility in conjunction with the City's annual operating budget. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service.

Required Levels of Rates for Utility Fees: The City Council shall require that adequate revenues are generated to provide for a balanced operating budget by at least annually setting sufficient levels of Stormwater Utility Fees.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall become effective immediately upon its adoption according to law.

ADOPTED in session this 9th day of September, 2002

MAYOR

ATTEST:

CITY CLERK