

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE V: PUBLIC WORKS
CHAPTER 58: STORMWATER UTILITY
O-2025-10

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE V: PUBLIC WORKS OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED.

Section 1. Amend **CHAPTER 58: STORMWATER UTILITY** as follows:

§58.01 TITLE.

This Ordinance shall be known as “The Stormwater Utility Ordinance” hereinafter as “Ordinance” and may be so cited.

§58.02 AUTHORITY, PURPOSE, JURISDICTION.

(A) Authority. Pursuant to G.S. Chapter 160A, Article 16, the City of Monroe is authorized to create a stormwater utility and enterprise fund and in so doing establish a schedule of rents, rates, fees, charges, and penalties for the use of or the services furnished by such public enterprise.

(B) Purpose. It is the purpose of this section to establish a stormwater utility as an identified fiscal and accounting fund for the purpose of comprehensively addressing the stormwater management needs of the city through a program designed to improve, maintain, operate and repair stormwater conveyance systems and to protect and manage water quality and quantity by controlling the level of pollutants in stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types. It provides a schedule of rents, rates, fees, charges and penalties necessary to assure that all aspects of the stormwater program are managed in accordance with Federal, State and Local laws, rules, and regulations.

(C) Jurisdiction. The boundaries and jurisdiction of the stormwater utility shall extend to the corporate limits of the City, including all areas hereafter annexed thereto.

§58.03 FINDINGS.

(A) Stormwater poses a threat to the public health, safety, and welfare because if unmanaged, it floods properties, erodes watercourses and channels, and pollutes streams and rivers.

(B) By mapping, planning, constructing, operating, cleaning, regulating and maintaining the natural and constructed stormwater management system, the

City reduces the adverse effects of stormwater and improves the quality of groundwater, streams, rivers, and lakes in and around the City.

(C) Providing a stable source of funding for stormwater services, as hereafter defined, can best be accomplished through stormwater management utility funds. Such a utility will benefit owners and occupants of developed land in the City and Monroe citizens.

(D) The amount of impervious surface on a property is the single most important factor affecting the peak rate of runoff, the total volume discharged, and pollutant loadings of stormwater that flows from property.

(E) State law reference. Authority to adopt a Stormwater Management Utility, Chapter 160A, Article 16.

§58.04 DEFINITIONS.

For the purpose of the article, the following words, terms, and phrases shall have the meaning given to them in this section, except where the context clearly indicates a different meaning.

CREDIT. Ongoing reductions in the stormwater management service charge applicable to a given zoning lot or tract in recognition of the on-site or off-site systems, facilities, measures, and/or actions undertaken to reduce or mitigate the stormwater quantity and/or quality impact(s) of the zoning lot or tract that would otherwise impact the public stormwater management system. Credit shall be conditioned on the continuing performance of the mitigation systems, facilities, measures, or actions in reference to standards adopted by the stormwater management utility, and may be revised or rescinded for cause. In no case shall credits exceed the amount of the stormwater management service charge. The means and measures for identifying, issuing and obtaining credits will be provided in a credit policy approved by City Council.

CUSTOMER or CONSUMER. The person or entity to which a bill for stormwater service charges is billed. The customer may be the owner or occupant of a property, but the owner is ultimately responsible for payment of the charge.

DEVELOPED LAND. Real property that contains impervious surfaces, and includes improved land without structures and land on which improvements are under construction.

DRAINAGE SYSTEM. Natural and man-made channels, pipes, ponds and other facilities that transfer, control, convey or otherwise influence the movement of stormwater runoff.

DWELLING UNIT. One (1) or more rooms physically arranged to create a housekeeping establishment with separate facilities for cooking, sleeping and toilet for occupancy by one (1) or more persons.

EQUIVALENT RUNOFF UNIT (ERU). The median of impervious surface area on a single-family detached residential dwelling unit property in the City. The ERU is calculated to be two thousand six hundred and eighteen (2,618) square feet of impervious surface or fraction thereof.

IMPERVIOUS SURFACE. Any surface which, because of its material composition or compacted nature, impedes or prevents natural infiltration of stormwater into the soil. Impervious surfaces include, but are not limited to, roofs, roof extensions, patios, balconies, decks, including wooden slatted decks, athletic courts, swimming pools, excluding the water area of swimming pools, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surfaces. Ungraveled natural footpaths, water surfaces of lakes, streams, and swimming pools and drain fields are not impervious surfaces.

LOT. Land bounded by lines legally established for the purpose of property division.

NON-RESIDENTIAL DEVELOPED LAND. All developed properties except those utilized for residential habitation.

NATURAL STATE. Shall describe existing undeveloped land where the soil and vegetation characteristics has not been substantially modified or disturbed by human activities and the hydrologic function is in an unaltered or natural condition.

PROPERTY OWNER or OWNER. The owner of a real property as shown on the Union County tax records.

REAL PROPERTY. Land, tenements, and hereditaments.

RESIDENTIAL DEVELOPED LAND. Single-family homes, condominiums, multi-family dwellings (duplexes and greater), manufactured homes or home parks, and townhomes. RESIDENTIAL DEVELOPED LAND shall not include structures used primarily for nonresidential purposes or nonresidential developed property.

SINGLE-FAMILY EQUIVALENT RESIDENTIAL UNIT RATE. The unit charge for stormwater service established by City Council.

STORMWATER. The runoff from precipitation that travels over natural state or developed land surfaces and enters a drainage system.

STORMWATER MANAGEMENT SERVICE CHARGE. The charge to provide stormwater services to developed property. The charge is based upon the single-family equivalent residential unit (ERU) as calculated for that property and multiplied by the single family equivalent residential unit rate.

STORMWATER MANAGEMENT SYSTEM or SYSTEM. The system of natural and constructed devices for collecting and transporting stormwater. It includes, but is not limited to, structural drainage systems such as open swales and ditches, catch basins, pipes, inlets, storm sewers, drains, culverts, junction boxes, and other stormwater management facilities that affect the quality and quantity of stormwater located within dedicated public street rights-of-way and City of Monroe permanent drainage easements accepted by the City and all natural stormwater drainage systems.

STORMWATER MANAGEMENT UTILITY FUNDS. The stormwater management service charges and the interest generated by those charges.

STORMWATER SERVICES. City stormwater management programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and City service of structural and natural stormwater and drainage systems of all types. STORMWATER SERVICES include any cost necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and State laws, regulations and rules, and costs related to the mapping, planning, construction, operation, maintenance, inspection, management and regulation of the stormwater management system and the regulation of impervious surface and stormwater.

UNDEVELOPED LAND. All land that is not altered from its natural state to extent that results in less than four hundred (400) total square feet of impervious surface area per individual lot.

§58.05 CREATION OF STORMWATER MANAGEMENT ACCOUNTING.

All stormwater management service charges and interest generated by such charges, and the stormwater management utility funds, shall be placed in a separate City account and shall be used by the City of Monroe solely for operation and administration of the stormwater management program. The City may use funds that are not stormwater management utility funds to provide stormwater services.

§58.06 STORMWATER MANAGEMENT SERVICE CHARGES.

(A) All developed land in the City, whether public or private, shall be subject to a stormwater management service charge. Exemptions shall not be allowed based on age, tax exemption, or other status of an individual or organization. Stormwater management service charges may be subject to a credit reduction in charges as further provided herein.

(B) Stormwater management service charges on developed land shall be based on a schedule of rates, charges, tiers, and late fees fixed and established from time to time by the City Council and maintained on file in the offices of the Finance Director and Director of Engineering. Stormwater management service charges will be determined and modified from time to time by the City Council, so that the total revenues generated by said charges will be used to pay the principal and the interest on the debt incurred for stormwater purposes, and such expenses as are reasonably necessary for providing stormwater services within the City of Monroe.

(C) Computation of stormwater management service charges.

(1) For residential developed land, the monthly stormwater management service charges shall be based on the median amount of impervious surface on a single-family residential lot in the city, which is known as an Equivalent Runoff Unit (ERU). There shall be a tier system for all residential developed properties, based on the amount of impervious surface of the properties, as set forth in the City of Monroe fee schedule.

(2) For nonresidential developed land, the monthly stormwater management service charges are calculated by dividing the total impervious surface area of the property divided by one (1) ERU, rounded to the nearest tenth, multiplied by the established monthly single-family equivalent unit rate as fixed by City Council.

(3) For developments with common property, containing impervious surfaces, such as townhouse developments, cluster unit developments, or condominiums, each dwelling unit shall be responsible for its equal pro rata share of the total impervious surfaces area of the common areas of the development not served by City of Monroe water or sewer or both unless other arrangements are made pursuant to § 58.07(D).

(D) The following exemptions from stormwater management service charges are allowed:

(1) Undeveloped land.

(2) Improved public transportation ways, including public streets, roads, greenways and trails, airport runways, which have been conveyed to the North Carolina Department of Transportation or City of Monroe and which are used by the general public for motor vehicle transportation, and private streets constructed in accordance with the City of Monroe Code of Ordinances and the City of Monroe Standard Specifications and Detail Manual.

(3) Railroad tracks. However, railroad stations, maintenance buildings or other developed land shall not be exempted from stormwater management service charges.

§58.07 BILLING METHOD, RESPONSIBLE PARTIES.

(A) Bills for stormwater management service shall be sent at regular periodic intervals. Stormwater management service charges may be billed on a combined utility bill that also contains charges for electric, gas, water and sewer service and/or solid/waste management service.

(B) Stormwater management service charges for a property that receives water, sewer service or combined sewer and water service will be sent to the customer receiving such service. However, where multiple water and sewer accounts exist for a single parcel, the bill for stormwater management service charges may for good cause shown at the discretion of the City be sent to the property owner.

(C) In cases where a master meter is used for water service to a property with multiple tenants, Owners of the property may, with the consent of the City, designate each occupant of the property as the party to receive the bill for stormwater management service charges by completing and properly executing a form provided by the City. Such designation shall fairly allocate the impervious surfaces actually used by the billed party, and it shall be binding for the period of time specified by the City. No occupant may be designated as the party to receive the bill for stormwater management service charge unless the occupant is also receiving a utility bill for another city service such as electric, gas and or solid/waste. The applicant shall provide notice of the application to each effected utility customer. The City shall approve the per account billing for the parcel unless the billing plan:

(1) Will result in a charge of less than one (1) ERU for one or more accounts, and/or

(2) Does not equitably allocate the fee between accounts.

Such transfer does not relieve either the owner or occupant from liability for stormwater management service charges if they are not paid by the party billed. The approval of per account billing pursuant to this subsection does not relieve the owner from liability for stormwater management service fees if they are not paid by the party billed. The property owner is ultimately responsible for payment of the stormwater management service charge for property for which the party billed has not paid the stormwater management service charge.

(D) All other aspects of billing shall be handled as set forth in the City Council adopted Customer Service Policy unless specifically described in this section, or the section immediately following.

§58.08 PAYMENT PROVISION; UTILITY TERMINATION.

(A) Where stormwater management service charges appear on a combined utility bill or a master summary bill, and a customer does not pay the service charges for all the utilities on the bill, the partial payment will be applied to the respective service charges in the following order: delinquent stormwater management service charges and then to all other City utility service.

(B) Stormwater management service charges are due within the time period stated on the bill. Bills not paid within this time shall be charged a late fee as set forth in the adopted fee schedule.

(C) In the event that the stormwater management service charges and delinquent fee are not paid on or before the final due date, city utility services shall be discontinued on the order established in the City Customer Service Policy adopted by the City Council.

(D) Customers with complaints about the accuracy of stormwater management service charges are entitled to a review as provided in § 58.11. No charge will be retroactively adjusted to resolve customer complaints for a period of more than one year prior to the date the City received the complaint. Any bill charges requiring adjustment must be applied through the utility billing system.

(E) If property is under-billed, or not billed, or a bill is sent to the wrong party, the City may back bill up to a one-year period.

§58.09 ADJUSTMENT AND CREDIT APPLICABLE TO STORMWATER MANAGEMENT SERVICE CHARGE.

(A) Adjustment due to error or oversight. Request for adjustment of the stormwater service charge shall be submitted to the City in accordance with the policy adopted by City Council. Adjustments can also be made by the City should the City identify an error or oversight as long as the City notifies the customer in advance of the adjustment. Adjustments may be requested for errors or omissions on the customer's stormwater service charge. All requests shall be judged on the basis of the number of dwelling units or amount of impervious area on the property.

(B) Credits.

(1) The City may provide a system of credits to reduce stormwater management service charges for properties on which stormwater control measures substantially mitigates the peak discharge or runoff pollution

flowing from such properties or substantially decreases the City's cost of maintaining the stormwater management system. The Engineering Department will develop written policies to implement the credit system. No credit will be authorized until the City Council approves written policies to implement the system of credits; a copy of the approved policies shall be on file with the Engineering Department. The City's policies may make credits retroactive to the date stormwater management service charges were initiated. Any bill charges requiring adjustments must be applied through the utility billing system but no credit will be granted for more than one (1) past year. Credits cannot exceed the stormwater utility charge for the customer. Nothing shall prevent the City Council from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.

(2) Each credit allowed against the stormwater management service charge is conditioned on the continuing operation and functioning of the stormwater control measure as designed; credited stormwater control measures must comply with all applicable laws, ordinances and regulations, and credits may be rescinded for noncompliance with these standards.

(3) Each credit for which a customer applies shall be subject to review and approval by the Director of Engineering or his designee. The Director of Engineering may approve or reject any application for a credit in whole or in part.

(4) Credits shall only be applied to developed lands containing the credited stormwater control measure. For developments with common property containing credited stormwater control measures such as townhouse developments, cluster unit developments, or condominiums, each dwelling unit shall be eligible for its equal pro rata share of the credit unless other arrangements for billing the stormwater management service charge are made pursuant to § 58.07(E).

§58.10 RESERVED.

§58.11 APPEALS.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

(A) An appeal must be filed in writing with the Director of Engineering. At the discretion of the Director of Engineering, the appeal may be required to include a survey prepared by a registered land surveyor and such other information that show the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to the stormwater events.

(B) Using the information provided, the Director of Engineering shall conduct a technical review pursuant to good engineering practices. The Director of Engineering may adjust the stormwater service management charge so long as the

adjustment is in conformance with the general purpose and intent of this chapter. The Director of Engineering may take the appeal to the Environment and Water Resources Committee for their review and/or comment. At the conclusion of the review, the Director of Engineering shall issue a written determination stating whether an adjustment to the stormwater management charge is appropriate, and if so, the percentage of such adjustment. Any approved adjustments must be communicated in writing to the appropriate utility billing staff.

(C) An appeal may be taken from any decision of the Director of Engineering which is averse to the customer by giving notice of appeal to the Board of Adjustment within thirty (30) days after service of the Director of Engineering's written decision on the customer. Notice of appeal shall be given by the customer by delivery of a written statement to the Board of Adjustment stating the grounds for the appeal and providing the Board of Adjustment with a copy of the written decision of the Director of Engineering. The Director of Engineering shall transmit to the Board of Adjustment and the customer all documents constituting the record upon which the Director of Engineering's decision was made.

(D) All decisions of the Director of Engineering and Board of Adjustment shall be served on the customer personally or by registered or certified mail. Mailing shall be based upon the billing address of the customer.

(E) When an appeal is from a decision authorizing an adjustment to the customer's bill, the Director of Engineering's decision shall remain in effect until and unless reversed or otherwise modified. No adjustment to a customer's bill shall be made which is for more than the one-year period immediately preceding the date that the customer's request is first received by the City.

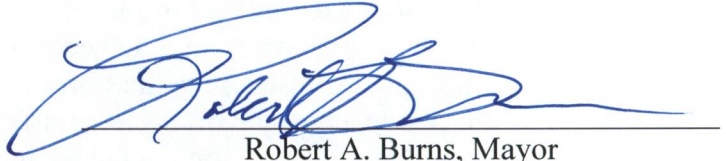
§58.12 LIMITATION OF RESPONSIBILITY.

(A) The City shall be responsible only for the portions of the drainage system which are on city property including city-maintained street rights-of-way. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.

(B) The City's acquisition of storm drainage easements and/or the construction or repair by the City of stormwater control measures and drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, flooding, erosion, or standing water

Section 2. This Ordinance shall be effective July 1, 2025.

Adopted this 8th day of April, 2025.



Robert A. Burns, Mayor

Attest:



Bridgette H. Robinson, City Clerk

