

ORDINANCE NO. 2019-__

AN ORDINANCE TO AMEND CHAPTER 36, UTILITIES, OF THE MONCKS CORNER CODE OF ORDINANCES

WHEREAS, the Mayor and Town Council finds adoption of this ordinance to be in the public's best interest as it will amend the Code of Ordinances of the Town of Moncks Corner in order to address changing community needs, address deficiencies and ambiguities in the Code of Ordinances, and promote public health, safety, and well-being; and

WHEREAS, the Moncks Corner Town Council desires to develop and implement a stormwater user fee program to fund its responsibilities to implement the Town Stormwater Management Program; and

WHEREAS, the following text amendments and additions to the Town of Moncks Corner Code of Ordinances have been proposed by Staff.

CHAPTER 36 – UTILITIES

**ARTICLE IV – STORMWATER MANAGEMENT
DIVISION 9 – CHARGES AND FEES**

Sec. 36-271. – Stormwater Management Utility Fees

Town Council shall establish amounts and classifications for stormwater management utility fees to be implemented to help fund the Stormwater Management Utility and its programs and projects. Town Council shall consider, among other things, the following criteria in establishing fees:

- 1) The fee system must be reasonable and equitable so that property owners and users pay to the extent they contribute to the needs for and benefit from the utility. Town Council recognizes that these benefits, while substantial, in many cases cannot be measured directly.
- 2) Development and implementation costs of the stormwater management program, costs associated with compliance with any NPDES MS4 permit, stormwater maintenance costs, construction costs and the overall operational costs of the stormwater system should be borne equally by all classifications of property owners in the Town in that all will enjoy the direct and indirect benefits of an improved and well-maintained system;
- 3) The components of the calculations used to establish fees shall be based on whatever is determined to be reasonable and fair, to be approved by Town Council and may include, but shall not be limited to, the cost factors of administration, duties and powers found in section 36-201;
- 4) The practical difficulties and limitations related to establishing, calculating, and administering such fees.
- 5) Fees shall initially mirror those of the Berkeley County Stormwater Management Utility, \$36.00/ERU/year.

- a. Should the Berkeley County Stormwater Management Utility choose to increase the fee in the future, the Town of Moncks Corner Utility fee shall increase by an equal rate.
- 6) The Town Stormwater Management Utility fee is based upon the Berkeley County classification system, as follows:
 - a. An ERU is calculated based on a representative sample of impervious surfaces associated with single-family residential (SFR) parcels.
 - b. The established average impervious surface area associated with SFR parcels will be assessed at one ERU and applied uniformly to all mobile home units and SFR units.
 - c. Nonresidential properties will be assessed in multiples of ERUs based on actual impervious areas (subject to a one ERU minimum). This category of properties includes the following properties classified as:
 - i. Commercial property;
 - ii. Industrial property;
 - iii. Institutional property;
 - iv. HOA community center property;
 - v. Multi-family to include duplexes and townhome units not subdivided by parcel lines;
 - vi. Tax-exempt and non-profit;
 - vii. Boat slips (dry stack marinas);
 - viii. Properties whose primary function is not a single-family residence.
 - d. Common areas associated with mobile home parks, multi-family and single-family residential development will be assessed like nonresidential properties and charged to the HOA or property management.
 - e. The permanent stormwater management utility fee and classification system developed through further study at Berkeley County employs an impervious surface model utilizing $\text{impervious ft}^2 \div 2,214 \text{ ft}^2 / (\text{ERU Fee})$ calculation.
 - f. For example: A parcel containing 10,000 ft^2 of impervious surface would pay \$162.00/year. ($10,000 \text{ ft}^2 \div 2,214 \text{ ft}^2 / \text{ERU} = 4.5 \text{ ERU}$. $4.5 \text{ ERU} \times \$36.00/\text{ERU} = \$162.00/\text{year}$.)

Sec. 36-272. - Credit policy.

The Town Administrator is authorized by this ordinance to establish a credit policy for certain parcels within the Town that meet established criteria (i.e. self-containment of runoff, documented stormwater facility maintenance practices, implementation of water quality education programs, etc.) at the time a permanent stormwater management utility fee structure is established.

Sec. 36-273. - Investment and reinvestment of funds and borrowing.

Funds generated for the stormwater management utility from fees, bond issues, other borrowing, and other sources shall be utilized only for those purposes for which the utility has been established, including but not limited to: planning; acquisition of interests in land including easements; design and construction of facilities; maintenance of stormwater system, billing, and administration; and water quality and water quantity management, including monitoring, surveillance, private maintenance inspection, construction inspection, and other activities which

are reasonably required. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the Town for investment and reinvestment of funds. Town council may use any form of borrowing authorized by the laws of the State of South Carolina to fund capital acquisitions or expenditures for the stormwater management utility.

Sec. 36-274. - Stormwater management utility fee billing, delinquencies and collection.

- a) The Town shall levy upon all improved property in the Town limits a stormwater management utility fee, which shall be established from time to time by the Town Council, to be billed annually by the county auditor on the property tax bill and collected by the county treasurer in the same manner as provided for property taxes. Provided however, that in the case of properties which, due to tax exemptions or other reasons, cannot be billed by the county auditor, the town administrator shall implement systems for collection of the sanitation collection fee imposed by this section.
- b) The stormwater management utility fee bill may be sent through the United States mail, or by alternative means, notifying the property owner of the amount of the bill, the date the payment is due, and the date when past due. These fees may be levied, collected and paid in the same manner as user fees applied to annual tax bills. The stormwater management utility fee may also be billed and collected along with other charges, including but not limited to other assessments, fees, or property taxes, as deemed most effective and efficient. Failure to receive a bill is not justification for nonpayment. Nevertheless, if a property owner is underbilled or if no bill is sent for developed land, the Town may backbill for a period of up to one year.
- c) In addition to any other penalties or remedies provided in this ordinance, the Town, upon the recommendation of the Town Attorney and approval of the Town Administrator, may institute a civil action in the appropriate court to obtain compliance with the provisions of this chapter or remedy or prevent the violation or threatened violation of any provision of this chapter.

Sec. 36-275. - Stormwater plan review fee.

Costs associated with stormwater plan review of land development construction documents other than those routinely performed by the Town staff will be assessed a fee to compensate for the cost in labor, equipment, and materials expended in the conduct of the review. Stormwater plan review fees have been established by resolution and revision of such fees shall be approved by the Town of Moncks Corner Council.

Sec. 36-276. - Stormwater inspection fee.

Costs associated with stormwater inspection and re-inspections for land development or construction activities other than those routinely performed by the Town staff as part of compliance monitoring will be assessed a fee to compensate for the cost in labor, equipment, and materials expended in the conduct of the inspection. In addition, post-construction maintenance inspection fees may be assessed by the Town Chief Building Official. Stormwater inspection and re-inspection fees have been established by resolution and revision of such fees shall be approved by the Town of Moncks Corner Council.

Sec. 36-277. - Connection to conveyances.

The Town shall have the right to establish a schedule of appropriate fees for any person or property owner establishing a new discharge to the stormwater management systems or facilities within the Town of Moncks Corner. Application fees shall be established on the basis of facility classes relating to the quantity and quality of approved discharge. Establishment and revision of such fees shall be established by resolution and revision of such fees shall be approved by the Town of Moncks Corner Council

Sec. 36-278. – Fee Schedule

Disturbed Area*	Stormwater Plan Review	Stormwater/Erosion Control Inspection	Re-Inspection Fee**
< 1 acre, greater than 0.5 mile from receiving waters	\$100	\$50	\$50 per inspection, escalating
< 1 acre, within 0.5 mile from receiving waters	Plan review fee based on price from Town’s engineering consultant, plus \$50 administration fee.	\$50	\$50 per inspection, escalating
1.0 – 5.0 acres		\$100	\$100 per inspection, escalating
5.1 – 10.0 acres		\$200	
10.1+ acres		\$400	
Variance or Waiver Request	\$200	N/A	N/A
Major Revisions to Approved Plan***	\$300	N/A	N/A
Minor Revision to Approved Plan****	\$150	N/A	N/A
*Disturbed Area will be calculated to the nearest tenth of an acre			
**A re-inspection fee will be required for all inspections initiated by a Corrective Order, Notice of Violation, or a requested Final Inspection for a site that was not complete on previous inspection. Re-inspection fees will escalate by \$50 per re-inspection. For example, the 1 st re-inspection of a lot less than 0.5 acre would be \$50, 2 nd \$100, 3 rd \$150, etc.			
***A Major Revision includes changes to the detention pond design/calculations, pipe conveyance systems sizes/types, or watershed impacts.			
****A Minor Revision requires less than 3 hours of field investigation and plan review services.			

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on this 17th day of September, 2019, that the Ordinance of the Town of Moncks Corner is amended.

First Reading: August 20, 2019

Second Reading/Public Hearing: September 17, 2019

Attest:

Marilyn M. Baker, Clerk-Treasurer

Approved As To Form:

John S. West, Town Attorney

Michael A. Locklear, Mayor

