

ORDINANCE NO. 5324

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AN ORDINANCE to amend Section 5-6-230 (AUTHORITY AND EFFECTIVE DATE), Section 5-6-233 (STORMWATER UTILITY FEE), and Section 5-6-238 (PETITIONS FOR ADJUSTMENT) of Article C (STORMWATER UTILITY) of Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-6-230, Section 5-6-233, and Section 5-6-238 of Article C of Chapter 6 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended as follows, by deleting the language shown in strikethrough and adding the language shown as underlined:

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ARTICLE C – Stormwater Utility

Sec. 5-6-230 - Authority ~~and effective date.~~

The city is authorized by Virginia Code § 15.2-2114 to establish a utility or enact a system of service charges to support a local stormwater management program consistent with the Virginia Stormwater Management Act (Virginia Code § 62.1-44.15:24 et seq.) or any other state or federal regulation governing stormwater management. ~~This chapter shall be effective January 1, 2018, with the initial stormwater management fee bill due and payable on or before June 15, 2018 and the second not later than November 15, 2018 in the same manner prescribed in 3-2-182 of this code, Real Estate Taxes.~~ Notwithstanding, the city manager is authorized to develop policies, procedures and manuals necessary to implement this chapter in accordance with section 5-6-231 and to accept applications for credit in accordance with section 5-6-235.

Sec. 5-6-233 - Stormwater utility fee.

(a) A stormwater utility fee is hereby imposed on every parcel of real property in the city that appears on the real property assessment rolls as of January 1 of each year. All stormwater utility fees and other income from the fees shall be deposited into the stormwater utility enterprise fund for the sole purpose of funding the activities described in section 5-6-236.

~~(b) The stormwater utility shall be in effect starting January 1, 2018.~~

~~(b) (e)~~ The utility fee rate per billing unit for calculating the stormwater utility fee shall be set at \$140 annually. The fee shall be reviewed annually and set by the city council to be effective July 1 each year, as follows:

(i) For the stormwater utility fee bill due and payable on or before June 15, 2021, the utility fee rate per billing unit for calculating the stormwater utility fee shall be set at \$210.

(ii) For the stormwater utility fee bill due and payable on or before November 15, 2021 and all bills thereafter, the utility fee rate per billing unit for calculating the stormwater utility fee shall be set at \$280 annually.

~~(c) (d)~~ Except as otherwise provided in this chapter, the impervious surface of a parcel shall be determined by the city, including but not limited to, one or more of the following: aerial photography; as-built drawings; final approved site plans; building permits; field surveys; or other appropriate engineering and mapping analysis tools.

~~(d) (e)~~ The stormwater utility shall be under the administration of the director.

~~(e) (f)~~ Notwithstanding subsection (a), and consistent with Code of Virginia, § 15.2-2114, the stormwater utility fee shall be waived in its entirety for the following:

- (1) a federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system in accordance with Code of Virginia, § 10.1-603.2 et seq.; except that the waiver of charges shall apply only to property covered by any such permit;
- (2) public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisition process;
- (3) property owned or operated by the city; and
- (4) cemeteries.

Sec. 5-6-238 - Petitions for adjustment.

(a) Any property owner subject to the stormwater utility fee may request an adjustment to the fee by submitting a request in writing to the director within 30 calendar days after the date the bill mailed or otherwise issued to the property owner. Grounds for adjustment of the stormwater utility fee are limited to the following:

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Attachment 2

(1) an error was made regarding the square footage of impervious area on the non-residential or multi-family property, or the large single family residential detached property;

(2) an error was made regarding the type of single family residential property;

(3) the property is entitled to a full waiver under section 5-6-233(~~f~~)(e);

(4) there is a mathematical error in calculating the stormwater utility fee;

(5) the identification of the property owner invoiced is in error; or

(6) an approved credit was incorrectly applied.

(b) The property owner shall complete a stormwater utility fee adjustment application form in a format approved by the director.

(c) If the application alleges an error in the amount of impervious area for a non-residential or multi-family property, or for large single family residential detached property, the city will provide a plan view of the property's impervious area to the applicant. If the property owner contends that the amount of impervious area is in error, the owner may:

(1) request a meeting with the director; and/or

(2) submit an appeal with a revised plan signed and sealed by a professional engineer or professional land surveyor licensed to practice in the Commonwealth of Virginia attesting to the accuracy of the impervious area measurements.

(d) the requirement for a plan view of the parcel's impervious area required in subsection (c) above may be waived by the director, if at the sole discretion of the director the error is obvious and is the result of a technical error or oversight by the city. In such case, the city shall be responsible for recalculating the impervious area of the property.

(e) The director shall make a determination within 30 calendar days of receipt of a complete submittal for the request for adjustment. In the event that the director finds that the submittal is deficient or incomplete, the director will notify the applicant with an offer of 30 calendar days to supply the missing information. The 30-calendar day time for a decision will begin at such time as the requested information is provided. If the information requested is not provided to the director within 45 calendar days of the original request, the petition will be deemed withdrawn.

(f) A decision by the director on a petition for adjustment is a final decision from which an aggrieved party may appeal to the Circuit Court of Alexandria, Virginia.

Attachment 2

Section 2. That Title 5, Chapter 6, Article C, Section 5-6-230, Section 5-6-233, and Section 5-6-238 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the Code of the City of Alexandria.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

JUSTIN M. WILSON
Mayor

Introduction: _____

First Reading:

Publication:

Public Hearing:

Second Reading:

Final Passage: February 20, 2021