

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 31 - 2018

June 6, 2018

AN ORDINANCE

Amending Article 393.15- Stormwater Utility Fee of the Business Regulation and Taxation Code to Further Explain how Stormwater Utility Fees are Calculated for Impervious Surfaces Held in Common Ownership, and to Adopt a System of Credits Providing for Reductions in Stormwater Utility Fees for Property Owners Who Install Facilities that Aid in Stormwater Management.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That City Council amends Section 393.15.02 to include the following definition:

I. Facility means a structure or system that collects, conveys and manages the volume, rate, and/or quality of surface runoff. It must be designed to meet the requirements of the City of Allentown's Act 167 Stormwater Management Ordinance (April 19, 2007), the Pennsylvania Stormwater Best Management Practices Manual, and the requirements published by the Director.

SECTION TWO: That City Council Amends Section 393.15.05 to read as follows:

393.15.05 STORMWATER UTILITY FEE CALCULATION

A. Unless otherwise specified in this Article, the stormwater utility fee for each parcel shall be calculated in the following manner:

1. Determine the impervious area of the parcel in square feet.
2. Divide the impervious area of the parcel by the billing unit.
3. Round the resulting calculation using natural rounding to determine the number of billing units.
4. Multiply the number of billing units by the rate established in IMPOSITION OF STORMWATER UTILITY FEE Section 393.15.03.B to obtain the stormwater utility fee for the parcel.

~~B. Impervious area held in common ownership shall be calculated using the methodology in Section 393.15.05.A above. The resulting stormwater utility fee will then be divided equally among parcels sharing common ownership. The Director may, on a case by case basis and at the request of an association representing the owners of the property in common ownership, implement alternative methodology for dividing the stormwater utility fee, including but not limited to an established par value.~~

B. The fees for impervious area held in common in ownership are calculated as follows:

1. Determine the total impervious area in square feet held in shared ownership and divide equally by the number of accounts. If an apportionment of ownership distribution is provided, either within the tax parcel data or provided by a resolution of all owners, then such distribution method shall be used to distribute the total impervious area among accounts.
2. Divide the impervious area for each account by the billing unit (500 sf.).
3. Round the resulting calculation using natural rounding to determine the number of billing units for each individual account.
4. Multiply the number of billing units by the rate established in Section 393.15.03.B. to obtain the stormwater utility fee for each account.

SECTION THREE: That City Council amends Section 393.15.06 to read as follows:

393.15.06 STORMWATER UTILITY FEE CREDITS

A. The City Council shall adopt by ordinance a system of credits that provides for reductions in the stormwater utility fee in recognition of practices that reduce the cost of the stormwater management program. The types and amounts of credits is at the sole discretion of the City Council. The credit shall be applied after determination of the stormwater utility fee in accordance with Section 393.15.05. Stormwater Utility Fee Calculation.

i. An Owner may apply for credit against the stormwater utility fee by installing a facility which stores or treats of stormwater. Credits are calculated based on the impervious area treated by the facility and the credit amounts indicated in the table below:

Credit Amount Table			
Facility Type and Sediment Reduction	Base Credit Amount	Voluntary Facility Bonus	Total Possible Credit
Facilities Achieving 10% or More Sediment Reduction from Pre-Facility Conditions (Assumes That These Facilities Also Control Quantity)			
10% to <25%	20%	20%	40%
25% to <75%	25%		45%
75%+	30%		50%
All Other Facilities Built in Accordance with Article 1387 of the City Code, Regardless of Whether it is for Quality, Quantity, or Both			
All	10%	Not Applicable	10%

- ii. An Owner may apply for credit against the stormwater utility fee if the property is subject to and compliant with a current PAG-03 NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity or Individual NPDES Permit for Industrial Stormwater; and, will receive a 10% credit on the stormwater utility fee associated with impervious area covered by the permit.
 - iii. No credit shall be authorized without a written decision of Director as to the facility's eligibility.
 - iv. All credits shall be prospective only. If an Owner's application for a credit is approved, it will be applied to the Owner's stormwater utility fee beginning the following year.
- B. The Director shall develop written policies and procedures necessary to implement the system of credits. These policies and procedures shall include, but not be limited to, provisions to reduce or eliminate the amount of credit if the Director determines that the practice is not functioning as intended.
 - i. The Director shall develop and publish requirements necessary for a facility to be eligible for the fee credit. The Director shall delineate the
 - a. Technical Requirements
 - b. Maintenance Agreement Requirements
 - c. Functional Verification Requirements
 - ii. The Director shall develop a written policy for how and when an Owner may apply for a credit.
 - iii. The Director is authorized to develop a Community Engagement Program to aid Owners in funding the installation of facilities. The Director may limit any credit received through the installation of the facility by the portion of City funds used to finance the facility's construction or installation.
- C. Nothing shall prevent the City Council from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION FIVE: The provisions of this legislation are severable and if any provisions are held unconstitutional or illegal, the remaining provisions shall in no way be affected or impaired.

SECTION SIX: That this Ordinance will take effect ten (10) days after final passage.

LEGISLATIVE TEMPLATE

Instructions:

- E-mail the Bill to Barbara Wagenhurst at Barbara.Wagenhurst@Allentownpa.gov. Absolutely no proposed legislation should be forwarded directly to the City Clerk's Office by a bureau or department. The request will be sent back if the pertinent information is not supplied. Supporting Documents should be included in the e-mail and attached to the bill if necessary. Examples of supplemental information include petitions, maps, reports, rezoning petitions. We will track the bill and fill in the underlined sections.

Template for Bills and Resolutions:

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Public Works, Stormwater Bureau

- **Summary and Facts of the Bill**

On December 6, 2017, City Council passed Ordinance 15417, creating Article 393.15 and imposing a stormwater utility fee on developed parcels in the City for the sole purpose of funding the City's stormwater management program and creating the mechanisms necessary to implement the fee, including adoption of a credit policy.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The bill will allow for the adoption of a system of credits that provides for reductions in the stormwater utility fee in recognition of practices that help the City to reduce its costs in managing stormwater and to meet the requirements of its Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System permit. The Credit Policy incentivises green stormwater infrastructure solutions to meet pollution reduction targets for the City's impaired waterways.

The bill establishes the following types and amounts of credit based on the amount of treated impervious surface and the pollution reduction effectiveness of a facility:

-Stormwater Facility Credit

provided for eligible stormwater management facilities, whether built voluntarily or as a condition-of-development, installed on or after April 19, 2007 (the adoption date of “The City of Allentown’s (Act 167) Stormwater Management Ordinance,” Article 1387 of the City Code). See Credit Amount Table.

-Industrial Permit Credit

provided for properties subject to and compliant with a current PAG-03 NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity or Individual NPDES Permit for Industrial Stormwater will receive a 10% credit on the stormwater utility fee associated with impervious area covered by the permit.

The bill also corrects and clarifies the description of the calculation in Article 393.15.05 B. for fees for impervious area held in common in ownership. The description will match the calculation of data in the Master Account File.

- **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

Funding is included in the ten year financial model and budgeted annually in the Stormwater fund. The credit policy provides an incentive to property owners to reduce their stormwater fee while helping the City to reduce its costs and to meet its regulatory requirements.

- **Funding Sources – Please include the following in your explanation:**

- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

Budget account 086-03-0815-0001-90

- **Priority status/Deadlines, if any**

as soon as possible

- **Why should Council unanimously support this bill?**

The Stormwater Utility Credit Policy provides an incentive for property owners to voluntarily manage the quality and quantity of stormwater runoff from their properties. It promotes the redevelopment of existing uncontrolled impervious area in order to reduce flooding and improve the overall health of the City’s streams. The Stormwater Utility Credit Policy helps the City, in partnership with its residents, meet its regulatory

obligations in a cost-effective and efficient manner while promoting a cleaner environment and safer neighborhoods.