

## **CHAPTER 14-12**

### **STORMWATER UTILITY FEE**

#### **14-12-1 PURPOSE**

The provisions of this Chapter establish a Stormwater Utility Fee for the City. A monthly Stormwater Utility Fee shall be collected for each Residential property located within the City and annual Stormwater Utility Fee shall be collected for each Nonresidential property located within the City.

#### **14-12-2 DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this Chapter:

Unless specifically otherwise identified in this Chapter or may otherwise be identified by Resolution of the City Council, the **Current Use of Property** is that classification identified, as may be amended from time to time

**Area** – is the total square footage of all improved and unimproved property contained within the boundaries of each parcel of land as determined by the City Engineer or the City Engineer’s designee.

**City** – The City of Brandon, South Dakota.

**Stormwater Utility Rate** – is the rate set by the City Council, as may be set from time to time for certain categories of property.

**Stormwater Utility Fee** – is the actual charge imposed against each parcel of land within the City.

**Nonresidential Property** – is any property that does not meet the definition of residential property.

**Residential Property** – is any property with a one, two, three, or four-unit dwelling, or a group home as defined under the City of Brandon, South Dakota R-1 and R-2 Zoning code, or otherwise shares the characteristics of any of these, which is currently used as a residential dwelling.

#### **14-12-3 COLLECTION**

The Stormwater Utility Fee will be included as a separate line item on the monthly utility bill for Residential Property. If a Residential parcel of property does not have a utility account, the City shall establish an account and send a bill to the owner of the property on a monthly basis. The Stormwater Utility Fee for Nonresidential property will be certified for collection with real estate taxes on an annual basis. The City shall accept any and all prepayments for the Stormwater Utility Fee collected thru property taxes.

**14-12-4            CALCULATION**

The Stormwater Utility Fee shall be a flat fee based on the Stormwater Utility Rate as may be set from time to time by the City Council. The City Council may base the Stormwater Utility Rate on: the percentage of impervious surface and the size of the property draining into the City’s Stormwater system; the square footage of the property; the property’s current or anticipated use; or any other consideration within the City Council’s discretion for the health, safety, and welfare of the City.

**14-12-5            FEES FOR RESIDENTIAL AND NONRESIDENTIAL PROPERTIES**

Residential Property within the City shall be assessed a monthly Stormwater Utility Fee. Nonresidential Property within the City shall be assessed an annual Stormwater Utility Fee. The amount of the Stormwater Utility Rate and resulting Stormwater Utility Fee shall be established by Resolution of the City Council.

**14-12-6            EXEMPTIONS OR REDUCED FEES**

Exemptions and reduced fees may be adopted by Resolution of the City Council.

**14-12-7            FREQUENCY OF CHANGE**

The Current Use of Property for a parcel shall be changed no more than twice during a calendar year, and only upon the recommendation of the City Engineer and by authorization of the City Administrator, provided that the City Administrator may, at their discretion, refer the proposed change to the City Council for action.

**14-12-8            REVIEW OF STORMWATER UTILITY FEE FOR NONRESIDENTIAL PROPERTY OWNERS**

1. Any nonresidential property owner may seek review of the Stormwater Utility Fee by filing a signed, written request for review with the City Engineer. The request shall be filed in writing within thirty (30) days of the mailing of the first real estate tax bill containing a new Stormwater Utility Fee. The request must be received at the City Engineer’s Office at City Hall. The request shall set forth the particular grounds in which the review is sought. Grounds for review included questions relating to the City’s determination of the parcel’s area and the parcel’s impervious area.
2. Any nonresidential property owner may apply for a credit based on demonstrated reduction in service needs from the City storm water system through installation of structural storm water management measure. All adjustments are determined on a case-by-case basis through the City Engineer’s office per City Policy.
3. The City Council, by Resolution and upon recommendation of the City Engineer, may adjust the Stormwater Utility Fee after considering all pertinent data, including data provided by the property owner before determining the merits of each petition.

**14-12-9 CERTIFICATION OF UNPAID CHARGES**

The balance of any Stormwater Utility Fee for Residential Property, which has not been paid within one (1) year of issuance, may be certified for collection with the real estate taxes in the following year. Certification shall only occur after notice is sent to the record title owner of the property.

**14-12-10 PROCEEDS OF THE STORMWATER UTILITY FEE**

The City of Brandon, South Dakota Stormwater Utility Fee proceeds shall be used to construct, operate, maintain, repair, improve or remove the City of Brandon, South Dakota Stormwater system, for stormwater nonpollution discharge elimination, for stormwater education, and any other expenses related thereto.

**14-12-11 STORMWATER UTILITY FUND**

The Stormwater Fees paid to the City shall be maintained in a separate fund to be known as the “Stormwater Utility Fund.”

**Legislative History:**

Ordinance No. 634, 9/15/21