

ORDINANCE NO. 22-057

**AN ORDINANCE TO AMEND THE STORMWATER
MANAGEMENT CODE SECTIONS 941.17 AND 941.18**

WHEREAS, it is imperative to maintain sufficient revenues for the current and projected activities in the stormwater fund the customer charge in section 941.17 of the Stormwater Management Code, which have not been increased since their adoption in 2005; and,

WHEREAS, the crediting mechanisms in section 941.18 of the Stormwater Management Code need to be updated to current standards and practices; and,

WHEREAS, it is the recommendation of the Director of Public Service and the Finance Director that it is in the best interest of the City of Canal Winchester to amend Sections 941.17 and 941.18 of the Stormwater Management Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1: That Sections 941.17 and 941.18 of the Stormwater Management Code for the City of Canal Winchester, Ohio be amended as attached in Exhibit A.

SECTION 2: That this ordinance shall take effect and be in full force from and after the earliest period allowable by law.

DATE PASSED 12-19-22



PRESIDENT OF COUNCIL

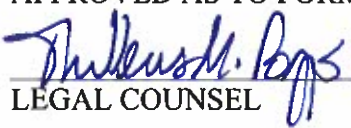
ATTEST 

CLERK OF COUNCIL



MAYOR

DATE APPROVED 12-20-22

APPROVED AS TO FORM:


LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.



Clerk of Council/Finance Director

§ 941.17 CUSTOMER CHARGE

The Utility will maintain a list of all lots and parcels within the VillageCity which are subject to the customer charge and provide billing per the rate schedule below.

- A. All properties having impervious area within the VillageCity of Canal Winchester will be assigned an Equivalent Residential Unit (ERU) or a whole multiple thereof, with all improved properties having impervious area receiving at least one (1) ERU.
- B. All Single-Family Properties will be assigned one ERU.
- C. Non-single-Family properties will be assigned an ERU whole multiple based upon the property's individual measured impervious area (in square feet) divided by 3,001 square feet (1 ERU). This division will be calculated to the first decimal place and rounded to the nearest whole ERU according to mathematical convention.
- D. The charge as prescribed in the rate schedule is as follows: ~~\$3.00~~\$3.50 per month per Equivalent Residential Unit (ERU) based on twelve (12) months per year.

§ 941.18 CREDITING MECHANISM

Credits or adjustments can be made to non-single-family service charges for qualified property owners performing activities that reduce the impact of stormwater runoff to the stormwater system, as follows:

A. Education Credits.

1. General Policies.

- a. This program is available to all schools as defined in the zoning code, public or private that offer a compulsory education curriculum for grades pre-K through 12 or part thereof.
- b. Credits will be issued on a building complex by building complex basis.
- ~~e. Where a site is jointly used by a school and another use (e.g. church) the stormwater fee will be prorated based on usage and the credit will be issued to the school portion of the fee.~~
- ~~d. In no case will the total credit amount be more than the cap identified in Section 941.18 (F)~~

2. Credits Available. Stormwater education credits of 50% of the stormwater bill may be granted for approved programs providing public awareness and education on stormwater issues as follows:

- ~~a. Stormwater Educational Curriculum and/or activities, Public Service Activities, in kind services, or any combination of these items for with student participation acceptable to the Director. (e.g. Project WET and Project Aquatic WILD) integrated into standard curriculum for 35% of the students in the school;~~
- ~~b. Stormwater Educational Activities (e.g. essay contest, poster contest) with participation of 35% of the students;~~
- ~~c. Public Service Activities (e.g. Adopt a Road, Adopt a Stream or inlet stenciling) involving 5% of the students or utilizing student recruited adults. Where adults are recruited, they shall be credited with 3 equivalent students per each adult participant;~~
- ~~d. In Kind Services (e.g. web site development, brochure development, public service announcements, videos or other program related work) as approved by the Director;~~

e. ~~A combination of the above items for an equivalent student participation of 35% or as approved by the Director.~~

3. Basic Procedures. ~~In order to receive educational credits, the school will need to make application with an education plan stating the stormwater educational programming. Upon approval the school will be required to submit an annual report indicating compliance with the approved plan. The annual report will be reviewed by the Director. If upon review, the school did not substantially comply with the approved plan, the City may: require additional activities as a corrective action, reduce the education credit to a level comparable with the compliance, revoke the education credit and require repayment of portion of user charges credited, and/or refuse approval of any new education plan.~~

3.4.

a. ~~In order to receive educational credits, the school will need to submit an application including an education plan. The application will be due by October 1, of each year. The plan shall be reviewed and approved by the Director. Once approved, the credit shall be placed on the appropriate stormwater bill.~~

b. ~~Upon completion of the educational plan or no later than October 1 of each year, the school shall submit an annual report indicating compliance with the approved plan. The annual report shall be broken down by the types of activities and indicate the number of participants. If the school did not substantially comply with the plan, the report will include an explanation of the failure and any needed corrective action. Other reporting requirements may be required as part of the plan approval and shall be included in the annual report.~~

e. ~~The annual report will be reviewed by the Director. If upon review, the school did not substantially comply with the approved plan, the Village may:~~

i. ~~Require additional activities as a corrective action;~~

ii. ~~Reduce the education credit to a level comparable with the compliance;~~

iii. ~~Revoke the education credit and require repayment in accordance with Section 941.17;~~

iv. ~~Refuse approval of any new education plan.~~

B. Retention/Detention Credit.

1. General Policies. ~~Retention/Detention credits may be granted for approved facilities that reduce the quantity of stormwater and/or improve the water quality of stormwater through properly constructed and maintained retention/detention facilities.~~

a. ~~This program is available to all non single family properties or part thereof.~~

b. ~~Credits will be issued on a property by property basis for only the portion of the property tributary to the retention/detention facility.~~

e. ~~When a facility is jointly used by several non single family properties under a joint use agreement, including deed restriction, the credit shall be prorated among the properties as a percentage of the tributary area.~~

d. ~~In no case will the total credit be more than the cap identified in Section 941.18 (F).~~

2. Credits Available. ~~The minimum amount of reduction (credit) available for meeting minimum retention/detention design, construction, and maintenance standards is 20 percent and will be given to all eligible properties which have a retention/detention facility constructed in accordance with standards contained in the City's Stormwater Design Manual.~~

3. Basic Procedures. In order to receive retention/detention credits, the property owner will need to make application that includes detailed information as to how the retention/detention facility complies with the City's Stormwater Management Code. There is a non-refundable application/inspection fee of \$250.00 for the first retention/detention facility and \$100.00 for each additional retention/detention facility on the same property, except for those facilities existing at the time the Stormwater Utility was established there will be no application fee. The property owner must also provide to the City a signed right-of-entry by the owner thereof and recorded Canal Winchester Stormwater Maintenance Agreement. Failure to operate or maintain the facility as designed shall be reason for forfeiture of the credit. The City shall notify the property owner/operator of the facility's deficiencies.

A retention/detention credit up to 50 percent is available upon successful completion of the application process, including the submittal of all necessary engineering calculations, documentation, proof of required information, signed and stamped by a professional engineer registered in the State of Ohio. Fees for applications for credits beyond the minimum 20 percent will be applied to all facilities regardless of when they were constructed.

2.4. Basic Procedures-

- ~~a. The minimum amount of reduction (credit) available for meeting minimum retention/detention design, construction, and maintenance standards is 20 percent. The minimum 20 percent credit will be given to all eligible properties which have constructed a retention/detention facility in accordance with Village policy, provided;

 - ~~i. such facility meets design, construction, and maintenance standards in effect at the time of construction;~~
 - ~~ii. for which a complete credit application form has been submitted;~~
 - ~~iii. there has been provided to the Village a signed right of entry by the owner thereof; and~~
 - ~~iv. there is paid to the Village for such property a one-time, non-refundable application/inspection fee of \$250.00 for the first retention/detention facility and \$100.00 for each additional retention/detention facility on the same property.~~~~

~~b. The retention/detention credit is also available beyond the twenty percent reduction under the following conditions:~~

~~The amount of reduction, if any, is based upon the following:~~

~~$$P = (0.8 - 0.3 * (Qa/Qt)) * 100$$~~

~~where:~~

~~P is the percent reduction in stormwater fee to be applied to the property.~~

~~Qa is the actual peak flow determined by calculating the peak flow of a design storm from the retention/detention facility, using the "level pool routing" technique.~~

~~Qt is the target peak flow from the design criteria, as defined in Chapter 941.~~

~~c. SCS standard methodologies shall be used for all calculations when determining actual peak flow.~~

~~d. The retention/detention credit beyond the twenty percent reduction is available upon successful completion of the application process, including the submittal of all necessary engineering calculations, documentation, proof of required information,~~

signed and stamped by a professional engineer registered in the State of Ohio. e. The maximum amount of percent reduction (credit) available for reducing discharge from the property to zero is 50 percent.

- f. ~~Retention/detention credit is available only for those eligible properties whose retention/detention facilities meet Village design, construction and maintenance standards.~~
- g. ~~For facilities constructed after the effective date of this regulation, the credit will be made effective to the later of either the date of submittal of a successful application, or the date stormwater billing for that property began (if all requirements and conditions of this rule and regulation are met).~~
- h. ~~Failure to operate or maintain the facility as designed shall be reason for forfeiture of the credit. The Village shall notify the property owner/operator of the facility's deficiencies.~~

C. Maintenance Credit.

1. General Policies. This program may be available to those who participate in public activities or maintain public stormwater open channels or other public property.
 - a. ~~This program is available to all non-single family residential properties who maintain public stormwater open channels and are eligible to receive a direct cost reduction (credit) in the property's stormwater service fee.~~
 - b. ~~Credits will be issued on a property by property basis.~~
 - c. ~~In no case will the total credit be more than the cap identified in Section 941.18 (F).~~
2. Credits Available. Maintenance credits may be granted to reduce operation and maintenance costs to the City with a credit of up to 20% given for participation in an approved Adopt-A-Road/stream/park program or sanctioned City cleanup program and/or a credit of up to 30% given for maintaining public stormwater open channels or other public property
 2. ~~Maintenance credits may be granted to properties that maintain public stormwater open channels or to property owners who participate in an approved Adopt A Road/Stream/Park or other sanctioned Village cleanup program. Maintenance credits may be granted to reduce operation and maintenance costs to the Village as follows:~~
 - a. ~~A credit of up to 30% may be given for maintaining public stormwater open channels.~~
 - b.a. ~~A credit of up to 20% may be given for participation in an approved Adopt A-Road/stream/park program. The credit will be based on a signed contract to provide litter collection on a one mile section of roadway, stream section or park area on a schedule to be approved by the Director. The minimum term of the contract shall be three clean ups per year for a three year period.~~
 - e. ~~A credit of up to 20% may be given for participation in a Village cleanup program. The credit will be calculated as 2% for each 5 participants in the cleanup program. The credit shall be granted for a period of no more than one year from the sanctioned program.~~
3. Basic Procedures. In order to receive a Maintenance credit, the non-single-family property owner will need to make application with a maintenance plan. The Director or designee shall inspect the property to determine if the proposed maintenance will reduce operation and maintenance costs to the City. If the proposal is approved for maintenance credit, the Director or designee shall periodically inspect the property to insure compliance with the

approved maintenance plan. If approved, the credit shall be placed on the appropriate stormwater bill. Failure to fulfill the terms and conditions of the approved Maintenance credit application shall be reason for forfeiture of a portion or all of this credit. The City shall notify the property owner of this forfeiture and actions necessary to receive full credit.

- ~~a. In order to receive a Maintenance credit, the non single family property owner will need to submit an application, right of entry easement, if applicable, a maintenance plan and any required engineering plans and calculation stamped by a registered professional engineer. If approved, the credit shall be placed on the appropriate stormwater bill.~~
 - ~~i. For public stormwater open channels draining an area of 10 acres or larger, the property will receive a stormwater service fee credit of one dollar (\$1.00) per year per lineal foot of public stormwater open channel maintained and meeting all applicable sections of this regulation.~~
 - ~~ii. For public stormwater open channels draining an area less than 10 acres, the property will receive a stormwater service fee credit of fifty cents (\$0.50) per year per lineal foot of public stormwater open channel maintained and meeting all applicable sections of this regulation.~~
 - ~~b. The Director or designee shall inspect the property to determine if the proposed maintenance will reduce operation and maintenance costs to the Village. If the proposal is approved for maintenance credit, the Director shall periodically inspect the property to insure compliance with the approved maintenance plan.~~
 - ~~c. In order to receive credit for participation in an approved Adopt A Road Program, the property owner will need to submit an application and a request for roadway designation. Only roadways designated by the Director shall be approved for adoption and clean-up work must be completed in accordance with an approved schedule.~~
 - ~~d. In order to receive credit for participation in a sanctioned clean-up program, the property owner will need to submit an application and tentative list of participants. Participants must register at the event and identify themselves as credit program participants.~~
 - ~~e. Failure to maintain the open channel to the minimum standards set forth in this regulation shall be reason for forfeiture of a portion or all of this credit. The Village shall notify the property owner of this forfeiture and actions necessary to receive full credit.~~
- D. Credit applications will not be accepted from any property that has a delinquent utility account.
- E. Credits apply only to the non single family property in which the activity applies. Credits may not be transferred to other properties.
- F. The total amount of all credits issued under this Section may not exceed 80% of the stormwater bill for the property except that the Canal Winchester Local School facilities shall be granted 100% credit.

§ 941.17 CUSTOMER CHARGE

The Utility will maintain a list of all lots and parcels within the City which are subject to the customer charge and provide billing per the rate schedule below.

- A. All properties having impervious area within the City of Canal Winchester will be assigned an Equivalent Residential Unit (ERU) or a whole multiple thereof, with all improved properties having impervious area receiving at least one (1) ERU.
- B. All Single-Family Properties will be assigned one ERU.
- C. Non-single-Family properties will be assigned an ERU whole multiple based upon the property's individual measured impervious area (in square feet) divided by 3,001 square feet (1 ERU). This division will be calculated to the first decimal place and rounded to the nearest whole ERU according to mathematical convention.
- D. The charge as prescribed in the rate schedule is as follows: \$3.50 per month per Equivalent Residential Unit (ERU) based on twelve (12) months per year.

§ 941.18 CREDITING MECHANISM

Credits or adjustments can be made to non-single-family service charges for qualified property owners performing activities that reduce the impact of stormwater runoff to the stormwater system, as follows:

- A. Education Credits.
 1. General Policies. This program is available to all schools as defined in the zoning code, public or private that offer a compulsory education curriculum for grades pre-K through 12 or part thereof and issued on a building complex by building complex basis.
 2. Credits Available. Stormwater education credits of 50% of the stormwater bill may be granted for approved programs providing public awareness and education on stormwater issues as follows: Stormwater educational curriculum and/or activities, Public Service Activities, in kind services, or any combination of these items for with student participation acceptable to the Director.
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 1. General Policies. Retention/Detention credits may be granted for approved facilities that reduce the quantity of stormwater and/or improve the water quality of stormwater through properly constructed and maintained retention/detention facilities.
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 3. Basic Procedures. In order to receive a Maintenance credit, the non-single-family property owner will need to make application with a maintenance plan. The Director or designee shall inspect the property to determine if the proposed maintenance will reduce operation and maintenance costs to the City. If the proposal is approved for maintenance credit, the Director or designee shall periodically inspect the property to insure compliance with the approved maintenance plan. If approved, the credit shall be placed on the appropriate stormwater bill. Failure to fulfill the terms and conditions of the approved Maintenance credit application shall be reason for forfeiture of a portion or all of this credit. The City shall notify the property owner of this forfeiture and actions necessary to receive full credit.
- D. Credit applications will not be accepted from any property that has a delinquent utility account.
- E. Credits may not be transferred to other properties.
- F. The total amount of all credits issued under this Section may not exceed 80% of the stormwater bill for the property except that the Canal Winchester Local School facilities shall be granted 100% credit.