

**ORDINANCE NO.: 2002-029**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, to add Article VII, Stormwater Management, to establish a Stormwater Management Utility For the Purpose of Planning, Designing, Constructing, Funding and Maintaining Stormwater Management, Sediment Control, and Flood Control Programs, Projects and Facilities, and Reviewing and Approving Stormwater Management and Sediment Control Plans for Land Disturbing Activities and Providing for the Administration and Enforcement Thereof*

WHEREAS, the City of Columbia, South Carolina is authorized by The Stormwater Management and Sediment Reduction Act to provide Stormwater Management Services and Stormwater Management Systems and Facilities throughout the City of Columbia, which services, systems, and facilities contribute to the protection and preservation of the public health, safety, and welfare and protection of the natural resources of the City of Columbia; and,

WHEREAS, the City of Columbia is authorized by to fund stormwater management programs, improvements, and activities through appropriately structured service charges; and,

WHEREAS, the South Carolina General Assembly adopted the Stormwater Management and Sediment Reduction Act S.C. Code Section 48-14-10 et seq. (the Act) which authorizes the establishment of a Stormwater Management Utility; and the South Carolina Land Resources Commission has promulgated comprehensive regulations under the Act which regulate implementation of the Stormwater Management Utility; and,

WHEREAS, the federal Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C 1251 et seq.), other amendments, and rules promulgated by the United States Environmental Protection Agency pursuant to the Act and its amendments place increased emphasis on the role of local governments in developing, implementing, conducting, and funding stormwater management programs which address water quality impacts of stormwater runoff; and,

WHEREAS, the Columbia City Council has determined that the continuing economic development of the City has created stormwater management problems in the City, and that the continued economic development of the City of Columbia is itself dependent upon effective solutions to the stormwater problems; and,

WHEREAS, the City of Columbia has engaged a consultant to perform professional engineering and financial analyses of the City's stormwater management needs and the solutions available to the City, and has received, reviewed, and considered the results of

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the consultant's analyses which identify stormwater management needs, propose strategic program goals and priorities, and evaluate alternative funding opportunities, estimate the cost of stormwater management services and facilities, and project the rate base available within the City to meet such costs; and,

WHEREAS, the Columbia City Council finds and concludes from the professional engineering and financial analyses that it would be desirable to provide for additional Stormwater Management Services and Stormwater Management Systems and Facilities within the City of Columbia; and,

WHEREAS, the Columbia City Council finds and concludes from the professional engineering and financial analyses that an adequate, stable, and dedicated source of funding will be essential if the City of Columbia is to provide the level of Stormwater Management Services and Stormwater Management Systems and Facilities that would be desirable to meet the existing and future needs of the City of Columbia; and,

WHEREAS, it is the desire of the Columbia City Council to proceed with the establishment, development, implementation, and operation of a utility dedicated specifically and solely to stormwater management, which shall be accounted for in the City budget as a separate enterprise accounting unit; and,

WHEREAS, it is the desire of the Columbia City Council to proceed with the adoption of a schedule of fees, rates, rentals charges, fines and penalties appropriate to and sufficient to fund Stormwater Management Services and Stormwater Management Systems and Facilities through the Stormwater Management Utility; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this 19th day of June, 2002 that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, is amended to add Article VII, Stormwater Management, to read as follows:

**Sec. 23-200. Findings of Fact.**

The City Council of Columbia, South Carolina makes the following findings of fact:

The professional engineering and financial analyses conducted on behalf of and submitted to the City properly assess and define the stormwater management problems, needs, goals, program priorities and funding opportunities of the City.

Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financial analyses submitted to the City, it is appropriate to authorize the establishment of a separate enterprise accounting unit which shall be dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in the City of Columbia in concert with other water resource management programs.

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Stormwater management is needed throughout the City of Columbia. Intense urban development in most portions of the City has radically altered the natural hydrology of the area and the hydraulics of stormwater systems, with many natural elements having been replaced or augmented by man-made facilities. A stormwater utility service area subject to stormwater service charges should encompass the entirety of the City of Columbia, and the service charge rate structure should reflect the amount of impervious surfaces that exists on individual properties.

The stormwater needs in the City of Columbia include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs, systems, and facilities therefore render and/or result in both service and benefit to individual properties, property owners, citizens, and residents of the City and to properties, property owners, citizens, and residents of the unincorporated City concurrently in a variety of ways as identified in the professional engineering and financial analyses.

The service and benefit rendered or resulting from the provision of stormwater management programs, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the City's stormwater management programs, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the City's stormwater programs, systems, and facilities which render or result in services and benefits.

The City of Columbia presently owns and operates stormwater management systems and facilities which have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by the City of Columbia, and of future additions and improvements thereto, rests on the ability of the City to effectively manage, protect, control, regulate, use, and enhance the stormwater systems and facilities in the City of Columbia in concert with the management of other water resources in the City. In order to do so, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs.

The City Council finds, concludes, and determines that a utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the City of Columbia, and the most equitable means to fund stormwater services in the City of Columbia is through stormwater service charges and other mechanisms as described in the professional engineering and financial analyses prepared for the City.

The City Council finds, concludes, and determines that a schedule of stormwater utility service charges based on the impervious area of each property is the most appropriate and

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equitable means of allocating the cost of Stormwater Management Services and Stormwater Management Systems and Facilities throughout the City of Columbia. Such charges can be complemented by other funding methods which address specific needs, including but not limited to allocations of other revenues available to the City, special service fees, special assessments of the City, various taxes as allowed by law, and other revenues as deemed appropriate by the Columbia City Council.

The City Council finds that credits against stormwater utility service charges are an appropriate means of adjusting fees, rates, rentals, charges, fines, and penalties in certain cases, and should be granted for properties providing on-site or off-site services, systems, facilities, activities, easements, or assets which reduce or otherwise mitigate the impact of said property on the City's cost of providing Stormwater Management Services and/or Stormwater Management Systems and Facilities, and that such credits should be conditional upon continuing provision of such services, systems, facilities, activities, easements, or assets in a manner complying with the standards and codes as determined by the City Engineer. Credits for on-site stormwater management systems and facilities shall be generally proportional to the affect that such systems have on the peak rate of runoff from the site. Credits should also be granted for activities which reduce the City's cost of public information and education about stormwater management and may include credits against stormwater service charges to public and private school systems. Credits for educational programs and other activities related to stormwater management provided by public and private schools shall be based on the City's avoided costs as determined by the City Engineer and not on the cost of the educational programs or other activities.

The City Council finds that the impervious area on each property is the most important factor influencing the cost of the Stormwater Management Services and Stormwater Management Systems and Facilities provided by the City or to be provided by the City in the future, and that the impervious area of each property is therefore the most appropriate parameter for calculating a periodic stormwater service charge.

The City Council finds that it is imperative that all revenues raised or otherwise allocated specifically to Stormwater Management Services, inclusive of stormwater quality issues and requirements along with stormwater public education and relations, and Stormwater Management Systems and Facilities be dedicated solely to those purposes and directs that such revenues shall therefore be deposited into the enterprise accounting fund of the Stormwater Management Utility and shall remain in that fund and be dispersed only for stormwater management capital, operating, and non-operating costs, debt service of bonds for stormwater management purposes, and other appropriate uses as determined by the City Council.

**Sec. 23-201. Article Designation and Authority.**

This ordinance may be cited as the Stormwater Management Utility Ordinance of the City of Columbia and is adopted pursuant to S.C. Code Sections 48-14-10, et seq., S.C. Code Section 5-7-30, and 26 S.C. Code Regulations 72-300 through 72-316.

**Sec. 23-202. Definitions.**

Unless the context specifically indicates otherwise, the meaning of words and terms used in this ordinance shall be as set forth in S.C. Code Section 48-14-20, and 26 S.C. Code Regulation 72-301, *mutatis mutandis*.

*Credits.* Credit shall mean a conditional reduction in the amount of a stormwater service charge or other fees, rates, rentals, charges, fines, and penalties to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility, or continuing provision of a service or activity that reduces the Stormwater Management Utility's cost of providing Stormwater Management Services and Stormwater Management Systems and Facilities.

*Customers of the Stormwater Utility.* Customers of the stormwater utility shall include all persons, properties, and entities served by and/or benefitting from the utility's acquisition, management, maintenance, extension, and improvement of the stormwater management programs, systems, and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefitted as a result of the stormwater management program.

*Detached single-family dwelling unit.* Detached single-family dwelling unit shall mean developed land containing one structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Detached dwelling units may include single-family houses, single duplex units under common ownership, patio homes, manufactured homes, and mobile homes located on individual lots or parcels of land, and single story residential townhouse and condominium units. Developed land may be classified as a detached single-family dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. Detached single-family dwelling units shall not include developed land containing: structures used primarily for non-residential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple residential properties.

*Developed Land.* Developed land shall mean property altered from its natural state by construction or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

*Equivalent Residential Unit.* For the purposes of this ordinance, an Equivalent Residential Unit shall mean two thousand four hundred fifty four (2,454) square feet of impervious area. The equivalent residential unit shall be used as the basis for determining stormwater service charges to detached single-family dwelling unit properties or classes of detached dwelling unit properties and other properties.

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*Exemption.* Exemption shall mean not applying to or removing the application of the Stormwater Management Utility service charge from a property. No permanent exemption shall be granted based on taxable or non-taxable status or economic status of the property owner. An exemption may be granted based on agreements between the City and other persons, governmental and non-governmental entities, and organizations whereby the other persons, governmental and non-governmental entities, and organizations perform on-site and/or off-site stormwater quantity and quality management, including acquiring, designing, building, operating, and maintaining systems and facilities, and performing measures and actions which equal or exceed the stormwater management program performed by the Stormwater Management Utility. Exemptions may be removed or rescinded at any time by the City.

*Impervious surface area.* Impervious surfaces are those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development. Impervious surfaces may also influence the water quality of stormwater exiting a property and receiving waters to which stormwater is ultimately discharged, affecting its use and value to the community.

*Multiple-dwelling unit residential properties.* Multiple-dwelling unit residential properties shall mean developed land whereon more than one residential dwelling unit is located, and shall include, but not be limited to, triplexes, quadraplexes, apartment houses, multi story residential townhouse and condominium developments, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which more than one family group commonly and normally reside or could reside. In the application of stormwater service charges, multiple-dwelling unit properties shall be treated as other developed lands as defined in this Ordinance.

*Other developed lands.* Other developed lands shall mean, but not be limited to, multiple-dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water and wastewater treatment plants, and lands in other uses which alter the hydrology of the property from that which would exist in a natural state. Properties which are used for other than single-family residential use located in detached single-family dwelling units shall be deemed other developed lands for the purpose of calculating stormwater service charges.

*Stormwater management systems and facilities.* Stormwater management systems and facilities are those natural and man-made channels, swales, ditches, swamps, rivers,

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streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff.

*Stormwater service charges.* Stormwater service charges shall mean the periodic service charge imposed pursuant to this Ordinance for the purpose of funding costs related to Stormwater Management Services and Stormwater Management Systems and Facilities. The use of the impervious area of each property as a stormwater service charge rate parameter shall not preclude the use of other parameters, or of grouping of properties having similar characteristics into classes or categories, grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one or more classes of similarly-situated properties whose impact on the City of Columbia's cost of providing Stormwater Management Services and Stormwater Management Systems and Facilities is relatively consistent. Stormwater service charges may also include special charges to individual properties or persons for services, systems, or facilities related to stormwater management, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced levels of stormwater service above and beyond the levels normally provided by the City of Columbia.

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**Sec. 23-203. Establishment of a stormwater management utility and enterprise fund.**

(a) There is hereby established a stormwater management utility within the Engineering Department which shall be responsible for stormwater management programs throughout the City, and which shall provide for the management, protection, control, regulation, use, and enhancement of stormwater systems and facilities.

(b) The City Manager shall establish a stormwater enterprise fund in the City budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the stormwater management utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the Columbia City Council and other funds that may be transferred or allocated to the stormwater management utility. All revenues and receipts of the stormwater management utility shall be placed in the stormwater enterprise fund and all expenses of the utility shall be paid from the stormwater enterprise fund, except that other revenues receipts, and resources not accounted for in the stormwater utility enterprise fund may be applied to stormwater management programs, facilities, operations, and capital investments as deemed appropriate by the Columbia City Council, upon recommendation by the City Manager.

(c) The Columbia City Council hereby transfers to the stormwater management utility operational control over the existing stormwater management programs, systems, and facilities performed, provided, or owned and heretofore operated by the City and other related assets, including but not limited to properties other than roadways upon which such

systems and facilities are located, easements, rights-of-entry and access, and certain equipment used solely for stormwater management.

**Sec. 23-204. Scope of responsibility for the City stormwater system and facilities.**

(a) The City of Columbia owns or has legal access for purposes of operation, maintenance, and improvement of those systems and facilities which: (1) are located within public streets, rights-of-way, and easements; (2) are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or (3) are located on public lands to which the City has adequate access for operation, maintenance, and/or improvement of systems and facilities.

(b) Operation, maintenance, and/or improvement of stormwater systems and facilities which are located on private property or public property not owned by the City of Columbia and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of South Carolina and the United States of America.

(c) It is the express intent of this Ordinance to protect the public health, safety, and welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the City. The City of Columbia expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

(d) To the extent any permit, plan approval, inspection or similar act is required by the City as a condition precedent to any activity or change upon property not owned by the City, pursuant to this or any other regulatory ordinance, regulation, or rule of the City or under Federal or State law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the City, its officers, employees, or agents.

**Sec. 23-205. Boundaries and jurisdiction.**

The boundaries and jurisdiction of the Stormwater Management Utility shall extend to the corporate limits of the City, including all areas hereafter annexed thereto.

**Sec. 23-206. Requirements for on-site stormwater systems; enforcement methods and inspections.**

(a) All property owners and developers of real property to be developed within the City of Columbia shall provide, manage, maintain, and operate on-site stormwater systems and facilities sufficient to collect, convey, detain, control, and discharge stormwater in a safe manner consistent with all City development regulations and the laws of the State of South Carolina and the United States of America. Any failure to meet this obligation shall constitute a nuisance if the owner fails to properly abate within such reasonable time as allowed by the court, the City may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof charged to the owner in the same manner as a stormwater service charge.

(b) The City shall have the right, pursuant to the authority of this Ordinance, for its designated officers and employees to enter upon private property and public property owned by other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with this ordinance.

**Sec. 23-207. General funding policy.**

Funding for the stormwater management utility advanced program, systems, and facilities shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater program, systems, and facilities by individual properties or persons and/or the level of service rendered by or resulting from the provision of stormwater programs, systems, and facilities. Stormwater service charge rates shall be structured so as to be fair and reasonable, and the resultant service charges shall bear a substantial relationship to the cost of providing services and facilities throughout the City. Similarly situated properties shall be charged similar rentals, rates, charges, fees, or licenses. Service charge rates shall be structured to be consistent in their application and shall be coordinated with the use of other funding methods employed for stormwater management within the City, including but not limited to allocations from the General Fund. Plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development charges, special assessments, general obligation and revenue bonding, and other funding methods and mechanisms available to the City may be used in concert with stormwater service charges and shall be coordinated with such charges in their application to ensure a fair and reasonable service charge rate structure.

The cost of stormwater management programs, systems, and facilities subject to stormwater service charges may include operating, capital investment, and non-operating expenses, prudent operational and emergency reserve expenses, and stormwater quality as well as stormwater quantity management programs, needs, and requirements.

To the extent practicable, credits against stormwater service charges and/or other methods

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of funding stormwater management shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the City's standards by private property owners which eliminate, mitigate, or compensate for the impact that the property or person may have upon stormwater runoff discharged to public stormwater systems or facilities or to private stormwater facilities which impact the proper function of public stormwater systems or facilities.

To the extent practicable, credits against stormwater service charges and/or other methods of funding stormwater management shall be provided for activities which reduce the City's cost of public information and education about stormwater management and may include credits against stormwater service charges to public and private school systems. Credits for educational programs and other activities related to stormwater management provided by public and private schools shall be based on the City's avoided costs as determined by the City Engineer and not on the cost of the educational programs or other activities.

**Sec. 23-208. Stormwater service charge rates.**

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Stormwater service charge rates may be determined and modified from time to time by the Columbia City Council so that the total revenue generated by said charges and any other sources of revenues or other resources allocated to stormwater management by the City Council to the Stormwater Management Utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including but not limited to the payment of principal and interest on debt obligations, operating expense, capital outlays, non-operating expense, provisions for prudent reserves, and other costs as deemed appropriate by the City Council. The following stormwater service charge rates shall apply:

Detached single-family dwelling units. Detached single-family dwelling units, as defined by this ordinance, shall be billed for one (1) equivalent residential unit, as defined in this ordinance.

Other developed lands. All developed lands not classified as detached single-family dwelling units, as defined by this ordinance, shall be billed for one (1) equivalent residential unit for each two thousand four hundred fifty four (2,454) square feet or fraction thereof of impervious area on the subject property. There will be no service charge for developed lands with fewer than six hundred (600) square feet of impervious area.

The stormwater service charge rate per equivalent residential unit, as defined in this ordinance, shall be \$1.97 per month for the first two (2) years from the effective date of this ordinance. Thereafter, the stormwater service charge rate per equivalent residential unit, as defined in this ordinance, shall be \$3.95 per month.

**Sec. 23-209. Exemptions and credits applicable to stormwater service charges.**

Except as provided in this Section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges.

No exemption, credit, offset, or other reduction in stormwater service charges shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the Stormwater Management Utility's cost of providing Stormwater Management Services and Stormwater Management Systems and Facilities. A Stormwater Management Utility Service Charge Credit Manual shall be prepared by the City Engineer specifying the design and performance standards of on-site stormwater services, systems, facilities, and activities that qualify for application of a service charge credit, and how such credits shall be calculated.

Credits. The following types of credits against stormwater service charges shall be available:

*On-site detention and retention facilities.* Developed land other than detached single-family dwelling units with on-site detention or retention facilities may receive a credit against the stormwater service charge applicable to the property based on attaining and continuing compliance with the technical requirements and performance standards contained in the Stormwater Management Utility Service Charge Credit Manual. The stormwater utility service charge credit for on-site stormwater control systems or facilities that reduce or mitigate the impact of impervious surfaces on the subject property shall be proportional to the extent that the on-site stormwater control systems or facilities provided, operated, and maintained by the property owner reduce or mitigate the Stormwater Management Utility's cost of providing Stormwater Management Services and Stormwater Management Systems and Facilities. The stormwater utility service charge credit for services and activities that reduce or mitigate the Stormwater Management Utility's cost of providing Stormwater Management Services and Stormwater Management Systems and Facilities shall be proportional to the reduced costs realized by the Stormwater Management Utility, but shall not be related to the cost of such services and activities to the person or entity providing same.

*Public information and education.* Developed land other than detached single-family dwelling units that provide activities which reduce the City's cost of public information and education about stormwater management may receive a credit against the stormwater service charge applicable to the property based on attaining and continuing compliance with the requirements and performance standards contained in the Stormwater Management Utility Service Charge Credit Manual. Credits for educational programs and other activities related to stormwater management provided by public and private schools shall be based on the City's avoided costs as determined by the City Engineer and not on the cost of the educational programs or other activities.

*Exemptions.* The following exemptions from the stormwater service charges shall be allowed:

- (1) Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the State of South Carolina and are available for use in common for vehicular transportation by the general public.

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(2) Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the City of Columbia and are available for use in common for vehicular transportation by the general public.

(3) Railroad tracks; however, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service charges.

(4) All of that property in the City of Columbia that is a part of the Fort Jackson Army federal military facilities.

**Sec. 23-210. Stormwater service charge billing, delinquencies and collections.**

A stormwater service charge bill may be included as a separate line item to the City's water and sewer billing or may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. The stormwater service charge bill may be billed and collected along with other charges, including but not limited to the City of Columbia water and sewer billing, or other means as deemed most effective and efficient by the Columbia City Council. The owner of each parcel of land shall be ultimately obligated to pay such charges and any associated late charges, interest or penalties.

Where stormwater service charges appear on the City water and sewer bill and a customer does not pay the service charges for all utilities on the bill in full, the partial payment shall be applied to the respective service charges in a prorated manner.

In the event that stormwater service charges that appear on the City of Columbia water and sewer bill including those cases where the only charge on the water and sewer bill is the stormwater service charge are not paid when due, interest and/or late fees shall accrue in the same manner and at the same rate as provided for by Section 23-142 of the Code of Ordinances of the City of Columbia, until such time as the overdue payment and interest are paid.

If a property receives water and/or sewer service and if the stormwater service charges for that property are not paid, the City of Columbia shall have the authority to terminate water and/or sewer service to that property. Termination will be in accordance with Section 23-141 of the City of Columbia Code of Ordinances regarding notice, appeal, and termination of utility services. Alternatively, the City may pursue such remedies as are available and as authorized by state law including the issuance of a civil penalty as provided for by state law.

No property for which stormwater service charges are outstanding shall receive water and/or sewer service until the outstanding stormwater service charge on that property is paid in full. No customer with a delinquent stormwater service account shall be permitted to open a water and/or sewer account at the same or different location until the delinquency has been satisfied in full.

If a customer is underbilled or if no bill is sent for a particular property, the City of Columbia may backbill for a period of up to three years, but shall not assess late charges, interest or penalties for that period.

Detached single-family dwelling units shall be subject to the imposition of a stormwater service charge upon establishment of a water and/or sewer account for the said property. Other developed lands shall be subject to the imposition of a stormwater service charge upon establishment of a water and/or sewer account for the said property or in those cases where water and/or sewer service is not needed upon the final approval of site development by the City of Columbia.

**Sec. 23-211. 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: regulation; planning; acquisition of interests in land, including easements; design and construction of facilities; maintenance of the stormwater system; billing and administration; water quantity and water quality 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 City for investment and reinvestment of funds. City 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. City Council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the General Fund.

**Sec. 23-212. Appeals.**

Any customer who believes the provisions of this Ordinance have been applied in error may appeal in the following manner and sequence.

An appeal of a stormwater service charge must be filed in writing with the Columbia City Engineer within thirty (30) days of the charge being mailed or delivered to the property owner and stating the reasons for the appeal. In the case of stormwater service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions that influence its hydrologic response to rainfall events.

Using information provided by the appellant, the City Engineer (or his or her designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days. In response to an appeal, the City Engineer may adjust the stormwater service charge applicable to the property in conformance with the general purposes and intent of this Ordinance.

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A decision of the City Engineer that is adverse to an appellant may be further appealed to the City Manager or his or her designee within thirty (30) days of the adverse decision. Notice of the appeal shall be delivered to the City Manager or his or her designee by the appellant, stating the grounds for further appeal. The City Manager or his or her designee shall issue a written decision on the appeal within thirty (30) days. All decisions by the City Manager or his or her designee shall be served on the property owner personally or by registered or certified mail, sent to the billing address of the property owner. All decisions of the City Manager or his or her designee shall be final.

**Sec. 23-213. No suspension of due date.**

No provision of this ordinance allowing for an administrative appeal shall be deemed to suspend the due date of the service charge with payment in full. Any adjustment in the service charge for the person pursuing an appeal shall be made by refund of the amount due, without interest.

**Sec. 23-214. Stormwater Advisory Board.**

*Established.* There is hereby established a Stormwater Advisory Board of the city. All members are to be appointed by the City Council. Each member shall be a bona fide resident of the City of Columbia.

*Purposes and duties.* The Stormwater Advisory Board shall provide guidance and advice to the City Council pertaining to the stormwater management program, including but not limited to, program activities, functions, systems, management, and funding. The board shall fulfill such other functions, powers and duties as delegated to it by the City Council.

*Conflicts of interest.* No member of the Stormwater Advisory Board shall act in a case in which he/she has a personal interest.

*Records.* The City Engineer or his or her designee shall act as secretary to the Stormwater Advisory Board and shall make a detailed report of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of any member and any failure of any member to vote.

*Rules of procedure; meetings.* The board shall establish rules for its own procedure, not inconsistent with the provisions of this ordinance. The Stormwater Advisory Board shall meet at regular intervals to be determined by the chairman.

**Sec. 23-215. Enforcement and penalties.**

Any person who violates any provision of this Ordinance shall be subject to a civil penalty of not more than one thousand and no/100 dollars (\$1,000.00), or such additional maximum amount as may become authorized by state law (state statute 48-14-140), provided the owner or other person deemed to be in violation has been notified of a

violation. Notice shall be deemed achieved when sent by regular United States mail to the last known address reflected on the City of Columbia Water and/or Sewer Billing Records, or such other address as has been provided by the person to the City. Each day of a continuing violation shall be deemed a separate violation. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, a civil action may be filed on behalf of the City in the Circuit Court to recover the full amount of the penalty. This provision on penalties shall be in addition to and not in lieu of other provisions on penalties, civil or criminal, remedies and enforcement which may otherwise apply.

**Sec. 23-216. Severability.**

If a Section, Sub-section, or part of this Ordinance shall be deemed or found to conflict with or be preempted by a provision of South Carolina or Federal law, then that Section, Sub-section, or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

**Sec. 23-217. Conflict with preceding ordinances.**

If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of the City of Columbia, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

**Secs. 23-218 - 23-299. Reserved**

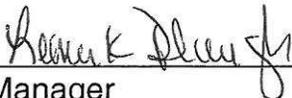
This ordinance is effective as of July 1, 2002.

Requested by:



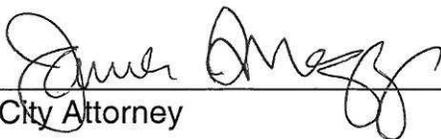
MAYOR

Approved by:



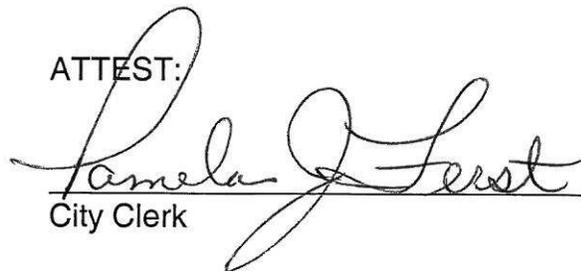
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 6/12/2002

Final Reading: 6/19/2002

ORIGINAL  
STAMPED  
FILE