

ORDINANCE NO. (O)16-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY TOWN CODE, CHAPTER 15, ARTICLE 24, SECTION 15-24-13, STORMWATER UTILITY FEE SYSTEM, SUBSECTIONS 15-24-13(A)(9), 15-24-13(C)(4), 15-24-13(G)(3) AND 15-24-13(G)(4), DECREASING THE EQUIVALENT RESIDENTIAL UNIT (ERU) VALUE THEREBY INCREASING THE RATE FOR COMMERCIAL PROPERTIES FOR THE TOWN OF ORO VALLEY STORMWATER UTILITY; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, pursuant to A.R.S. 9-511, *et seq.*, the Town has requisite statutory authority to acquire, own and maintain a stormwater utility for the benefit of the landowners within and without the Town's corporate boundaries; and

WHEREAS, on March 2, 2016 the Mayor and Council approved Resolution (R)16-11, providing Notice of Intent to decrease Equivalent Residential Unit (ERU); and

WHEREAS, the decrease in the ERU value would be from 5,000 square feet to 4,000 square feet increasing commercial property Stormwater rates; and

WHEREAS, the Stormwater Rates Analysis Report supports the decrease in the ERU and was made available for public view on March 3, 2016

WHEREAS, the Mayor and Council have considered the proposed amendments to Chapter 15, Article 24, Section 15-24-13, Stormwater Utility Fee System, subsections 15-24-13(A)(9), 15-24-13(C)(4), 15-24-13(G)(3) and 15-24-13(G)(4), of the Oro Valley Town Code, attached hereto as Exhibit "A" and incorporated herein by this reference, which would decrease to the Equivalent Residential (ERU) valued thereby increasing the rate for commercial properties for the Town of Oro Valley Stormwater Utility and find they are in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA:

SECTION 1. That certain document entitled Chapter 15, Article 24, Section 15-24-13, Stormwater Utility Fee System, subsections 15-24-13(A)(9), 15-24-13(C)(4), 15-24-13(G)(3) and 15-24-13(G)(4), of the Oro Valley Town Code, attached hereto as Exhibit "A" and incorporated herein by this reference and declared a public record on May 4, 2016, is hereby adopted.

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.


SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 4th day of May, 2016.



Dr. Satish I. Hiremath, Mayor

ATTEST:

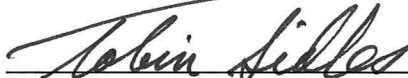


Julie K. Bower, Town Clerk

5/6/16

Date

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

5/5/2016

Date

PUBLISH: DAILY TERRITORIAL
MAY 12, 13, 16, 17, 2016

POSTED: 5/12/16 - 6/12/16

Proposed Town Code Changes

15-24-13(A)(9), 15-24-13(C)(4), 15-24-13(G)(3) AND 15-24-13(G)(4)

**Article 15-24
STORMWATER**

15-24-13 Stormwater Utility Fee System

A. Findings.

9. Management of the stormwater system to protect the public health, safety, and welfare as well as meet the Arizona Pollutant Discharge Elimination System Phase II permit and FEMA requirements requires adequate revenues. It is in the interest of the public to finance stormwater management with a fee system that is reasonable and equitable. Single-family residences will be charged a flat rate for one (1) ERU. Non-single-family and religious/educational property owners will be charged a multiple rate equal to the amount of impervious area on their property divided by the amount of one (1) ERU (**FOUR THOUSAND (4,000)** ~~five thousand (5,000)~~ square feet). This formula will charge property owners on the basis of their properties' impact to the stormwater system.

C. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings indicated:

4. "Base rate (BR)" means the Stormwater Utility flat fee to an ERU of ~~five thousand (5,000)~~ **FOUR THOUSAND (4,000)** square feet of impervious surface.

G. Classification of Property for Purposes of Determination of the Stormwater Utility Fee.

3. Non-Single-Family Residential Property (NSFR) Monthly Fee. A developed non-single-family residential (NSFR) property will be charged a fee for the number of ERUs of impervious area. The impervious area for developed NSFR property may be determined through site examination, mapping information, aerial photographs and other available information. NSFR without first flush capabilities or other approved stormwater pollution prevention devices shall pay

the base rate times the number of ERUs on the site. The monthly fee shall be determined by dividing the total impervious surface (in square feet) by ~~five thousand (5,000)~~ **FOUR THOUSAND (4,000)** and rounding that value up or down to the nearest whole ERU amount and then multiplying the result by the base rate to obtain the monthly fee. NSFR properties that incorporate first flush capabilities or other approved stormwater pollution prevention devices are eligible for a twenty-five percent (25%) reduction in the fee, providing they apply to and are approved by the Stormwater Utility Commission and meet the annual inspection and maintenance requirements.

4. Educational Facilities, Religious Institutions and Nonprofits Monthly Fee. A developed religious institution, school or other non-profit property shall be eligible for a twenty-five percent (25%) fee reduction provided they apply to and are approved by the Stormwater Utility Commission. In order to qualify for the fee reduction, the educational facility, religious institution or non-profit organization must conduct educational programs or other tasks on the topic of stormwater management as approved by the Stormwater Utility Commission. No developed educational facility, religious institution or nonprofit property shall pay less than seventy-five percent (75%) of the base rate. The monthly fee shall be determined by dividing the total impervious surface (in square feet) by ~~five thousand (5,000)~~ **FOUR THOUSAND (4,000)** and rounding that value up or down to the nearest whole ERU amount and then multiplying the result by the base rate to obtain the monthly fee.