



## City Council Policy: CP257 - Stormwater Utility Fee Credit

Effective Date: August 1, 2009

Amends:

Approved By: Governing Body, 2009

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### I. SCOPE

A. The purpose of this Policy is to establish a Stormwater Utility Fee Credit process.

### II. PURPOSE

- A. In 2008, the City established the Stormwater Utility Fee in order to provide stable and non-discriminatory funding for its stormwater activities. The impact on individual properties in the stormwater system is quantified based on the amount of impervious area on a parcel of property as defined in Prairie Village Municipal Code Chapter 14 Article 4 *Stormwater Utility*.
- B. The Stormwater Utility Fee does not take into account the value provided by some property owners that independently implement and maintain Best Management Practices (BMPs) that offset, to some extent, the impact of their developed property on the components of the stormwater drainage system, both natural and man-made.
- C. Using the Stormwater Utility Fee Credit process, the City may make an adjustment to the Stormwater Utility Fee paid by a property owner that provides value-added stormwater management services that support and complement the City's stormwater management goals.
- D. The granting of a Stormwater Utility Fee Credit is an administrative recognition of the value of a variety of significant stormwater management activities provided by the property owner for as long as the approved activities continue and accomplish their intended purposes.

### III. RESPONSIBILITY

A. The responsibility for administering the Stormwater Utility Fee Credit will be the City Director of Public Works.

### IV. DEFINITIONS

- A. In addition to the words, terms and phrases elsewhere defined in this policy, the following words, terms and phrases, as used in this policy shall have the following meanings:
1. **CITY** - means the City of Prairie Village.
  2. **CREDIT** - means a conditional reduction in the amount of the Stormwater Utility Fee paid by an individual property owner based on the provision and continuation of an effectively documented Education Credit or BMP Credit, which system, facility, services or components reduces the volume of stormwater the rate at which it discharges.
  3. **DEVELOPED PROPERTY** - means real property, other than Undeveloped Land.
  4. **DIRECTOR** - means the Director of Public Works or the designated person.
  5. **IMPERVIOUS AREA** - means as defined in Prairie Village Municipal Code Chapter 14 Article 4.
  6. **PROPERTY OWNER** - means any partnership, corporation or any person who alone or jointly and severally with others, either as tenants in common or otherwise has:
    - i. Legal title to any real property or building, with or without accompanying actual possession thereof; or
    - ii. Has charge, care or control of any property or building as owner or agent of the owner, or as executor, executrix administrator, administrator, trustee, or guardian of the estate of the owner.
    - iii. Any such partnership, corporation or person representing the actual owner shall be bound to comply with the provisions of this policy to the same extent as if they were the owner.
  7. **STORMWATER MANAGEMENT PROGRAM** - means as defined in Prairie Village Municipal Code Chapter 14 Article 2.
  8. **STORMWATER SYSTEM** - means as defined in Prairie Village Municipal Code Chapter 14 Article 2.
  9. **STORMWATER UTILITY FEE** - means a fee authorized by Prairie Village Municipal Code Chapter 14 Article 4 and charged to owners of property served and benefited by the City Stormwater System.

### V. POLICY

#### A. Restrictions

1. No public or private property shall receive credit to offset Stormwater Utility Fee for any condition or activity unrelated to the City cost of providing stormwater management services.
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2. The maximum credit will be equal or less than 15% of the Stormwater Utility Fee.
3. No credit will be applied to any parcel that reduces the Stormwater Utility Fee to an amount less than \$75.00.
4. Credits outlined in this policy will be given only to any property located within the boundaries of the City.
5. Credit shall only be given for that portion of the Stormwater Utility Fee paid by the property owner.

### B. Terms

1. To receive a credit, an application must be submitted to the Public Works Director on the required form.
2. Credits will only be applied if requirements outlined in this Policy are met, including, but not limited to guaranteed right-of-entry by Public Works for inspections and submittal of annual reports by the property owner to Public Works.
3. Credits will be defined as a percentage (%) reduction applied as a Credit adjustment to the Stormwater Utility Fee calculation.
4. Credits for BMPs constructed or installed prior to the creation of the Stormwater Utility Fee will be applied if the credit application is approved and inspected by Public Works before June 1, 2010.
5. Credits will be applied to the next billing year for credit applications approved and inspected after June 1 of any year.
6. Credits are valid as long as the BMP is implemented as approved (as demonstrated by the annual report and Public Works inspection).
7. If the approved BMP is not implemented as approved or is terminated, the Credit reduction will be cancelled.
8. Once a Credit has been cancelled, a property owner may not reapply for a Credit for a period of 12 months and only if the deficiency has been corrected as determined by a Public Works inspection.

## VI. EDUCATION CREDIT

- A. Those schools, public or private, wishing to receive a Credit for educating its students and employees in the area of water quality awareness and protection must agree to the following minimum standards.
1. Devote two hours per half student year (four hours annually) to educating the fourth and ninth grade students about water quality awareness and protection. Topics must rotate on at least an annual basis for each grade level. Credit allowance is five percent for each grade.
  2. Devote one-half hour twice a year (one hour annually) to educating employees about water quality and protection at time of hiring. Credit allowance is five percent.
  3. The maximum Education Credit will be fifteen (15) percent.
  4. A pre and post education survey of students and staff will be required.
  5. Schools will be required to submit an annual report to the Public Works Director for the proposed education sessions that will include information on the number of attendees, time(s), location(s), and topic(s) covered during each session. Copies of materials disseminated must be provided to Public Works with the annual report.
  6. Educational information may be obtained from the United States Environmental Protection Agency, the Kansas Department of Health and Education, the Mid-America Regional Council (MARC), Johnson County Stormwater Management (SMAC), or any other reputable educational resource approved by the Director.

## VII. BMP CREDIT

- A. A basic goal for BMP Credit is to maintain predevelopment peak flows, runoff volumes, and water quality by the installation of an approved BMP.
- B. Those residential and non-residential properties wishing to receive a Credit of reducing the quantity and quality of stormwater entering the City Stormwater System must agree to construction of a BMP approved by Public Works on a developed site, and must agree to the following minimum standards:
1. Install an appropriate BMP as provided in the Kansas City Metro Chapter of American Public Works and the Mid-America Regional Council Manual of Best Management practices for Water Quality published in March 2008 and as amended.
  2. Provide document for choosing the selected BMP.
  3. Provide the design calculations for the selected BMP.
  4. Provide the intended maintenance practice and schedule.
  5. Provide the area in square feet provided by the BMP.
  6. Credit allowance will be the percentage calculated by dividing the area of the BMP by the total impervious area on the property.
  7. The maximum BMP Credit for each property is fifteen (15) percent.
  8. Property owners will be required to submit a written annual report to the Public Works Director for the proposed BMP Credit that will include description of the BMP, location of BMP, and maintenance provided for the BMP.

**VIII. APPLICATION PROCEDURE**

- A.** A property owner seeking a Stormwater Utility Fee Credit must comply with the procedures outlined in this Policy and must submit a Stormwater Utility Fee Credit application.
- B.** All information necessary for the Public Works Director to make a determination must be supplied as outlined in this Policy.
- C.** Failure to comply with the procedures will result in denial of the Stormwater Utility Fee Credit application.
- D.** The Director will review and make a determination of the Stormwater Utility Fee Credit application within sixty (60) calendar days of receipt of the complete application.
- E.** The City reserves the right to review the application for accuracy and/or inspect and review the documentation confirming the provision of the BMP Credit or Education Credit at any time.
- F.** A determination of the Credit value will be mailed to the applicant and the Stormwater Utility Fee will be adjusted accordingly for the following year as stated in Section V.B.4 of this policy.
- G.** Appeals of the Credit decision by the Director may be made to the City Administrator within thirty (30) calendar days of the date of decision by the Director.

**IX. ENFORCEMENT**

- A.** An annual report will be required to be submitted every May 1 to the Director to document the continuing provision of BMP Credit or Education Credit.
- B.** If, after its review or inspection, the Director finds either the application or annual report to be inaccurate or the projected level of service is not being provided or continued, the property owner will be notified in writing and given thirty (30) calendar days to correct the deficiency. The property owner must provide written documentation to the Director within thirty (30) calendar days of the original notice that the deficiency has been corrected.
- C.** If, in the opinion of the Director, the deficiency is not satisfactorily corrected, the Stormwater Utility Fee Credit attributable to the deficiency will be terminated on the next billing cycle and will remain in effect for a minimum of twelve (12) months before a new Credit application may be submitted.