



When a bandaid's not enough

IMPLEMENTING STORMWATER UTILITIES IN THE GREAT LAKES BASIN

*Community Outreach Tools,
Sample Utility Ordinance Language and
Guidance for Building Public Support*



American Rivers
Rivers Connect Us®

About American Rivers

American Rivers protects wild rivers, restores damaged rivers, and conserves clean water for people and nature. Since 1973, American Rivers has protected and restored more than 150,000 miles of rivers through advocacy efforts, on-the-ground projects, and an annual America's Most Endangered Rivers® campaign.

Headquartered in Washington, DC, American Rivers has offices across the country and more than 200,000 members, supporters, and volunteers. Rivers connect us to each other, nature, and future generations. Find your connections at **www.AmericanRivers.org**, **www.facebook.com/americanrivers**, and **www.twitter.com/americanrivers**.



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Bluestem Communications, a nonprofit environmental communications organization, developed messaging and communications recommendations for this guide.

INTRODUCTION

Water, water everywhere...



Storm events are increasing in frequency and severity throughout the Great Lakes basin, and the increase in rainfall is overwhelming our infrastructure. When rain falls in open, undeveloped areas not occupied by buildings or pavement, the water is absorbed into the ground and filtered by soil and plants. But, when water falls on roofs, streets, and parking lots, the water cannot soak into the ground. Instead, it enters the sewer system and it then has to be managed by municipalities and counties.

Stormwater goes from being the property-owner's problem to the community's problem really fast. And once it is the community's problem, government agencies need to solve it.

To reduce sewer backups and urban flooding, communities need to ensure that more stormwater is able to soak into the ground, keeping it out of the overloaded sewers.

We can reduce property and street flooding through a combination of gray and green stormwater infrastructure. **Gray infrastructure** refers to traditional engineered solutions to flooding problems, like sewers. Gray infrastructure is often designed to move rainwater to another location to reduce flooding. Alternately, **green stormwater infrastructure** practices treat water where it falls, allowing the water to sink slowly into the ground.

Learning from Nature to Handle Nature's Challenges

Green stormwater infrastructure practices treat water where it falls, allowing the water to sink slowly into the ground and keeping it out of the sewer system. Green stormwater infrastructure can ease the burden on overwhelmed sewers, especially during heavy storms, which can reduce urban flooding. These practices also reduce water quality problems in lakes and rivers, like toxic algae blooms. Green stormwater infrastructure also often costs less than gray infrastructure.

Green stormwater infrastructure adds natural beauty to properties that appeals to residents, neighbors, customers and employees. Common green stormwater infrastructure practices include:

- Rain barrels and cisterns
- Permeable pavers or concrete
- Planting trees
- Rain gardens
- Vegetated swales in parking lots
- Green roofs



For more information about common green stormwater infrastructure practices, visit www.americanrivers.org/green-infrastructure-training.

INTRODUCTION

Paying for Stormwater Management and Infrastructure



Whether they go gray or green, for many communities, stormwater infrastructure repairs are no longer a luxury; they are a necessity to reduce chronic flooding and improve impaired rivers and streams. Communities need to repair old systems and build new, modern systems that embrace technological advances from the last 100 years. But, communities also need money to do it. **A stormwater utility is an equitable way for communities to raise some of the money they need to fix the most immediate stormwater problems.**

A **stormwater utility** is a fee charged to property owners—usually determined by the amount of impermeable surface on their property—that grants them continued use of the stormwater management system and ensures that system continues to function. Property owners—typically large land owners—can reduce their utility bill by implementing **green stormwater infrastructure practices** that reduce their property’s contribution to the stormwater management system. In this way, property owners are in control of their bills and their property.

Implementing a stormwater utility may seem difficult at first. Neither property owners nor government officials want to spend money on improvements that—in the best case scenario—no one ever sees. Infrastructure improvements and stormwater management are the kind of expenditures that only get attention when something goes wrong. Plus, local government leaders and stormwater managers are already short on time and resources, and educating the public about a stormwater utility can seem like an impossible task.

That’s why American Rivers has created this **Stormwater Utility Toolkit** to help local government officials with the education and outreach process necessary to implement a local utility.

STORMWATER UTILITIES

Using This Toolkit



CNT RainReady

Residential
Rain Garden

This **Stormwater Utility Toolkit** contains materials to ensure local leaders, city and county staff, and partners have the tools necessary to create a stormwater utility that is supported by the entire community.

These tools are designed to give you the language and structure needed for jumpstarting a public engagement process. These tools are designed to be edited and personalized to fit your own community's policies, values and personalities.

This toolkit contains:

- A stormwater utility overview and technical resources
- A strategy for building public support for a stormwater utility
- Sample outreach materials
 - Draft press release
 - Social media posts
 - Website language
- Tips for running successful public meetings
- Sample stormwater utility ordinance language

For Municipalities, by Municipalities

To develop these messages and tools, we surveyed and interviewed municipal staff from communities all around the Great Lakes basin that are in various stages of implementing a stormwater utility.

We spoke to representatives of communities that have stormwater utilities; have tried to establish

stormwater utilities, but failed; and are currently considering implementing a utility. These conversations helped us understand the full range of barriers that can make it difficult for communities to take this often necessary step.

The municipal and county staff that we interviewed painted vivid pictures

of what it took in their communities to build public support for utilities or, in some cases, what went wrong.

We can all benefit and learn from their experience. The tools and messages in this toolkit synthesize their feedback for us all to use.

STORMWATER UTILITIES

Equitable Funding for Stormwater Management

Throughout the Great Lakes basin, communities are barely getting by during major storm events because sewer systems and other “gray” infrastructure are falling apart. In the best scenarios, the infrastructure is in fine condition, but it was built for a time when we had fewer people and *substantially* fewer paved surfaces.

Now, the Great Lakes region has more frequent and more severe storms and less ability for all that water to soak into the ground. The water has to go somewhere, so it often floods streets, basements and businesses.

New infrastructure to capture and convey all this water is expensive. Maintenance, capital improvements and repair on existing infrastructure is expensive. Simply planning for how to deal with this new reality is expensive.

The water has to go somewhere, and communities have to find some way to pay for it.

Stormwater Utilities are Equitable

To pay for stormwater management costs (regulatory compliance, planning, maintenance, capital improvements, and repair and replacement), many communities include line items within their water or sanitary sewer budget. Water and sanitary utilities charge customers fees for services rendered—residents and businesses pay for the amount of water that comes out of their faucet.

Managing stormwater, though, is much more complicated. Every property owner creates stormwater runoff, but it isn’t measured in metered water flow. For example, a property with a large parking lot contributes significantly more runoff than a house with a short driveway, yet it might use less metered water.

In comparison, dedicated stormwater utilities charge taxpaying and tax-exempt properties fees based on property area, often specifically the amount of property area covered with impermeable surfaces. Only impermeable surfaces—areas covered by buildings, concrete, asphalt, etc. that prevent rainwater and snowmelt from soaking into the

ground—contribute to the amount of stormwater that has to be managed by the city’s infrastructure. In this way, **stormwater utilities ensure that property owners pay for their fair share of the stormwater utility fee. They pay for what their property contributes.**

As of 2013, a Western Kentucky University survey of stormwater utilities counted around 1500 stormwater utilities in operation across the country, with more and more communities considering this option every year. Nationwide, the average monthly single family residential fee was \$4.79 and fees ranged from zero to \$35 per month.

STORMWATER UTILITIES

Where do we begin?

EPA Region 3 developed a helpful factsheet in 2008 outlining common steps that communities often follow when developing a stormwater utility:

- 1. Conduct a Feasibility Study:** The feasibility study outlines initial revenue requirements (usually from current stormwater budgets), assesses the billing area to determine the billing rate, recommends credits to provide and establishes the responsible party for billing. The feasibility study is then presented to municipal staff and officials to decide whether to proceed with developing the utility.
- 2. Create a Billing System:** To create a billing system, communities collect data on users and land parcels, specifically who owns the property and how much impervious surface is on it.

Here's where this toolkit comes in!

- 3. Roll out a Public Engagement Program:** A stormwater utility is an equitable and usually necessary way to pay for stormwater management. But, without a coordinated and thoughtful public engagement program, a few vocal opponents can derail the effort before it even comes to a vote.

While it adds time to the process, addressing public and businessowner concerns graciously, honestly and immediately is the best way to prevent heated arguments from getting out of

hand. Communities must both convey clear, user-friendly information to all constituents and also *listen* to concerns and complaints. Public engagement meetings must be two-way conversations. People must feel heard.

- 4. Adopt an Ordinance:** An example of a stormwater utility ordinance is included in this Toolkit.
- 5. Provide Credits/Exemptions:** Credits or exemptions, often built into the ordinance, provide incentives for certain practices or relief from utility fees to certain types of land uses. Credits should be clearly described and can include installation of approved green stormwater infrastructure practices to either keep stormwater on the property or educate employees on stormwater and water quality issues.
- 6. Implement the Utility:** The first bill is the most important—many customers do not focus on the new stormwater fee until they actually receive their first bill. Customers should be notified several months in advance of the date of billing initiation and their estimated fee. Include clear messaging detailing *how* this money will be used and why it is necessary with this bill.

For additional resources for planning and designing your stormwater utility program, view the Resources section on page 10.

Answering the “Rain Tax” Accusation

At some point in every conversation surrounding stormwater utilities, someone will call it a “rain tax”. Not only does “rain tax” sound bad from a public relations perspective, it’s simply not true.

In fact, “pollution tax” would be more appropriate (although probably

still not helpful in the debate). This is a fee designed to improve the infrastructure that keeps homes from flooding and lakes from becoming overrun with toxic algae blooms. Stormwater runoff carries pollution with it, so this fee is necessary for governments to clean up the pollution

leaving private properties.

Plus, with the inclusion of green stormwater infrastructure credits in the stormwater utility fee structure, large landowners have the ability to reduce their bill by reducing the amount of stormwater pollution they contribute to the community.

Getting the Public on Board

To prepare for a public engagement effort around a stormwater utility program, we must understand some of the concerns and questions constituents are likely to have. Whether based in fact or fiction, **perceived truths** about a controversial issue must be addressed early and often to prevent them from taking over the conversation.

Arguments against a stormwater fee often fall in 3–4 predictable categories: too many taxes; systems seem too complicated; misunderstandings around stormwater issues; and confusion around green stormwater infrastructure.

Here are some common concerns—and myths!—about stormwater utility fees that communities should be prepared to address as they roll out a public engagement campaign:

No More Taxes!

- Now they're taxing the rain!
- The Rain Tax could drain millions of dollars from our still struggling local economy.
- Businesses will close or move to communities with fewer taxes.
- Because this is legally a fee, not a tax, it will be charged to all residences and businesses, as well as churches, schools, and nonprofit organizations. They're charging churches more money!
- As a fee, this cannot be deducted from federal taxes.
- Once this rain tax is approved, it'll be permanent—like they'd ever voluntarily charge us less money once they start collecting it.

It's too complicated.

- Big government is overstepping—AGAIN.
- How will they measure every rooftop and impervious surface in the City? How much will that effort cost?
- How will I know if they measured my property right? I could get charged more than my fair share.
- How will we know if they actually spend this money on stormwater improvements? How do we know it won't become a slush fund for corrupt or greedy politicians?

We don't have a stormwater problem.

- Most stormwater doesn't end up in the city sewers. The majority of downspouts drain onto a homeowner's property, so this fee isn't necessary.
- We shouldn't have to start paying this fee now if we've functioned without it for so long.
- It seems like there is always construction happening all over our city already. Changing the sewers is only going to make it worse and disrupt daily lives.

Green stormwater infrastructure is too complicated!

- I don't know what green stormwater infrastructure is.
- I don't know how to install green stormwater infrastructure practices.
- Green stormwater infrastructure sounds insecure—how do I know it won't cause problems on my property.
- This sounds like a hippie-environmental solution being forced on me.
- The paperwork to get a green stormwater infrastructure credit is complicated and bureaucratic. It'll take months to get through it all.
- I'll have to hire a contractor and engineer to install it, then spend money every year maintaining it.

Getting the Public on Board

Thankfully, when clearly explained, stormwater utilities strike most people as common-sense solutions to ongoing (and often obvious) stormwater problems. The heart of the message is:

- Our community is getting more frequent and more severe storms.
- Our sewers and systems are 100 years old; they are falling apart. But even if they were in perfect condition, they couldn't handle all the rain runoff that we now have.
- We have no budget to bring our sewers and stormwater management system into the 21st century.
- Because stormwater comes from every property in our community, we all contribute to the problem. We also all can contribute to the solution.
- A stormwater utility fee is a fair way to pay for necessary infrastructure improvements and repairs.
- With a stormwater utility fee, people only pay for the stormwater that comes off their property and into the city's sewer system. We measure this by determining the area of each property covered in materials that prevent water from soaking into the ground—like buildings, parking lots or driveways.
- Large land owners can reduce their utility bill by reducing the amount of their property covered in impermeable surfaces.
- A well-funded stormwater program can help reduce flooding, improve drought conditions, create better fishing and recreation, and improve water quality.



CNT RainReady

Residential Rain Garden

Planning a Public Engagement Process

A coordinated and thoughtful public engagement program can prevent a few vocal opponents from derailing your stormwater utility program before it even comes to a vote.

Addressing public and businessowner concerns graciously, honestly and immediately is the best way to prevent heated arguments from getting out of hand. Communities must both convey clear, user-friendly information to all constituents and also *listen* to concerns and complaints. Public engagement meetings must be two-way conversations.

Implementing a thorough public engagement process adds months to your timeline, but it is a necessary step. Typical public engagement programs include the following key steps:

- 1. Identify key users and groups.** Two potential groups to target include large property owners (like factories and shopping centers) that generate a significant amount of runoff and often receive high stormwater bills and tax-exempt properties such as schools and churches that are not used to paying fees like this because they do not contribute property taxes into the general fund. Other key groups include those that are often vocal, like chambers of commerce. Engage the groups early and often.
- 2. Establish an advisory committee.** Include a cross-section of the community including representatives from universities, businesses, nonprofits, churches, developers and shopping center owners. Train the representatives on the facts and right messaging. They should act as consistent spokesmen for the utility.

Reach out to local environmental organizations that will likely support a stormwater utility because of the positive impact it can have on water quality in rivers and lakes. These organizations have the means of communicating with established members. They have microphones that could be used in your favor.
- 3. Create a stormwater utility website.** Populate the site with appropriate progress documents and develop a “frequently asked questions” page.
- 4. Prepare education and outreach materials.** Materials should explain *why* the utility is necessary, in addition to explaining the details, like how the rate will be calculated and projected rates for different sized properties. Develop materials for the green stormwater infrastructure credit system, including detailed information about the kinds of practices that are eligible. **This toolkit includes several outreach templates you can personalize.**
- 5. Meet with key user groups and the media.** Conduct two-way conversation meetings with civic groups, representatives from the media and your previously identified stakeholder groups. Conduct one-on-one meetings with customers projected to receive the highest bills. Talk to them about the green stormwater infrastructure credit options and provide resources to assist them in applying for the credit.
- 6. Distribute information before initial billing.** A stormwater utility brochure should be sent to all customers before billing, ideally including the customer’s actual projected bill.

Sample Stormwater Utility Public Engagement Timeline

Timeline	Audiences and Engagement Efforts	Outreach Materials
PLANNING PHASE (2–3 months prior to utility passage)	Elected Officials <ul style="list-style-type: none"> • Presentations to elected officials and one-on-one conversations with key councilors 	<ul style="list-style-type: none"> • Briefing packet • Current stormwater assessment • Sample ordinance language
	Media <ul style="list-style-type: none"> • Meet with editorial boards of local papers; share information with reporters; develop a consistent social media presence 	<ul style="list-style-type: none"> • Press Release • Social media and website posts/text • Talking points
	Public <ul style="list-style-type: none"> • Clear messaging on website; establish a hotline or email through which people can ask questions • Public meetings that provide two-way conversations with targeted groups (like large property owners and churches) and general public audiences • Recruit members for an Advisory Committee—include clean water representatives. Work with Advisory Committee to share your message. 	<ul style="list-style-type: none"> • Website language • Talking points • PowerPoint slides • Plan for listening to public feedback • Utility and green stormwater infrastructure credit factsheets
KICKOFF PHASE (announcing the utility)	Media <ul style="list-style-type: none"> • Meet with editorial boards of local papers; share information with reporters; maintain a consistent social media presence 	<ul style="list-style-type: none"> • Press release/press conference
	Public <ul style="list-style-type: none"> • All property owners should receive a letter in advance of the first bill explaining the utility and providing an estimate of their rate • In the first bill, include an insert that explains why the utility is necessary and how it will reduce flooding/reduce water pollution • Host one-on-one meetings with large property owners • Organizations that support a utility (like clean water groups) can act as advocates to their members and the general public by distributing information via door hangers, emails to their mailing lists, etc. 	<ul style="list-style-type: none"> • Letter • Water bill insert • Utility and green stormwater infrastructure credit factsheets • Sample message for door hangers and handouts • Emails to partner organization mailing lists
ONGOING	Public <ul style="list-style-type: none"> • Maintain updated webpage explaining why the utility matters and showcasing case studies of successes—how the money has been used • Send a letter every year to largest land owners reminding them of green stormwater infrastructure credit opportunities • Distribute information about the green stormwater infrastructure credit along with permit applications for new construction or renovations 	<ul style="list-style-type: none"> • Web page language • Large landowner annual letter • Green stormwater infrastructure credit factsheet for distribution through permit office

Additional Resources

This **Stormwater Utility Toolkit** contains materials that are designed to give you the language and structure needed for jumpstarting a public engagement process around a stormwater utility. If you are in need of additional support setting up your stormwater utility or already have a stormwater utility and want to include a green stormwater infrastructure credit, consult these following resources:

Western Kentucky University 2013 Stormwater Utility Survey

C. Warren Campbell
Western Kentucky University

This report documents more than 1,400 stormwater utilities around the country, citing their fee structures and rates. Data was collected from internet searches and phone surveys.

Five Phases in Developing and Implementing a Stormwater Utility

By Hector Cyre and Scott McClelland
Charles Rivers Watershed Association

This research paper is the application of J.M. Bryson and B.C. Crosby's five-step model for successful policy development towards stormwater utility implementation. It aims to guide future officials who want to implement a utility.

The Value of Stormwater Utilities for Local Governments in the Chicago Region

The Chicago Metropolitan Agency for Planning

This report introduces stormwater utilities to government officials, residents and decision-makers. The report cites useful case studies and contains a map that shows where cities or towns have adopted stormwater utilities.

Clean Watersheds Needs Survey

United States Environmental Protection Agency

The 2012 CWNS summarizes the results of EPA's sixteenth national survey of stormwater capital costs. The information helps Congress, state legislatures, communities and others make informed investment decisions about clean water infrastructure and pollution control methods. The report web page provides access to data on stormwater costs for specific regions, states, watersheds and communities.

Local Government Stormwater Financing Manual

Environmental Finance Center

This manual provides a foundation for local officials to move forward with public stormwater financing. It presents a process model for creating policies and programs that embrace new financing structures and green infrastructure credits.

Incentivizing Clean Water

Environmental Finance Center

This guide provides step-by-step instructions on how communities can improve their water quality by embedding green infrastructure credit programs into stormwater utilities. With specific guidance on communicating complicated issues—like stormwater and green infrastructure—this resource can be a great tool for communities who have already decided to adopt a utility and are looking for ways to make sure their water quality issues are addressed at the same time. Many of the recommended steps for establishing a utility mentioned in this toolkit came from the “Incentivizing Clean Water” report.

Personalizing These Toolkit Templates

This **Stormwater Utility Toolkit** contains materials to ensure local leaders, city and county staff and partners have the tools necessary to create a stormwater utility that is supported by the entire community.

These tools are designed to give you the language and structure needed for jumpstarting a public engagement process. These tools are designed to be edited and personalized to fit your own community's policies, values and personalities. Download these Word Document and InDesign files from www.americanrivers.org/stormwaterutility for a jumpstart on creating your own community's outreach materials. Use the language and photos that work for your community, add new language and specifics wherever needed.

Downloadable templates include:

- Doorhanger (InDesign file)
- Factsheet (InDesign file)
- Letter to residents (Word file)
- Water bill insert (Word file)
- Press release (Word file)
- Talking points (Word file)
- Website text (Word file)
- Social media posts (Word file)
- Sample stormwater utility ordinance (PDF file)



PUT YOUR LOGO HERE

American Rivers
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The Price of Our Stormwater

As part of the Great Lakes region, water is a defining characteristic in [TOWN]. Our children play in it, our families drink it and our economy is based on it. We are fortunate to have such a great resource so readily available. Water is our friend, until it floods our streets, basements and homes. And preventing it from doing so is a costly endeavor.



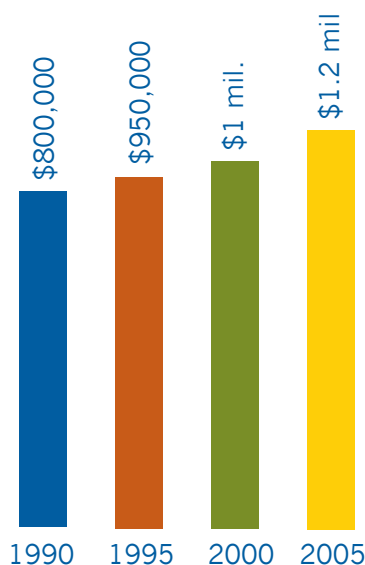
These days, it seems like every time it rains, it pours. And, since more of our land is covered in concrete, all this extra water can't soak into the ground. If stormwater can't soak into the ground, it has to enter our sewer system. Once it enters our sewer system, it costs our community money.

Stormwater infrastructure repairs are no longer a luxury; they are a necessity to reduce flooding and improve impaired waterways. Currently, [TOWN] has no designated way to pay for stormwater sewers, flood-reduction efforts or even basic maintenance.

We pay to use sewer and water lines; we also need to pay for the infrastructure that keeps our homes from flooding.

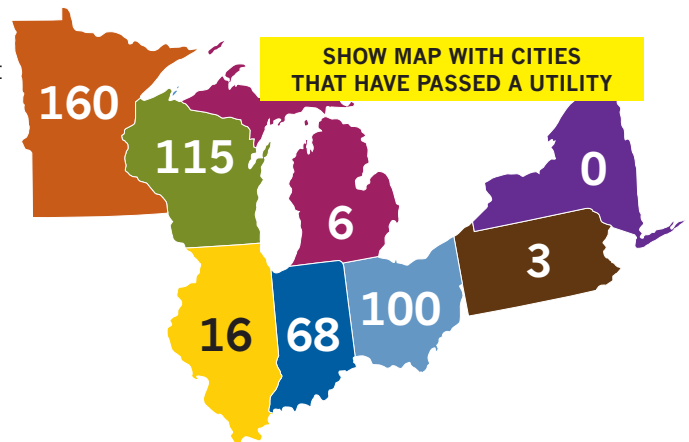
INSERT A GRAPH OR TABLE OF YEARLY
STORMWATER INFRASTRUCTURE
OPERATING COSTS

**Town's Stormwater
Infrastructure costs**



A stormwater utility is a fee that is charged to property owners in order to ensure continued use and upkeep of the stormwater management system. The amount of the fee is determined for each property-owner based on the amount of their land that is covered by impervious surfaces that prevent water from soaking into the ground. In other words, you only have to pay for the amount of stormwater you contribute to the system.

**Number of Communities with Stormwater
Utilities in Great Lakes States, 2013.**



Source: Western Kentucky University 2013 Stormwater Utility Survey

The fee will be set at \$XX per XX square feet of impervious land.

Reducing Your Stormwater Footprint: The Natural Way!

Starting in [MONTH/YEAR,] [TOWN] will pay for stormwater management services through a paid utility. Our stormwater utility is designed to be a fair and equitable way to fund the necessary stormwater improvements that the residents and business owners of [TOWN] deserve. The fee will be set at \$XX per XX square feet of impervious land.

To make this utility even *more* fair, [all large] property owners with XX or more acres of land can take actions to reduce their stormwater bill. You can offset the amount of stormwater runoff from your property by adding green stormwater infrastructure solutions.

Green stormwater infrastructure includes any project that mimics natural ways to get stormwater to soak into the ground, keeping it out of the sewer system.



IMAGE/DIAGRAM OF A GREEN ROOF

Green roofs

A green roof on a building is covered with vegetation, planted over a waterproof layer. Stormwater soaks into the vegetation and is absorbed by the plants, reducing the runoff that reaches the gutters.



IMAGE OF A RAIN BARREL

Rain barrels & cisterns

These are large drums that can be connected to gutter downspouts. They are an easy way to capture and store runoff falling from gutters. The stored water can later be used to water gardens and lawns.



IMAGE OF A DRIVEWAY WITH PERMEABLE PAVEMENT

Permeable pavers

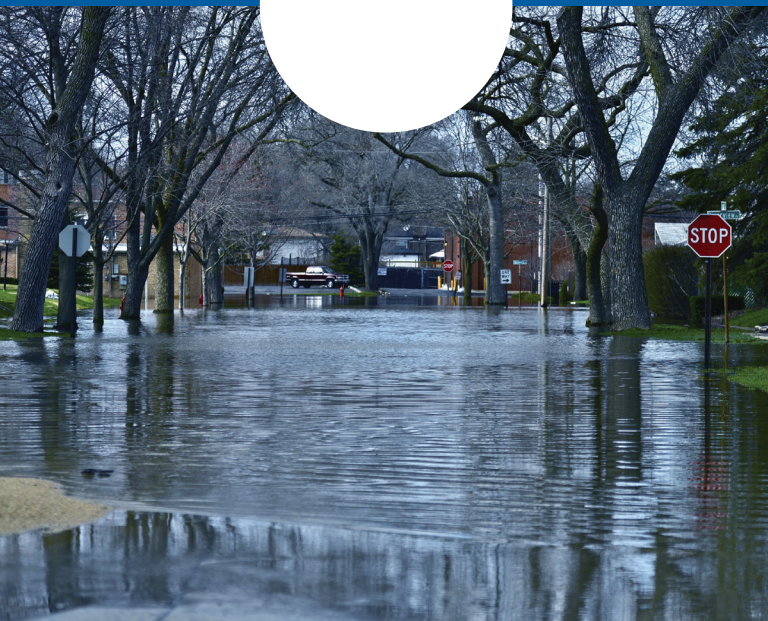
Permeable pavers can be used as an alternative to traditional concrete or asphalt paving. The pavers decrease runoff by allowing water to percolate through the pavement's surface into the ground below. Permeable pavers and porous concrete also add character to paved areas.



IMAGE/DIAGRAM OF A RAIN GARDEN

Bio-swales & rain gardens

These beautiful and low-maintenance planted areas reduce stormwater flow by allowing water to soak into the ground. These are ideally situated near a major source of stormwater runoff, like parking lots or driveways.

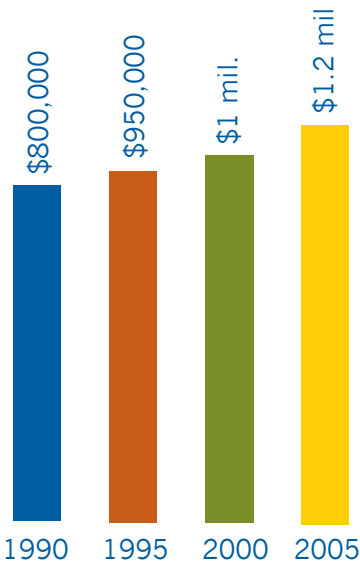


The Price of Our Stormwater

These days, it seems like every time it rains, it pours. And, since more of our land is covered in concrete, all this extra water can't soak into the ground. If stormwater can't soak into the ground, it has to enter our sewer system. Once it enters our sewer system, it costs our community money.

Currently, [TOWN] has no designated way to pay for stormwater sewers, flood-reduction efforts or even basic maintenance.

Town's Stormwater Infrastructure costs



Starting in [MONTH/YEAR,] [TOWN] will pay for stormwater management services through a utility. The amount of the fee is determined for each property-owner based on the amount of their land that is covered by impervious surfaces that prevent water from soaking into the ground. **The fee will be set at \$XX per XX square feet of impervious land.** If you have any questions concerning [TOWN]'s new stormwater utility, please visit [WEBSITE].

INSERT A GRAPH OR TABLE OF YEARLY STORMWATER INFRASTRUCTURE OPERATING COSTS



How to Reduce Your Stormwater Footprint

[All large] property owners with **XX** or more acres of land can take actions to reduce their stormwater bill. You can offset the amount of stormwater runoff from your property by adding green stormwater infrastructure.



IMAGE OF A DRIVEWAY WITH PERMEABLE PAVEMENT

Permeable pavers — decrease runoff by allowing water to percolate through the pavement's surface into the ground below.



IMAGE OF A RAIN BARREL

Rain barrels and cisterns — collect and store water from your downspouts that can later be used to water gardens and lawns.



IMAGE/DIAGRAM OF A RAIN GARDEN

Bio-swales and rain gardens — Beautiful and low-maintenance planted areas reduce stormwater flow by allowing water to soak into the ground.

STORMWATER UTILITY COMMUNICATIONS TEMPLATES

Download these Word Document files from www.americanrivers.org/stormwaterutility for a jumpstart on creating your own community's outreach materials. Use the language and photos that work for your community, add new language and specifics wherever needed.

Sample Letter to Residents Announcing Stormwater Utility

INSERT CITY LOGO/LETTERHEAD

DATE

Dear [RESIDENT],

These days, it seems like every time it rains, it pours. And, since more of our land is covered in concrete—parking lots, buildings, patios, driveways—all this extra water can't soak into the ground. Instead, the water enters our sewer system, costing our community money. [For the past XX years,] [TOWN] has been experiencing more stormwater runoff than ever before – definitely more than our ancient sewer system can handle.

Stormwater infrastructure repairs are no longer a luxury; they are a necessity to reduce chronic flooding and improve impaired rivers and streams. Unfortunately, [TOWN] has no designated way to pay for stormwater sewers, flood-reduction efforts or even basic maintenance. We pay to use sewer and water lines; we also need to pay for the infrastructure that keeps our homes from flooding.

Starting in [MONTH/YEAR,] [TOWN] will pay for stormwater management services through a paid utility. A stormwater utility is a fee that is charged to property owners in order to ensure continued use and upkeep of the stormwater management system. The amount of the fee is determined for each property-owner based on the actual amount of their land that is covered by buildings, concrete or other surfaces that prevent water from soaking into the ground.

The fee will be set at \$XX.XX per XX square feet of impervious land.

Property owners with XX or more acres of land can take actions to reduce their stormwater bill. You can offset the amount of stormwater runoff from your property by adding green stormwater infrastructure solutions. To learn more about the green stormwater infrastructure credit system, visit [WEBSITE].

For too long, [TOWN] residents have been held hostage during rain storms thanks to antiquated infrastructure and no way to pay to fix it. This stormwater utility will help us reduce flooding, improve our water quality and prevent major problems from occurring. The stormwater utility is an investment in our town—and our residents.

If you have any questions concerning [TOWN]'s new stormwater utility, please contact XXXX.

Sincerely,

NAME, TITLE

Water Bill Insert Announcing Stormwater Utility

[TOWN]'s New Stormwater Utility

[For the past XX years,] [TOWN] has been experiencing more stormwater runoff than ever before, and definitely more than our ancient sewer system can handle. It's time for [TOWN] to repair our old system and build new, modern components that embrace the technological advances from the last 100 years. But, [TOWN] currently has no designated way to pay for stormwater sewers, flood-reduction efforts or even basic maintenance. We pay to use sewer and water lines; we also need to pay for the infrastructure that keeps our homes from flooding.

Starting in [MONTH/YEAR,] [TOWN] will pay for stormwater management services through a paid utility. A stormwater utility is a fee that is charged to property owners in order to ensure continued use and upkeep of the stormwater management system. The amount of the fee is determined for each property-owner based on the actual amount of their land that is covered by buildings, parking lots, driveways, patios or other surfaces that prevent water from soaking into the ground. The fee will be set at \$XX.XX per XX square feet of impervious land.

Property owners with XX or more acres of land can take actions to reduce their stormwater bill. You can offset the amount of stormwater runoff from your property by adding green stormwater infrastructure solutions. Green stormwater infrastructure includes rain gardens, green roofs, permeable pavers, and rainwater harvesting devices.

To learn more about our new stormwater utility and the green stormwater infrastructure credit system, visit [WEBSITE].

Sample Press Release

FOR IMMEDIATE RELEASE

DATE

Contact: **[NAME]**, **[POSITION TITLE]**, **[ORGANIZATION]**

Phone: **PHONE**

Email: **EMAIL**

[TOWN] Ready to Implement Stormwater Utility **New funding source will reduce flooding, protect local rivers**

LOCATION – Starting in **[MONTH/YEAR]**, **[TOWN]** will pay for stormwater management services through a paid utility. According to city officials, the stormwater utility is an equitable way for communities to raise some of the money needed to fix the most immediate stormwater problems. Currently, **[TOWN]** has no designated way to pay for stormwater sewers, flood-reduction efforts or basic maintenance.

A stormwater utility is a fee that is charged to property owners in order to ensure continued use and upkeep of the stormwater management system. The amount of the fee will be determined for each property-owner based on the actual amount of their land that is covered by buildings, parking lots, driveways, patios or other surfaces that prevent water from soaking into the ground. Property owners will only have to pay for the amount of stormwater they contribute to the system.

“**[For the past XX years]**, **[TOWN]** has been experiencing more stormwater runoff than ever before, and definitely more than our ancient sewer system can handle,” said **[NAME]**, **[POSITION]**. “It’s time for us to repair our old system and build new, modern components that embrace the technological advances from the last 100 years. But, we need money to do it.”

The fee will be set at \$**XX.XX** per **XX** square feet of impervious land—land that is built on or covered in concrete so rain and snow melt cannot soak into the ground. When water can’t soak into the ground, it instead flows into the sewer system.

[All large] property owners with **XX** or more acres of land are encouraged to apply for a green stormwater infrastructure credit that will help reduce their bill. By adding green stormwater infrastructure solutions, property owners offset the amount of stormwater runoff from their property. Green stormwater infrastructure includes any project that mimics natural ways to get stormwater to soak into the ground, keeping it out of the sewer system. Examples of this include rain barrels, rain gardens, permeable pavers and bio-swales.

[City/Village] officials believe that the stormwater utility will be a worthy investment in the town’s future, especially if property owners take advantage of the green stormwater infrastructure credit.

“If stormwater can’t soak into the ground, it has to enter our sewer system, and once it enters our sewer system, it costs our community money,” said **[NAME]**. “We pay to use sewer and water lines. We also need to pay for the infrastructure that keeps our homes from flooding.”

If you are interested in learning more about **[TOWN]**’s new stormwater utility or have questions about it, please contact **XXXXXX** or attend the public meeting at **[LOCATION]** on **[DATE]**.

Website Text

[Photos: images of local floods, rivers, areas that look great after they've been restored]

Starting in [MONTH/YEAR,] [TOWN] will pay for stormwater management services through a paid utility. Our stormwater utility is designed to be a fair and equitable way to fund the necessary stormwater improvements that the residents and business owners of [TOWN] deserve.

WHY DO WE NEED A STORMWATER UTILITY?

[For the past XX years,] [TOWN] has been experiencing more stormwater runoff than ever before, and definitely more than our ancient sewer system can handle. Stormwater infrastructure repairs are no longer a luxury; they are a necessity to reduce chronic flooding and improve impaired rivers and streams.

It's time for [TOWN] to repair our old system and build new, modern components that embrace the technological advances from the last 100 years. But, we need money to do it. Currently, [TOWN] has no designated way to pay for stormwater sewers, flood-reduction efforts or even basic maintenance.

We pay to use sewer and water lines; we also need to pay for the infrastructure that keeps our homes from flooding.

HOW DOES THE STORMWATER UTILITY WORK?

A stormwater utility is an equitable way for communities to raise some of the money we need to fix the most immediate stormwater problems.

A fee is charged to property owners in order to ensure continued use and upkeep of the stormwater management system. The amount of the fee is determined for each property-owner based on the actual amount of their land that is covered by buildings, parking lots, driveways, patios or other surfaces that prevent water from soaking into the ground. In other words, you will only have to pay for the amount of stormwater you contribute to the system.

The fee will be set at \$XX.XX per XX square feet of impervious land.

HOW DO I DETERMINE HOW MUCH I'LL HAVE TO PAY?

[INSERT RATE METHODOLOGY HERE.]

HOW CAN I REDUCE MY STORMWATER UTILITY FEE?

To make this utility even *more* equitable, [all large] property owners with XX or more acres of land can take actions to reduce your stormwater bill. You can offset the amount of stormwater runoff from your property by adding green stormwater infrastructure solutions. Green stormwater infrastructure includes any project that mimics natural ways to get stormwater to soak into the ground, keeping it out of the sewer system. The best news is, many new developments have *already* incorporated these practices! All you need to do is apply for green stormwater infrastructure credit to see an immediate reduction in your bill. [CLICK HERE FOR AN APPLICATION]

Examples of green stormwater infrastructure include:

1. Green roofs – a roof of a building that is covered with vegetation, planted over a waterproof layer. Stormwater soaks into the vegetation and soil and is absorbed by the plants, reducing the runoff that reaches the gutters.
2. Permeable pavers – Permeable pavers can be used as an alternative to traditional concrete or asphalt paving. The pavers decrease runoff by allowing water to percolate through the pavement's surface. Permeable pavers and porous concrete also add character and beauty to paved areas.
3. Rain barrels and cisterns – These are large drums that can be connected to gutter downspouts, either above or below ground. They are an easy way to capture and store runoff falling from gutters. The stored water can later be used to water gardens and lawns.
4. Bio-swales and rain gardens – These beautiful and low-maintenance planted areas reduce stormwater flow by allowing water to soak into the ground. These are ideally situated near a major source of stormwater runoff, like parking lots or driveways. Swales and rain gardens add pleasing bits of nature to your landscape. And, since they are planted with native plants, they also can attract butterflies to your property!

WHERE CAN I LEARN MORE?

If you are interested in learning more about [TOWN]'s new stormwater utility or have questions about it, please attend one of the following public meetings:

LOCATION
DATE
TIME

LOCATION
DATE
TIME

You can also contact [NAME] at [EMAIL/PHONE].

Social Media Posts

Hashtags

#ModernSewersModernCity
#CommonSense
#CITYNAMEdeservesCleanWater

Facebook

For too long, [TOWN] residents have been held hostage during rain storms thanks to antiquated infrastructure and no way to pay to fix it. A stormwater utility will change that. Join us on [DATE] at [LOCATION] to learn more about [TOWN]'s new stormwater utility proposal.

Our stormwater utility is designed to be a fair and equitable way to fund the necessary stormwater improvements that the residents and business owners of [TOWN] deserve. Learn more by visiting our website and joining us at [LOCATION] on [DATE] at [TIME].

We want to hear from you! [TOWN] will be hosting a public meeting on [DATE] at [LOCATION] at [TIME] to talk about our new stormwater utility, an equitable solution to [TOWN]'s stormwater problems.

Did you know: [TOWN] has no designated way to pay for stormwater sewers, flood-reduction efforts or even basic maintenance? We pay to use sewer and water lines; we need a way to pay for the infrastructure that keeps our homes from flooding. Attend our public meeting on [DATE] at [LOCATION] and find out how [TOWN] is working to solve this problem.

Twitter [Note: use a [short link](#) to save characters!]

Big storms and old sewers threaten [TOWN]'s homes and businesses. A stormwater utility can help reduce chronic flooding [INSERT LINK](#)

[TOWNians] deserve a sewer system that can protect homes and businesses from floods—a stormwater utility will get us there [INSERT LINK](#)

We want to hear from you! Attend [TOWN]'s public meeting on our new stormwater utility: [XX/XX](#) at [LOCATION] at [XPM](#) [INSERT LINK](#)

Did you know [TOWN] has no designated way to pay for sewers or maintenance? It's time for a utility. Learn more at [INSERT LINK](#)

Stormwater utilities are a fair and equitable, common-sense way to fund necessary stormwater improvements. Learn more at [INSERT LINK](#)

Every [TOWN] resident contributes to our stormwater issues; we all have to contribute to the solution. [INSERT LINK](#)

Stormwater pollution damages [TOWNS] rivers and lakes. A stormwater utility can protect our water for future generations [INSERT LINK](#)

Public Meeting Talking Points

The Problem

- Every time it rains, it pours.
- More of our land is covered in concrete.
 - Parking lots, buildings, patios, driveways
 - Extra water can't soak into the ground.
- If stormwater can't soak into the ground, it has to enter our sewer system.
 - Once it enters our sewer system, it costs our community money.

Where We Are Now

- We have been experiencing more stormwater runoff than ever before.
 - Definitely more than our ancient sewer system can handle.
- Stormwater infrastructure repairs are a necessity to reduce chronic flooding and improve impaired rivers and streams.
 - It's time for us to repair our old system but we need money to do it.
- We have no designated way to pay for stormwater sewers, flood-reduction efforts or basic maintenance.

The Solution

- We pay to use sewer and water lines; we also need to pay for the infrastructure that keeps our homes from flooding.
- Starting in [MONTH/YEAR,] [TOWN] will pay for stormwater management services through a paid utility.
- A **stormwater utility** is an equitable way for communities to raise some of the money we need to fix the most immediate stormwater problems.

The Stormwater Utility

- A stormwater utility is a fee that is charged to property owners in order to ensure continued use and upkeep of the stormwater management system.
- The amount of the fee is determined for each property-owner based on the actual amount of their land that is covered by impervious surfaces.
- The fee will be set at \$XX.XX per XX square feet of impervious land.

Green Stormwater Infrastructure Credit

- Property owners with XX or more acres of land can take actions to reduce their stormwater bill.
 - Offset the amount of stormwater runoff from your property by adding green stormwater infrastructure solutions.
 - How to apply
- Examples of green stormwater infrastructure.

Eight Steps to Plan a Successful Public Meeting

1. Determine a Mission

Decide exactly what you want to get out of this meeting. Do you want public input? Do you want to simply educate the public about the utility? Do you want to push for green stormwater infrastructure? A mission will decide all aspects of the meeting. Sit down with your team and come together on what this meeting will achieve.

2. Plan Ahead – Set Dates and Location Early

The earlier you set your date and location, the earlier you can promote the meeting. Public schools, libraries, community centers and park district buildings make great locations for public meetings and can be reserved for a small fee.

3. Craft an Outreach Timeline

If you want to run a successful public meeting, you'll need good neighborhood turnout. An outreach timeline will ensure that residents, business owners, decision-makers and any other relevant audiences are aware of the public meeting. An outreach timeline should include tactics such as submitting a press release and emailing constituents, which are explained in the **communications strategy**. An outreach timeline can look something like this:

Task		Week of: May 2	May 9	May 16	May 23
1	Press Release				
2	Newsletter Articles				
3	Email blast				
3a	To community leaders/decision-makers				
3b	To constituents				
4	Online Outreach				
4a	Webpage				
4b	Social media posts				

Once an outreach timeline is crafted, you should immediately get started on executing the timeline. Ask any community leaders, decision-makers or partner groups to share your message with their contact lists.

4. Create an Agenda That Will Be Engaging for All Participants

Public meetings are not only an opportunity to gather important input but also a way to make the general public feel involved in their community's decision-making process. A short introduction of your agency, department or council and the stormwater utility proposal should be followed by a segment that divides participants into groups. Groups allow all participants to have an equal voice in the process. Within these small groups, your team can gather input in an organized and personal manner.

5. Prepare Materials

After you have created an agenda, your team should run through the entire meeting and determine what materials will be needed. Once decided, begin prepping it all.

6. Check In

A few days prior to the meeting, check in with community leaders and any decision-makers that you previously reached out to and remind them about the upcoming meeting.

A friendly reminder will go a long way towards ensuring sufficient turnout.

7. Go Time

If everything is well-prepared, the meeting itself should be the easiest part!

8. Follow-Up

Participants will probably be curious about how the meeting went. Whether through an email or a short report released on your website, make sure your participants feel understood. Not only does follow-up help the community be more accepting of your proposal but it will also increase the likelihood of community participation in future public meetings!

COUNCIL BILL NO. 2012 - 044

AN ORDINANCE

AMENDING CHAPTER 19 AND CHAPTER 29.5 OF THE CHAMPAIGN MUNICIPAL CODE, 1985, AS AMENDED, BY ADDING SECTION 19.8.15.3 TO CHAPTER 19 AND ADDING ARTICLE VI TO CHAPTER 29.5
(Stormwater Utility Fee)

WHEREAS on October 27, 2009, in response to the flooding of various neighborhoods in the City of Champaign in 2008 and 2009, the City Council directed City staff to investigate the possibility of enacting a stormwater utility fee to fund needed improvements and maintenance of the City's stormwater facilities; and

WHEREAS, at the conclusion of a study session on March 23, 2010, the Council directed staff to develop an expenditure, revenue and billing plan for a stormwater utility fee; and

WHEREAS, on June 15, 2010, the City Council created and appointed members to a Stormwater Utility Fee Advisory Committee, made up of fourteen members of the community representing a variety of local interests, to work with City staff to develop a proposal to create a stormwater utility for the purpose of more effectively managing, protecting, controlling, regulating, using, constructing and enhancing the City's stormwater systems and facilities; and

WHEREAS, on August 3, 2010, the City Council approved a professional services contract with AMEC Earth and Environmental, Inc. of Indianapolis, Indiana (AMEC) to assist staff and the Stormwater Utility Fee Advisory Committee with the development of a stormwater utility; and

WHEREAS, the City's Stormwater Management Fund has been exhausted by expenditures on recent, large stormwater facility projects, including the Boneyard Creek Second Street Reach Project, the Washington Street East Project, and the John Street Drainage

Improvement Projects, and the City needs to find a new, dedicated source of revenue to fund necessary future stormwater facility maintenance and projects; and

WHEREAS, in response to the recommendations of the Stormwater Utility Fee Advisory Committee, City staff and AMEC, and based upon a careful and thorough analysis of the pertinent issues by those individuals, the Champaign City Council has determined it to be in the best interests of the residents of the City for the City to establish, pursuant to its powers as a Home Rule unit of government under Section 6 of Article VII of the Constitution of the State of Illinois, a stormwater utility, including a fee for the use of the City's stormwater systems and facilities, for purposes of more effectively managing, protecting, controlling, regulating, using, constructing and enhancing the City's stormwater systems and facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHAMPAIGN, ILLINOIS as follows:

Section 1. That Chapter 19 of the Champaign Municipal Code, 1985, entitled "Licenses and Permits", is hereby amended to add Section 19.8.15.3, which shall read as follows:

"Sec. 19.8.15.3. Stormwater utility fee.

The amount of the stormwater utility fee shall be as follows:

(a) A monthly flat fee as indicated below for any parcel that is the site of a single family or duplex dwelling based on which tier the parcel qualifies for based on the amount of impervious area that is on the parcel.

Tier 1 (0-6,000 square feet of impervious area)	\$ 4.94 per month
Tier 2 (6,001-8,000 square feet of impervious area)	\$10.55 per month
Tier 3 (over 8,000 square feet of impervious area)	\$13.64 per month

(b) For all other parcels in the City that are not the site of a single family or duplex dwelling, the amount of the stormwater utility fee shall be \$5.24 per Equivalent Residential Unit (ERU) or \$5.24 per Three thousand four hundred seventy-eight (3,478) square feet of impervious area on the parcel.

(c) For purposes of this Section, the term “parcel” shall have the same meaning that term has in Article VI in Chapter 29.5 of this Code.”

Section 2. That Chapter 29.5 of the Champaign Municipal Code, 1985. entitled “Stormwater Management Regulations”, is hereby amended to add Article VI entitled “Stormwater Utility”, which shall read as shown in Attachment A, attached hereto and incorporated by reference herein.

Section 3. That this ordinance shall be effective as of March 1, 2013.

Section 4. That the City Clerk is hereby directed to publish this ordinance immediately after passage.

Section 5. If any section, paragraph or provision of this ordinance is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance, or the provision of the Code.

Section 6. The provisions of this ordinance shall take precedence and be interpreted as superseding any other ordinance or statutes in conflict with the provisions of this ordinance.

COUNCIL BILL NO. 2012- 044

PASSED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

J:\Leg\WORD\Public Works\Stormwater\Council Bill Enacting Stormwater Utility.Docx

ATTACHMENT A

ARTICLE VI. STORMWATER UTILITY

Sec. 29.5-6.01. Stormwater utility and stormwater fund established.

(a) The City of Champaign hereby establishes a stormwater utility within the Public Works Department to provide for the management, protection, control, regulation, use, construction and enhancement of the City's stormwater systems and facilities.

(b) The City hereby establishes a stormwater enterprise fund. All revenues from the stormwater utility fee shall be deposited into the stormwater fund and used only for purposes of the stormwater utility as deemed appropriate by the City Council.

Sec. 29.5-6.02. Definitions.

(a) *Credit* means a conditional reduction to the amount of a stormwater service charge to an individual property based upon the provisions of the City of Champaign Stormwater Credit and Incentive Manual.

(b) *Direct Discharge* means the conveyance of stormwater runoff directly to a receiving stream (water of the State of Illinois) without entering the City-owned stormwater drainage system. For the purposes of the stormwater utility, these discharges also do not pass through City-owned or operated culverts or bridges once in the receiving stream.

(c) *District* means the Urbana & Champaign Sanitary District.

(d) *District Agreement* means the Intergovernmental Agreement for Billing Services for the Urbana & Champaign Sanitary District and the City of Champaign.

(e) *Duplex Property* means any residential property containing a single structure designed with two dwelling units for occupancy by one family in each unit. Each dwelling unit shall contain at least one bedroom, a kitchen, and a bathroom.

(f) *Equivalent Residential Unit (ERU)* shall be used as the basis for determining the stormwater service charge to a parcel. Three thousand four hundred seventy-eight (3,478) square feet of impervious area shall be one ERU. The number of ERUs attributed to a parcel will be determined by dividing the total impervious area (square feet) of the parcel by Three thousand four hundred seventy-eight (3,478) and rounding the result per Section 29.5-6.04.

(g) *Finance Director* means the Director of the Finance Department of the City of Champaign.

(h) *Gross Area* means the entire area of a parcel, including both the impervious and pervious areas.

(i) *Impervious Area* or *Impervious Surface* means those areas that prevent or impede the infiltration of stormwater into the soil. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, and awnings.

(j) *Incentive* means a one-time disbursement that fully or partially compensates a property owner for partnering with the City to achieve a stormwater management objective.

(k) *Parcel* means any designated lot, tract, or area of land, established by a plat or other legal means and to be used, developed or built upon as a unit.

(l) *Single Family Residential (SFR)* means developed land containing one dwelling structure which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. SFR units may include houses, manufactured homes, and mobile homes located on one or more individual parcel or parcels of land.

(m) *Stormwater Utility* means a stormwater management program that may include all or part of the following: administration, engineering, planning, operations, enforcement, educational and capital programs.

Sec. 29.5-6.03. Stormwater utility fee created/amount/responsibility for payment.

(a) A stormwater utility fee is hereby created to fund activities of the Stormwater Utility.

(b) The amount of said fee is set forth in Section 19-8.15.3 of this code.

(c) The owner of each parcel of real property that is wholly or partially located within the corporate limits of the City shall be responsible for the payment of any stormwater utility fee assessed against said parcel.

Sec. 29.5-6.04. Stormwater utility fee rate structure.

The stormwater utility fee will be determined by distributing among parcels in the City certain stormwater operation, maintenance and rehabilitation costs as approved by City Council based on the demand for service that is determined for each parcel.

(a) The basis for determining the stormwater utility fee for each parcel shall be the amount of impervious area on the parcel. The billing unit shall be based on the mean level of imperviousness on single family residential parcels. This billing unit is known as an “Equivalent Residential Unit” or “ERU” and has been determined to be Three thousand four hundred seventy-eight (3,478) square feet of impervious surface in the City of Champaign.

(b) Each parcel that is the site of a single family dwelling unit or a duplex residential structure shall be grouped into one of three tiers based on the amount of impervious surface on the parcel. Each parcel will be billed at a flat rate as determined for that tier. The three tiers shall be defined as follows:

- (1) Tier 1 – parcels having 6,000 or fewer square feet of impervious area
- (2) Tier 2 – parcels having 6,001 – 8,000 square feet of impervious area
- (3) Tier 3 – parcels having more than 8,000 square feet of impervious area

(c) All other parcels in the City shall be billed based on the measured number of ERUs on the parcel. Fractional ERUs equal to or less than 0.5 shall be rounded down to the next whole ERU. Fractional ERUs greater than 0.5 shall be rounded up to the next whole ERU. For example, 10,000 square feet of impervious area represents 2.9 ERUs and would be rounded up to 3.0 ERUs for billing purposes.

(d) Fees to qualifying parcels may be adjusted if stormwater utility fee credits are approved by the City for on-site stormwater management (see Section 29.5-6.09).

Sec. 29.5-6.05. Stormwater utility fee applicability.

(a) The stormwater utility fee shall be charged to all parcels wholly or partially in the City that have at least 500 square feet of impervious area.

(b) The stormwater utility fee shall not be charged to streets and sidewalks that are inside the public right-of-way.

(c) Parcels that are annexed into the City after the stormwater utility becomes operational shall be subject to the fee upon completion by the Public Works Department of the applicable calculations of the amount of impervious surface on the parcels in question.

Sec. 29.5-6.06. Stormwater utility rate.

The City Council shall set and adjust the stormwater utility fee rates.

Sec. 29.5-6.07. Director of Public Works authority to delegate responsibilities.

Whenever there is a reference in this Article to responsibilities or powers assigned to the Director of Public Works, the Director shall have the authority to delegate the responsibilities or powers in question in writing to another specified employee in the Public Works Department.

Sec. 29.5-6.08. City of Champaign stormwater credit and incentive manual.

The Director of Public Works is hereby authorized to develop and publish a Stormwater Credit and Incentive Manual for purposes of establishing a program of incentives and credits that will reduce the stormwater utility fee that particular property owners will be required to pay, to promote efforts by said property owners to mitigate the effects of stormwater on the City's stormwater system and facilities. The Stormwater Credit and Incentive Manual shall not go into effect until fifteen (15) days after a copy of the manual has been provided to the City Council.

Sec. 29.5-6.09. Stormwater utility fee credits.

Persons subject to the stormwater utility fee shall be eligible to receive a stormwater utility charge credit and/or incentive based upon the requirements of the City of Champaign Stormwater Credit and Incentive Manual.

Any credit allowed against the stormwater utility charge is to be conditioned upon continuing compliance with the City of Champaign Stormwater Credit and Incentive Manual. Proof of compliance as defined in the manual will be required.

Sec. 29.5-6.10. Agreement for billing with the Urbana & Champaign Sanitary District.

(a) The City Manager is hereby authorized to enter into an Intergovernmental Agreement ("Billing Agreement") with the Urbana & Champaign Sanitary District ("District") for the District to bill for the City's stormwater utility fee to property owners in the City, subject to the City Council's approval of the initial terms and conditions of such an agreement. Said agreement shall, at a minimum, provide the following:

- i. A schedule for forwarding the proceeds from the billing to the City.
- ii. A financial penalty for delinquent payment of the fee.
- iii. A reasonable system for the collection of said fee.

(b) The City Manager is authorized to execute addenda or amendments to any Billing Agreement for collection of the stormwater utility fee which has been previously approved by the City Council for the purpose of making the billing arrangements contained in the agreement more efficient or for the purpose of adjusting the fees paid by the City to the District without prior City Council approval, provided that a copy of the proposed addenda or amendments shall be provided to the City Council at least fifteen (15) days prior to execution of said addenda or amendment.

(c) To the extent that any provision of this Article is superseded, amended, or changed by the terms of the Billing Agreement with the District, then the provisions of this Article shall not be effective or controlling while the Billing Agreement is in effect.

(d) To the extent the adopted procedures of the District contradict the provisions of this Article, the procedures in the agreement shall apply while the agreement is in force and effect.

Sec. 29.5-6.11. Collection of stormwater utility fees by the City.

If the City is unable to enter into an agreement with the District for the collection of the stormwater utility fee, or the agreement with the District for the collection of said fee is terminated for any reason, then the City Manager shall have the authority to formulate and implement written procedures for collection of said fee by the City, provided that the City

Manager shall provide the City Council with a copy of any proposed procedures at least fifteen (15) days prior to the time said procedures are to go into effect.

Sec. 29.5-6.12. Stormwater utility fee amounts.

(a) The stormwater fee for all parcels shall be based on a tiered flat rate for residential and duplex parcels or on the number of ERUs and the current monthly stormwater utility rate for all other parcels.

(b) The stormwater utility fee for any parcel will remain constant from month to month unless one of the following changes occur:

- (1) A physical modification to the parcel that changes its level of imperviousness;
- (2) A credit for on-site stormwater management is either awarded or revoked;
- (3) The stormwater utility fee rate is changed by the City Council; or
- (4) Any other billing adjustment as described in Section 29.5-6.20-22 is applied to the account.
- (5) The new fee will be assessed on all bills processed on or after the effective date of the fee or new fee.

Sec. 29.5-6.13. Lien for delinquent stormwater utility fee.

Whenever the stormwater utility fee for a parcel becomes delinquent as set forth in the collection process implemented by the Urbana & Champaign Sanitary District or the City Manager in accordance with this Article, the delinquent fee together with outstanding penalties shall become and constitute a lien upon the parcel.

Sec. 29.5-6.14. Notice of lien.

Statements rendered for such delinquent stormwater utility fee shall be deemed notice of the lien to the owner of the property if such statement is mailed to the owner of the parcel as shown in the records of the supervisor of assessments by first class mail. No additional notice of lien is required to be sent to the owner nor is a copy of the claim of lien required to be sent to the owner.

Sec. 29.5-6.15. Contents of lien claim.

The claim of lien for delinquent stormwater utility fee shall be made in the form of a sworn statement by the Finance Director setting forth the following information:

- (a) A description of the parcel, sufficient for identification;
- (b) The amount or amounts of money due including outstanding penalties and interest charges;

- (c) The date or dates when such amount or amounts became delinquent; and
- (d) The owner of record of the property as disclosed by the records of the supervisor of assessments within ninety (90) days before the last statement date.
- (e) Said claim shall be recorded in the Office of the Recorder for Champaign County.

Sec. 29.5-6.16 Additional lien charge.

In all cases where the stormwater utility fee has become delinquent and the City elects to file a claim for lien as set forth in this Article, there shall be added to the amount due prior to recording, in addition to other charges, penalties and interest amounts then due, such charges and expenses as are necessary and required to verify the legal description of the parcel and ownership information and to prepare and record the claim of lien and release the claim for lien. Such additional charge shall be included in the amount claimed due by the lien claim. The amount of the additional charge shall be established by rule or regulation of the Finance Director.

Sec. 29.5-6.17. Other remedies.

In addition to the recording of a lien, the City may seek payment for delinquent stormwater utility fees, penalties and interest, including any additional lien charges due, by filing suit to collect the same.

Sec. 29.5-6.18. Adjustments to stormwater bills.

A parcel's stormwater utility rate and/or computed number of ERUs may be adjusted by the Director of Public Works to an amount which more properly represents the impervious surfaces on a parcel. This may be done upon presentation by the property owner of factual evidence which, in the Director's sole discretion, establishes that the impervious area used to determine the parcel's stormwater utility tier or the computed number of ERUs was incorrect.

Sec. 29.5-6.19. Responsibility for initiating adjustment process.

The owner of the parcel is responsible for initiating any review of the impervious area computation for a parcel or any other computations involved in determining the stormwater utility fee for that parcel by filing an application for an adjustment of the fee, hereinafter referred to in this Article as an “application for an adjustment”, and presenting factual evidence in support of a change in the fee.

Sec. 29.5-6.20. Application for adjustment.

The owner of the parcel must file an application for an adjustment on forms provided by the City, and file the application and factual evidence in support of the adjustment with the Director of Public Works.

Sec. 29.5-6.21. Decision on application.

The Director of Public Works shall make a decision approving or denying the application for an adjustment within sixty (60) days of receipt of a completed application for an adjustment. The Director's decision shall be in writing and, if the decision is to deny the application, it shall state the reasons for said denial. The decision shall be mailed to the applicant at the address as shown on the application for an adjustment.

Sec. 29.5-6.22. Effective date of adjustment.

If an application for an adjustment is approved by the Director of Public Works, the stormwater fee shall be adjusted accordingly for the specified parcel and will apply to the next regularly generated bill.

Sec. 29.5-6.23. Appeal from denial of application for an adjustment.

(a) General. An applicant for an adjustment may appeal a denial of said application to the City Manager by filing a written appeal at the office of the City Manager within ten (10) calendar days of the date of mailing of the decision denying said application.

(b) Form for appeal. An appeal to the City Manager shall be submitted on a form provided by the Director of Public Works and must be accompanied by any documentation or other evidence the appellant wishes the City Manager to consider in deciding the appeal.

(c) Time/Form of Decision. The City Manager shall review and make a decision whether to allow or deny the appeal within sixty (60) days of receipt of a completed appeal application. Said decision shall be in writing and, if it denies the appeal, it shall state the reasons for the denial.

(d) Decision by the City Manager a Final Administrative Decision. The City Manager's decision on an appeal from a denial of an application for an adjustment shall be a final administrative decision of the City and may be appealed to the local Circuit Court for Champaign County in accordance with Illinois law.

Sec. 29.5-6.24. - Responsibility of owner.

The failure of any owner of property to receive a bill or statement for the stormwater utility fee shall not be grounds for nonpayment or grounds to extend or defer the date upon which payment is due or avoid the inclusion of penalties. Owners of property which are subject to the stormwater utility fee and the recording of a claim of lien pursuant to the terms of this Article shall be charged with notice of the existence of the charge and are responsible for ascertaining from the City all amounts, if any, due as provided in this Article.

Sec. 29.5-6.25. Accounts.

The Finance Director shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the stormwater fund.

In addition to the financial statements, the statistical section of the Comprehensive Annual Financial Report shall also reflect the revenues and operating expenses of the stormwater fund. The financial information to be shown in the audit report shall include the following:

- (1) Billing data to show total number of billing units per fiscal year.
- (2) Debt service for the next succeeding fiscal year.
- (3) Number of stormwater utility ratepayers.

Sec. 29.5-6.26. Access to records.

The City shall allow any relevant agency of the State of Illinois or their authorized representative to have access to any applicable books, documents, paper and records of the stormwater utility fee for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of loan agreements and rules of any state loans.

Sec. 29.5-6.27. Authority of Directors to issue rules and regulations.

The Directors of Finance and Public Works may issue rules and regulations necessary to implement this Article provided that a copy of each rule or regulation is filed with the City Manager and City Clerk and distributed to the Mayor and each Council Member at least fifteen (15) days before the rule or regulation becomes effective.