

**ORDINANCE NO. 2016-3**

**AN ORDINANCE ESTABLISHING THE CITY OF BRYANT STORMWATER MANAGEMENT UTILITY FUND AND ESTABLISHMENT OF THE STORMWATER MANAGEMENT UTILITY FEE FOR MUNICIPAL UTILITY CUSTOMERS WITHIN THE CITY OF BRYANT, ARKANSAS, AND FOR OTHER PURPOSES**

**WHEREAS**, the Arkansas Department of Environmental Quality (ADEQ), under regulations administered by the United States Environmental Protection Agency, requires the City to meet certain requirements as established in the national pollutant discharge elimination system phase II for small municipal separate storm sewer systems (MS4s); and that

**WHEREAS**, the Arkansas Department of Environmental Quality (ADEQ) and the Environmental Protection Agency (EPA) have mandated the establishment of a Stormwater Management Program, including operations of the City of Bryant’s Stormwater Management Department, stormwater-related services, construction, maintenance, and equipment provided to or for the community; and the Bryant Arkansas City Council has found and determined that it is necessary to establish a Stormwater Management Utility Fund to fund the Stormwater Management Department from the collection of Stormwater Management Utility Fee to be paid by the municipal utility accounts of the City of Bryant in order to create revenue for funding the operations, maintenance, construction and efforts for regulation of stormwater runoff control, repair and improvement to the storm sewer system within the City of Bryant and the City's operation of said mandated but unfunded program, and that it should, therefore, adopt fees as set forth in this ordinance; and that

**WHEREAS**, the City Council of the City of Bryant, Arkansas finds that the intensity of development of most parcels of real property in the municipality classified as residential, commercial or industrial property is similar. Therefore, in order to provide a uniform and equitable method of collection, all residential, commercial, and industrial municipal utility accounts in the City Limits shall be charged a flat stormwater utility fee within each such classification as described fore fully below and as may be amended from time to time by the City Council.

**NOW, THEREFORE BE IT** ordained by the City Council of the City of Bryant, Arkansas as follows:

**SECTION 1. Adoption**

The following regulations, designed to fund the operations and management of the City of Bryant Stormwater Department, are hereby adopted and this ordinance may be referred to as the “City of Bryant Stormwater Management Utility Fund Ordinance.”

**CITY OF BRYANT STORMWATER MANAGEMENT UTILITY FUND ORDINANCE**

**ARTICLE I. GENERAL PROVISIONS**

**1. Stormwater Management Utility Fund**

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There is hereby created on the books of the City of Bryant, a fund to be entitled the "Stormwater Utility Fund" and all revenues generated by or on behalf of the stormwater drainage utility fee created herein shall be deposited in said Stormwater Utility Fund and shall be used exclusively for the operation of the City of Bryant Stormwater Management Department and for the operations, management, salaries, purchase and maintenance of stormwater related equipment, construction costs, materials, supplies or services, including but not limited to, day-to-day stormwater management activities, stormwater related disaster recovery and emergency preparedness provided to the community.

2. **Revenues.** The following revenues will be deposited into the Stormwater Management Utility Fund:
  - a. All revenues collected from the Stormwater Management Utility Fee
  - b. In-Lieu contributions generated from alternate detention basin options
  - c. Revenues generated from all Stormwater Fees
  - d. All revenues resulting from Stormwater violation enforcement by the City of Bryant
  - e. Any other revenue as may be determined by the City Council, including but not limited to grants and special appropriations
  
3. **Expenses.** The City may use the Stormwater Management Utility Fund only for the following expenses:
  - a. Regulatory review and inspection of stormwater management, sediment control, and storm drainage for development permits;
  - b. Watershed, stormwater management, floodplain, and storm drainage conveyance studies and planning;
  - c. The study, design, purchase, construction, expansion, retrofit, repair, maintenance, landscaping, operation or inspection of stormwater management facilities, storm drainage, and other watershed improvements;
  - d. Land acquisition (including easements and rights-of-way) for stormwater management facilities or storm drainage;
  - e. Water quality programs related to State or Federal laws, including requirements for the City's National Pollution Discharge Elimination System permits for small municipal separate storm sewer systems (MS4s);
  - f. Water quality monitoring, inspection, and enforcement activities, including illicit discharge and illicit connection investigations;
  - g. Water quality and pollution prevention education, public participation and outreach activities;

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- h. Bryant Stormwater & MS4 Program administration, operation, and implementation, including reasonable operating and capital reserves to meet unanticipated or emergency requirements for stormwater management, storm drainage and water quality; and
- i. Other stormwater management, storm drainage, and water quality programs that are reasonably required to protect public safety or meet applicable regulatory requirements.

## ARTICLE II.

### ESTABLISHMENT OF THE STORMWATER MANAGEMENT UTILITY FEE

3. **Stormwater Management Utility Fee:** The City of Bryant hereby assess the following municipal utility fees:
  - a. All residential municipal utility accounts (water or sewer), located within the corporate limits of the City of Bryant, shall be charged a flat Stormwater Management Utility Fee of \$3.00. Only (1) one Stormwater Management Utility Fee will be charged per household regardless of number of City utility accounts maintained by that single household. The Stormwater Management Utility Fee will be charged monthly and identified as a separate line item within the water bill.
  - b. All commercial & industrial municipal utility accounts (water or sewer), located within the corporate limits of the City of Bryant, shall be charged a flat Stormwater Management Utility Fee of \$6.00. Only one Stormwater Management Utility Fee will be charged to each commercial/industrial entity regardless of the number of utility accounts maintained by that business or organization, unless the business or organization maintains and operates from more than one physical location. In the case of the latter, the municipal utility accounts covering the additional, separate locations would also be charged the single Stormwater Management Utility Fee of \$6.00. The Stormwater Management Utility Fee will be charged monthly and identified as a separate line item within the water bill.
  - c. For residential, multi-unit dwellings which are serviced by one meter, the \$3.00 Stormwater Management Utility Fee will be multiplied by the number of individual dwelling units serviced by the one meter and the balance will be applied to that municipal utility account on a monthly basis.
4. **Billing and Collection:**

For purposes of billing and collection, the Stormwater Management Utility Fee shall be considered a municipal utility fee and shall be billed and collected in the same manner and subject to the same procedures as all other municipal utilities.
5. **Exemptions of the Stormwater Management Fee.**

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- a. The residential Stormwater Management Fee, upon request and verification, will be waived for citizens age sixty-five (65) or older who have an account to receive and be billed for water by the City Water Department and physically reside in the dwelling or household for which the water service is being provided under and billed pursuant to said account.
- b. Customers requesting this waiver: (1) must reside at the address receiving service for which the waiver is applied; (2) must provide valid proof of their age (birth certificate, driver's license, or government-issued identification showing date of birth); and (3) the water deposit for the account to which the waiver is being applied must be in the name of the person who qualifies for the waiver.

## **SECTION 2. Severability**

Should any title, section, paragraph, item, sentence, clause, or phrase of this ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the ordinance.

## **SECTION 3. General Repealer**

All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

## **SECTION 4. Effective Date**

The fees authorized and created by this Ordinance shall go into effect on the first regularly occurring monthly water billing cycle following a minimum of sixty (60) days after this ordinance's passage by City Council.

{signatures on following page}

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, on this the 23 day of Feb, 2016

  
\_\_\_\_\_  
Jill Dabbs, Mayor

ATTEST:  
  
\_\_\_\_\_  
Sue Ashcraft, City Clerk

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