

## Chapter 720

### STORMWATER MANAGEMENT SYSTEM

**Section 720.010. Creation of Stormwater Management System.** [Ord. No. 1125 §3, 7-15-2002]

Pursuant to the provisions of Charter Ordinance No. 20, the City of Mulvane does hereby establish a stormwater management system and declares its intention to operate, construct, maintain and repair such stormwater management system. It is hereby found, determined and declared that the elements of the stormwater management system which provide for the collection, treatment and disposal of stormwater are of benefit and provide services to property within the incorporated City limits. The beneficiaries of the system include all real properties within the City which benefit by the provisions, operation and improvement of the system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff, improvement in general health and welfare through reduction of undesirable stormwater conditions, and improvement to the water quality in the storm and surface water system and its receiving waters.

**Section 720.015. Storm Drainage Fee.** [Ord. No. 1125 §4, 7-15-2002]

- A. There is hereby assessed against all property within the City that is connected to either the water or sanitary sewer systems, or both, of the City a monthly storm drainage fee. Such fee is based upon a determination of a comparable amount of impervious area for uses within each rate category as set forth hereinafter. The owner, occupant and any person who is responsible for the payment of water and/or sewer service to the property shall all be jointly and severally responsible for the payment of said fee. Persons responsible for the payment of water and/or sewer service to the property shall include the person responsible for payment for water provided to a master meter that is then distributed to multiple users, whether or not said users are located on the same property as the master meter. The fee shall be calculated as follows: [Ord. No. 1483 § 1, 11-21-2016]
1. All property devoted to a residential use shall be assessed the sum of one and 25/100 dollars (\$1.25) per month per non-commercial living unit. The term "residential" shall include single-family homes, mobile homes and mobile home parks, duplexes and apartment units. The term "residential" shall not include rooming and boarding houses, fraternities, sororities and similar facilities. The term "living unit" shall mean and include one (1) or more rooms in a residential building and subordinate support structures which are arranged, designed, used or intended for use by one (1) family and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
  2. Property devoted to any use other than residential, as set forth above, shall be

assessed a monthly fee based upon the number of square feet developed for that particular use, as follows:

Less than or equal to 500,000 square feet	\$1.25
500,001 to 1,000,000 square feet	\$7.50
1,000,001 to 1,500,000 square feet	\$15.00
1,500,001 to 2,000,000 square feet	\$30.00

For all properties in excess of two million (2,000,000) square feet (forty-six (46±) acres), the fee shall be two dollars (\$2.00) multiplied by the number of acres in the property.

3. In determining the area of property developed for a particular use, the area measured shall include all property contiguous to the particular use and under the same ownership, except that portion of said property that is both unimproved and legally subject to being subdivided from that portion actually devoted to the primary use. In situations where property is used in common with more than one (1) use, the common area shall be included with each use in the same proportions as the area of each use bears to the area of the total of all uses. In situations where property is devoted to uses on more than one (1) level, the area of the property shall be proportionately divided among the levels.
- B. The revenue generated by this fee shall be set aside in a special fund to be used only for the acquisition, construction, reconstruction, maintenance and repair of stormwater system facilities and infrastructure appurtenant thereto, including the acquisition and related costs thereof, of real estate for such use. In addition, said fund may be used to pay fees to study and prepare documents related to such facilities and to make payments of principal and interest on bonds issued for such improvements. Nothing in this Chapter shall be deemed to limit or restrict the City's ability to use and obtain other sources or funds for the same or similar purposes.
  - C. The monthly fees set forth above may be included as part of the monthly bill for water and sanitary sewer service but shall be identified separately on said billing, said fees shall be due at the same time as water charges are due and the failure to pay said fees shall be considered a failure to pay water charges and enforceable pursuant to Section 715.050 of this Code. If the monthly fees are not included as part of a water or sewer bill, they shall be billed at least annually. In addition, anytime water service is established or re-established to a property, all fees hereunder shall be paid current as of the date such water service is established or re-established.
  - D. *Appeals.*
    1. Any person who disagrees with the calculation of their storm drainage fee or who believes that the actual amount of impervious area located upon their property justifies a reduction in the square footage of their property used to calculate the fee, in order to make their fee consistent with other uses with a similar amount of impervious area, may appeal the determination of their fee to the Building Inspector. The appeal

shall be in writing. The Building Inspector shall thereafter hold an informal hearing. The Building Inspector, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey showing dwelling units, total property area and impervious area, as appropriate, if such information is deemed to be material by the Building Inspector. Based upon information provided, the Building Inspector shall make a determination of the storm drainage fee for such property. The Building Inspector shall notify parties in writing of his/her decision.

2. A person shall have the right to appeal the decision of the Building Inspector to a Board comprised of the City Administrator, or his/her designee, the Utilities Director and the Street Superintendent. Such appeal shall be made within fifteen (15) days of the date of the written decision of the Building Inspector. Such appeal shall be in writing and filed with the Building Inspector. A hearing on such appeal shall be held within thirty (30) days from the date of filing and the applicant shall be given seven (7) days' advance notice of the time and date of such hearing. Within seven (7) days after the conclusion of such hearing, the Board shall render a decision in writing that sets forth findings that support its decision. The decision of the Board shall be final and any further appeal of such decision shall be to the district court pursuant to K.S.A. 60-2101(d).