

**CITY OF GLASGOW**  
**ORDINANCE NO. 2809**

**AN ORDINANCE ESTABLISHING THE CITY OF GLASGOW'S  
STORMWATER MANAGEMENT PROGRAM, THE STORMWATER  
FUND, THE STORMWATER MANAGEMENT FEE, BILLING  
PROCEDURES, CLASSIFICATION OF PROPERTY AND REQUEST  
FOR CORRECTION PROCEDURES.**

**WHEREAS**, the City of Glasgow maintains a system of storm and surface water management facilities including but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components, as well as natural waterways and

**WHEREAS**, the stormwater system in the City requires regular maintenance and improvements and

**WHEREAS**, stormwater quality is degraded due to erosion and the discharge of nutrients, metals, oil, grease, toxic materials, and other substances into and through the stormwater system and

**WHEREAS**, the public health, safety, and welfare is adversely affected by poor ambient water quality and flooding and

**WHEREAS**, all real property in the City of Glasgow either uses or benefits from the maintenance of the stormwater system and

**WHEREAS**, the extent of use of the stormwater system by each property is dependent on factors that influence runoff, including land use and the amount of impervious surface on the property and

**WHEREAS**, the cost of improving, maintaining, operating and monitoring the stormwater system should be allocated, to the extent practicable, to all property owners based on the impact of runoff from the impervious areas of their property on the stormwater management system and

**WHEREAS**, management of the stormwater system to protect the public health, safety, and welfare requires adequate revenues and it is in the interest of the public to finance stormwater management adequately with a use fee system that is reasonable and equitable so that each use of the system pays to the extent to which they contribute to the need for it and

**WHEREAS**, The National Pollutant Discharge Elimination System (NPDES) stormwater regulations (40 CFR § 122.26) establish permit requirements for discharges from MS4s and

**WHEREAS**, The USEPA's Stormwater Phase II Rule (40 CFR § 122.34) establishes an MS4 Stormwater Management Program that is intended to improve the nation's waterways by reducing the quantity of pollutants that stormwater picks up and carries into storm sewer systems during storm events and

**WHEREAS**, The City is required to develop a stormwater quality program through the NPDES Phase II stormwater program that is an unfunded mandate by state and federal law and

**WHEREAS**, authority for the adoption of this system of user fees to fund the implementation of Stormwater Management Program is derived from KRS 91A.510-530.

**Now therefore be it ordained by the City of Glasgow, Kentucky as follows:**

**SECTION ONE:**

**ESTABLISHMENT OF THE STORMWATER MANAGEMENT PROGRAM**

- (a) The Code of Ordinances for the City of Glasgow, Kentucky is amended by adding a new chapter Stormwater Management Program included as a specimen copy and attached as Exhibit A
- (b) The Stormwater Management Program is established per 40 CFR 122.34, 40CFR 122.66 and KRS Chapter 224 and is provided to protect the waterways and land in the City of Glasgow by managing flooding and to benefit the natural environment.
- (c) The cost of designing, developing, improving, operating, maintaining, and monitoring the stormwater system required in the City of Glasgow should, therefore, be allocated, to the extent practicable, to all property owners based on their impact on the stormwater system.

**SECTION TWO:**

**ESTABLISHMENT OF THE STORMWATER FUND**

In order to provide revenue to fund costs identified in Section One of this ordinance and to fairly allocate those costs, a Stormwater Management Fund (herein after referred "the Fund") is established.

- (a) All revenues collected for the purpose of stormwater management from user fees, grants, permit fees, and other charges collected under the Stormwater Management Program, shall be deposited into the Fund.
- (b) The City Council may make additional appropriations to the Fund. All disbursements from the Fund shall be for the sole purposes of the Fund as set forth in this Ordinance.
- (c) The Fund shall be used for the following purposes:

1. All costs of administration and implementation of the Stormwater Management Program, including the establishment of reasonable operation and capital reserves to meet unanticipated or emergency stormwater management requirements.
2. Engineering and design, debt service and related financing expenses, construction costs for new facilities, and enlargement or improvement of existing facilities.
3. Operation and maintenance of the stormwater system.
4. Monitoring, surveillance, and inspection of stormwater control devices.
5. Water quality monitoring and water quality programs.
6. Retrofitting developed areas for stormwater control.
7. Inspection and enforcement activities.
8. Costs of public education related to stormwater and related issues.
9. Billing and administrative costs.
10. Other activities which are reasonably required.

(d) Any service previously regularly or seasonally provided by the City of Glasgow that is charged to this fund, will have its 2012-2013 budget permanently transferred to this fund. Any personnel expense for a person on the payroll as of November 30, 2012, or for a position funded in the 2012-2013 budget, charged to this fund, will have the current budget for said position permanently transferred to this fund (or equal percent of budget if position is partially charged to the fund.) No expense incurred prior to December 11, 2012, may be charged to this fund unless fully funded by a budget transfer from another fund.

### **SECTION THREE:**

#### **ESTABLISHMENT OF THE STORMWATER MANAGEMENT FEE AND BILLING PROCEDURES**

- a) An annual Stormwater Management Fee is imposed upon all real property in the City of Glasgow, beginning no earlier than April 1, 2013, to fund the City's Stormwater Management Program. This fee shall be known as the Stormwater Management Fee ("Fee").
- b) Undeveloped parcels shall be exempt from the Fee.
- c) Any real property developed or added through annexation into the City of Glasgow after approval shall be subject to a monthly service fee.
- d) The Fee shall be based on (1) square footage of parcel, (2) category of parcel and (3) the cost of implementing a Stormwater Management Program.
- e) The City Council finds that all real property in the City of Glasgow contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, all real property in the City, including property that is tax exempt from

property tax by the Kentucky Revised Statutes, as amended, shall be subject to the Fee.

- f) Property which is owned by the City of Glasgow and other government entities shall be subject to the Fee.
- g) All federal, state, county, and City roads shall be exempt from the Fee and are considered to be part of the City of Glasgow drainage systems.
- h) Billings for any particular billing cycle shall be made by the due date shown on the bill. Any payment not received by the delinquency date as shown on the bill shall be considered delinquent.
- i) A delinquent Fee that is not paid by the delinquency date shown on the bill will incur a penalty of one and half percent monthly of the bill.
- j) The Fee, including the penalty of 1.5% per month of the total bill, when overdue shall constitute a lien on real property and may be collected by a suit against the property owner or in an *in rem* action against the property.
- k) The City Council may abate the Fee, including penalties, if the cost of collection is reasonably estimated to exceed the amount of the Fee, including penalties, due and payable.
- l) The Fee billing cycle shall allow for up to a five percent (5%) discount if paid according to the stated billing cycle.
- m) If a bill is rendered to a party who is not the property owner and the bill becomes unpaid and/or delinquent, then the property owner shall bear the responsibility of payment.
- n) The City of Glasgow shall send notices for the Fee to property owners prior to the billing for the Fee.
- o) The fees collected for existing properties under this ordinance will expire on December 31, 2016. All other fees in this ordinance do not expire.

#### **SECTION FOUR:**

#### **CLASSIFICATION OF PROPERTY FOR PURPOSES OF DETERMINATION OF THE STORMWATER MANAGEMENT FEE**

For purposes of determining the Stormwater Management Fee, all properties in the City of Glasgow shall be classified into one of the following classes with corresponding fees as defined by the Barren County Property Valuation Office assessment rolls:

Type	Quantity	Monthly Fee	TOTAL ANNUAL BILL
Commercial >1,000,000 square ft.	16	65	780
Commercial 500,001 to 1,000,000	27	55	660
Commercial 100,001 to 500,000	154	45	540
Commercial 50,001 to 100,000	133	35	420
Commercial 10,001-50,000	410	20	240
Commercial 5001 - 10,000	148	15	180
Commercial < or = 5000	72	10	120
Religious	107	15	180
City	90	15	180
County	17	15	180
Education	21	15	180
Federal	5	15	180
Other	52	15	180
Residential	5741	2	24

**SECTION FIVE:**

**REQUEST FOR CORRECTION OF THE STORMWATER MANAGEMENT FEE**

A property owner may request correction of the fee by submitting the request in writing to the Stormwater Management Office within thirty (30) days after the date the assessment notice or the bill is mailed or issued to the property owner. Grounds for correction of the fee include:

- a) Incorrect classification of the property for purposes of determining the fee;
- b) Mathematical errors in calculating the fee to be applied to the property;
- c) Errors in the identification of the property owner of a property subject to the fee.

The Stormwater Management Office shall make a determination within sixty (60) days after receipt of the property owner's completed written request for correction of the fee.

A property owner must comply with all rules and procedures adopted by the City Council when submitting a request for correction of the fee and must provide all information necessary to the Stormwater Management Office to make a determination on a request for correction of the fee. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.

**SECTION SIX:**

The provisions of this Ordinance are severable. If any provisions, sentence, clause, or

section of this Ordinance or the application thereof to any particular case is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or part of this Ordinance.

**SECTION SEVEN:**

This Ordinance shall be effective upon its final passage and publication according to law.

GIVEN FIRST READING AND PASSED NOVEMBER 26, 2012.

GIVEN SECOND READING AND PASSED DECEMBER 10, 2012.

DATE OF PUBLICATION DECEMBER 13, 2012.

APPROVED:

/S/ RHONDA RIHERD TRAUTMAN, MAYOR  
CITY OF GLASGOW, KENTUCKY

**ATTEST:**

/S/ TOMMIE BIRGE, CITY CLERK  
CITY OF GLASGOW, KENTUCKY

## Definitions

For purposes of this Ordinance, the following words and phrases shall have the meanings indicated:

(a) *Fee or Stormwater Management Fee* means the charge to the property owner established under this Chapter and levied on owners of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City of Glasgow.

(b) *NPDES Phase II Permit* means National Pollution Elimination System Phase II Storm Water Permit as mandated by United States Environmental Protection Agency.

(c) *Property Owner/Developer/Applicant* means the person, firm, partnership, or corporation who is the owner of record as listed in the Barren County Property Valuation Office assessment rolls.

(d) *Stormwater Management Fund or Funds* means the Fund created by this Ordinance to operate, maintain, and improve the City of Glasgow's stormwater system.

(e) *Stormwater Management* means the planning, design, engineering, construction, regulation, improvement, repair, maintenance and operation of facilities and programs relating to storm water, flood plains, flood control, grading, erosion, pollutant capture and/or transformation and sediment control.

(f) *Stormwater System* means the primary system or network of storm and surface water management facilities including, but not limited to, inlets, conduits, manholes, natural streams and sinkholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities and other components, as well as all natural waterways. Public roads and public sidewalks are considered part of the stormwater collection system.

(g) *Water* means any stormwater, surface water, snow melt or groundwater.

(h) *Other* means any parcel not otherwise classified by the Barren County PVA as Commercial, Residential, City, County, Federal, School or Religious.

(i) *Residential* means developed land containing one or more structures which are designed to provide living quarters for one or more persons and shall include houses, manufactured homes, mobile homes located on individual lots or parcels of land, mobile homes in mobile home parks, boarding houses, apartments, condominiums, attached houses, townhouses, duplexes, triplexes and any other structure with a permanent residence unless otherwise classified by the Barren County PVA.

(j) *Developed* means property altered from a natural state by construction or installation of impervious surfaces.

(k) *Undeveloped* means land that does not meet the definition of developed land.