

ORDINANCE NO. \_\_\_\_\_ - 2008  
AN ORDINANCE AMENDING TITLE 5 OF THE CODE  
OF ORDINANCES OF THE CITY OF O'FALLON, ILLINOIS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ILLINOIS:

Section One. Title 5 of the Code of Ordinances of the City of O'Fallon is hereby amended by adding Chapter 53 as follows:

**CHAPTER 53. STORM WATER**

**§53.001. Establishment of a Storm Water Utility and a Storm Water Fund.**

- (A) The City hereby establishes a Storm Water Utility to provide for the management, protection, control, regulation, use and enhancement of the storm water systems and to facilities owned or operated by the City.
- (B) The management and supervision of the Storm Water Utility shall be under the direction of the Director of Engineering and Public works.
- (C) The City hereby establishes a Storm Water Fund. All revenues of the Storm Water Utility shall be deposited into the Storm Water Fund and used for purposes of the Storm Water Utility as deemed appropriate by the City Council.

**§53.002. Definitions.**

- (A) *City* means the City of O'Fallon, a municipal corporation organized under the laws of the State of Illinois.
- (B) *Credit* means a conditional reduction in the amount of a storm water service charge to an individual property based upon the provisions of the O'Fallon Storm Water Credit Manual.
- (C) *Developed land* means property that has been altered from its natural state by the addition of impervious area equal to at least one (1) percent of the gross area.
- (D) *Equivalent residential unit (ERU)* shall be used as the basis for determining the storm water service charge to a parcel. Three thousand six hundred fifty (3,650) 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 six hundred fifty (3,650) and rounding the result up to the next whole integer.
- (E) *Gross area* means the entire area of a parcel, including both the impervious and pervious areas.

(F) *Impervious area or impervious surface* means those areas that prevent or impede the infiltration of storm water into the soil. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted aggregate and awnings.

(G) *NPDES or National Pollutant Discharge Elimination System* shall mean the national permitting program implemented under the Clean Water Act.

(H) *Single family residential (SFR)* means developed land containing one dwelling structure which is not attached to another dwelling and 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 lots or parcels of land. Developed land may be classified as SFR despite the presence of a commercial use within the dwelling unit so long as such use does not result in additional impervious areas such as parking spaces, playgrounds, structures or additions to the building which are used for non-residential uses.

(I) *Storm water system* shall mean a conveyance or system of conveyances and include sewers, storm drains, curbs, gutters, ditches, retention ponds or basins, dams, river impoundments, manmade channels or storm drains and flood control facilities and appurtenances thereof which is designed or used for the collection, control, transportation, treatment or discharge of storm water. Combined sewers are not included in the storm water system.

(J) *Undeveloped land* means property that has not been altered from its natural state or that has been altered by the addition of impervious area in an amount less than one (1) percent of the gross area.

### **§53.003. Scope of responsibility for the Storm Water Utility.**

The Storm Water Utility shall be responsible for the operation, maintenance, management and improvement of the storm water system owned by the City including all activities required by the NPDES Storm Water Permit.

### **§53.004. Determination of storm water service charges.**

Storm water service charges shall be determined by the City Council. The revenue generated by storm water service charges together with any other sources of revenue that may be made available to the storm water utility will be sufficient to meet the obligations of the Storm Water Utility.

### **§53.005. Storm water service charges.**

(A) Single family residential property charges

Charge per developed single family residential property .....	\$3.45 per month
(B) Parcels other than single family residential	
Charge per equivalent runoff unit (ERU) .....	\$3.45 per month
(C) Undeveloped property charges	
Charge per undeveloped property .....	\$1.72 per month

**§53.006. Exemptions and credits applicable to storm water service charges.**

- (A) All property in the City shall be charged storm water service charges except street and highway rights-of-way owned by a township, St. Clair County, the City or the State of Illinois.
- (B) Parcels shall be eligible to receive a storm water service charge credit based upon the requirements of the O’Fallon Storm Water Credit Manual.
- (C) Any credit allowed against the storm water service charge is conditioned upon continuing compliance with the O’Fallon Storm Water Credit Manual.

**§53.007. Billing and collection procedures.**

- (A) Billings for storm water service charges shall be rendered by the Finance Department on a monthly, quarterly or annual basis at the discretion of the Finance Department.
- (B) When storm water service charges are not paid on or before the due date stated on the bill, a penalty of five (5) percent shall be added. Failure to receive a bill does not entitle the owner or customer to a remission of penalty.
- (C) Written notice must be given by the parcel owner or authorized agent if it is desired that bills be forwarded to any other address than the parcel address.
- (D) In the event that the City deems it necessary to refer past due storm water service charges to the city attorney or a collection agency for collection, the City may additionally recover its actual expenses so incurred, including court costs, collection agency fees and reasonable attorney’s fees.

**§53.008. Storm water service charges billed in common.**

The storm water service charge may be billed on a common statement and collected along with City water and sewer charges. If the storm water service charge is included on a common statement and the customer payment is insufficient to pay the total of all portions of the

statement, the payment will be applied to the storm water service charges first. After the storm water service charges are satisfied, the remaining portion of the payment will be applied to the sewer service charges. After the storm water service charges and sewer service charges are satisfied, the remaining portion of the payment will be applied to the water service charges.

**§53.009. Appeals.**

Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner:

- (A) An appeal must be filed in writing with the public works director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any storm water management features, such as detention ponds or conditions which influence the hydrologic response of the property to rainfall events.
- (B) Using the information provided by the appellant, the director of public works shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days.
- (C) In response to an appeal, the director of public works may adjust the storm water service charge and any late payment penalties applicable to a property in conformance with the general purpose and intent of this Article.
- (D) A decision of the director of public works that is adverse to an appellant may be appealed to the city administrator within thirty (30) days of receipt of notice of the adverse decision. The appeal must be filed in writing with the city administrator by the appellant and include a detailed explanation of the grounds for the appeal. The city administrator shall issue a written decision on the appeal within sixty (60) days.
- (E) Any appeal of the decision of the city administrator must be made pursuant to the Illinois Administrative Review Act.

Section Two. All ordinances and parts of ordinances in conflict herewith are hereby repealed as they do so conflict.

Section Three. This ordinance shall be in full force and effect from and after its passage and approval, as required by law.

\_\_\_\_\_  
MAYOR OF THE CITY OF O'FALLON

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

CITY CLERK

DRAFT