

**AN ORDINANCE TO CREATE A STORMWATER DRAINAGE UTILITY AND
INSTITUTE A STORMWATER DRAINAGE UTILITY FEE BY ADDING A NEW
CHAPTER 13.26 TO TITLE 13 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, due to its general terrain and geographical location, the City of Rapid City is particularly subject to damage from stormwater which occasionally overflows from existing water courses and drainage facilities; and

WHEREAS, development within the City of Rapid City impacts the ability of the current stormwater drainage system to effectively handle runoff; and

WHEREAS, the existing stormwater drainage facilities within the City of Rapid City require continuous operation, maintenance, and replacement; and

WHEREAS, each lot or parcel of real property within the City makes use of and is served by the City's stormwater drainage facilities, as each parcel contributes stormwater runoff; and

WHEREAS, the owners of each parcel of property within the City should pay a portion of the costs associated with operating, maintaining, and replacing stormwater drainage facilities benefitting the entire City, and

WHEREAS, the Common Council finds that such payment should be based upon the amount of each parcel's impervious area; and

WHEREAS, the Common Council also finds that establishing a reasonable stormwater drainage fee computed on a basis of the use made of, the need for, and the service provided by the City's stormwater drainage system is a fair and equitable method for distributing the operating costs of the stormwater drainage utility; and

WHEREAS, the Common Council further finds that creating a stormwater drainage utility and establishing a fee for its support payable by all properties within the City will promote the general public health, safety and welfare by assuring that the movement of emergency vehicles is not prohibited or inhibited during storm or flooding periods and by minimizing storm and flood losses, inconvenience, and damage resulting from uncontrolled stormwater runoff in the City.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that a new Chapter 13.26 be added to Title 13 of the Rapid City Municipal Code to read in its entirety as follows:

CHAPTER 13.26: STORMWATER DRAINAGE SYSTEM

Section

ARTICLE I. GENERAL PROVISIONS

13.26.010 Definitions.

ARTICLE II. STORMWATER DRAINAGE UTILITY FEE

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13.26.060 Stormwater Drainage Utility Fee Relief Program.

ARTICLE I. GENERAL PROVISIONS

13.26.010 Definitions.

For the purposes of this chapter:

- A. **Impervious Area.** Surfaces on or in a lot or parcel of real property where the infiltration of stormwater into the earth has been reduced by human-made surfaces.
- B. **Land Use.** Land Use means:
1. **Church.** A parcel of land with a building used primarily for people to gather together for public worship, religious training, or other religious activities.
 2. **Commercial Service or Retail.** A parcel of land used primarily for the rendering of personal, professional and business services and the general retail business of the city.
 3. **Dwelling, Multiple.** A parcel of land with a detached building(s) designed for occupancy by 3 or more families living independently of each other; or mobile home parks.
 4. **Dwelling, Single-Family.** A parcel of land with a building or mobile home designed to be occupied exclusively by up to 2 families living independently of each other, exclusive of mobile home parks, hotels or resort-type hotels.
 5. **Group Home.** A parcel of land with a building containing sleeping rooms for either transient or permanent occupancy.

- 6. **Industrial.** A parcel of land used primarily for manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution.
- 7. **School.** A parcel of land with a building used as an institute of learning.
- 8. **Undeveloped or vacant lot.** A parcel of land on which the infiltration of stormwater into the earth has not been reduced by human-made surfaces.

C. **Runoff.** That part of rainfall which is not absorbed, transpired, evaporated or left in surface depressions; and which then flows controlled or uncontrolled off of a parcel.

D. **Stormwater Drainage System.** All facilities used in whole or in part for collecting and conveying stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, channels, ditches, streams, gulches, gullies, flumes, culverts, streets, alleys, curbs, gutters, crosspans, and pumping stations.

E. **Unit Financial Charge.** The unit financial charge is the monetary component used in the calculation of the Stormwater Drainage Utility Fee.

ARTICLE II. STORMWATER DRAINAGE UTILITY FEE

13.26.020 Stormwater Drainage Utility Fee.

A. The purpose of this section is to establish the annual charge against real property within the city for the operation, maintenance, and capital expenses of the stormwater drainage system.

B. All real property within the contiguous territory of the city shall be charged the annual fee for the operation, maintenance, and capital improvements of the stormwater drainage system. The fee for each such property shall be based on the lot area, a runoff weighting factor, and a unit financial charge, and which fee is determined as follows: Stormwater Drainage Utility Fee equals the runoff weighting factor multiplied by parcel area (in square feet) multiplied by unit financial charge (in dollars per square foot).

1. *Runoff weighting factor.*

a. The runoff weighting factor is determined by the type of land use and indicates the relative volume of storm water runoff from a land parcel as a function of the percentage of impervious surfaces covering each land parcel. The runoff weighting factor is to be assigned by land use type as shown in Table I:

TABLE I

Land Use Type	Runoff Weighting Factor
Church	11.25

Commercial Service or Retail	18.75
Dwelling, Multiple	11.25
Dwelling, Single-Family (lot area less than 30,000 square feet)	7.5
Dwelling, Single-Family (lot area of 30,000—60,000 square feet)	5.75
Dwelling, Single-Family (lot area of 60,001—100,000 square feet)	3.5
Dwelling, Single-Family (lot area greater than 100,000 square feet)	2.5
Group Home	11.25
Industrial	17.0
School	11.25
Undeveloped or vacant Lot	1.0
Other use not included above	Use Table II

b. Upon written request from a property owner, a detailed site study will be conducted by the Department of Public Works to determine the runoff weighting factor. The Department of Public Works shall calculate the percentage of impervious area for the subject parcel which contributes stormwater runoff to the stormwater drainage system of the city. The runoff weighting factor is then determined through utilization of Table II.

TABLE II

Percentage Impervious Area	Runoff Weighting Factor
0%	1.0
10%	4.75
15%	6.5
20%	7.5
30%	9.5
40%	11.25
50%	13.25
60%	15.0
70%	17.0
80%	18.75
90%	20.75
100%	22.5

c. Interpolation of the runoff weighting factor for a given percentage of impervious area not listed in Table II may be obtained by assuming a linear relationship between the values listed.

d. The Public Works Director or his or her designee may direct that the runoff weighting factor for a given parcel is calculated by a detailed site investigation and the use of Table II, where an obvious departure from the percentage of impervious surfaces of similar land uses exists.

e. A determination of the runoff weighting factor, resulting from a detailed site investigation and use of Table II, brought about either by the written request of a property owner or by direction from the Public Works Director or his or her designee, shall be used in the calculation of the Stormwater Drainage Utility Fee of the subject parcel and shall replace the factor previously derived from Table I.

2. *Parcel Area.* Parcel area is to be obtained from the records of the County Department of Equalization.

3. *Unit financial charge.* The unit financial charge shall be established by resolution of the city council.

13.26.030 Collection.

The Stormwater Drainage Utility Fee established in section 13.26.020 shall be an annual charge apportioned to all real property within the city limits of Rapid City. The fee shall be annually certified by the Finance Officer and submitted to the County Auditor for collection in the same manner as municipal taxes for general purposes.

13.26.040 Fund established.

A. The Stormwater Drainage Utility Fees paid to the city shall be maintained in a separate fund to be known as the Stormwater Drainage Utility Fund. This fund shall be used to pay the cost of financing the operation, maintenance and construction of the stormwater drainage system. Excess funds may be carried forward from year to year in order to build sufficient funds for large drainage construction projects which are scheduled or programmed for the near future. In addition, funds may be carried over to provide sufficient monies for unanticipated repairs, replacements, maintenance or expansion of the Stormwater Drainage System.

B. A minimum of twenty-five percent (25%) of the revenue raised by the Stormwater Drainage Utility Fees shall be used for the annual operations and maintenance costs of the City's Stormwater Drainage System. The remainder of the revenue not allocated to operations and maintenance shall be allocated to capital improvement projects.

13.26.050 Annual review.

The unit financial charge shall be reviewed annually and shall be revised as necessary so that revenues are reasonably in balance with anticipated expenditures.

13.26.060 Stormwater Drainage Utility Fee Relief Program.

Residential property owners that qualify for the State of South Dakota Department of Revenue's Assessments Freeze for the Elderly and Disabled Program shall qualify for a twenty percent (20%) reduction of the Stormwater Drainage Utility Fee assessed to their property. The Director of Public Works shall have the authority to establish policies and procedures for administration and implementation of the program.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)