

ORDINANCE NO. 2306

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND AMENDING CHAPTER 13, PUBLIC SERVICES, OF THE CITY CODE BY ADDING CHAPTER 13.30 FOR THE PURPOSE OF ESTABLISHING A STORMWATER UTILITY UNDER THE DIRECTION AND SUPERVISION OF THE PUBLIC WORKS DEPARTMENT AND FURTHER ESTABLISHING A STORMWATER UTILITY FEE SYSTEM.

WHEREAS, the City maintains a system of Stormwater facilities including, but not limited to, inlets, pipes, dams, 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 needs to be upgraded, improved and regularly maintained; and

WHEREAS, the existing Stormwater System is designed to convey stormwater to limit flooding, not treat stormwater to improve water quality; and

WHEREAS, water quality is degrading 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 extreme flooding that results from inadequate management of both the quality and quantity of stormwater; and

WHEREAS, all real property in the City uses and benefits from the maintenance of the Stormwater System; and

WHEREAS, the extent of the 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 Surface Areas of their property on the Stormwater System; and

WHEREAS, management of the Stormwater System to protect the public health, safety and welfare requires that adequate revenues be generated to provide funding for the operation, improvement, maintenance and monitoring of the Stormwater System; and

WHEREAS, it is in the interest of the public to finance the Stormwater System adequately with a user charge that is reasonable and deemed by the City to be equitable so that each user of the system pays to the extent to which each user contributes to the need for it.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Chapter 13 be amended by the addition of Section 13.30 as set forth herein:

Chapter 13.30

STORMWATER UTILITY

Sections:

- 13.30.010 Creation of Stormwater Utility.
- 13.30.020 Definitions.
- 13.30.030 Establishment of Stormwater Utility Fund.
- 13.30.040 Purposes of the Fund.
- 13.30.050 Stormwater Utility Fee.
- 13.30.060 Classification of property for purposes of determination of the Stormwater Utility Fee.
- 13.30.070 Assessment notices.
- 13.30.080 Payment terms and penalties.
- 13.30.090 Request for adjustment of the Stormwater Utility Fee.
- 13.30.100 Request for Credit to the Stormwater Utility Fee.
- 13.30.101 Credit application requirements and Certification Reports.
- 13.30.102 Credits for Private SWM Retrofits under cost share program.
- 13.30.103 Credit Amounts.
- 13.30.110 Financial Hardship Exemption.

13.30.010 Creation of Stormwater Utility.

A Stormwater Utility is hereby established for the purpose of monitoring, maintaining, improving and overseeing the operation of the Stormwater System in the City of Salisbury. The Stormwater Utility shall function under the direction and supervision of the Public Works Department and the Director of Public Works.

13.30.020 Definitions.

Unless otherwise defined in this section, definitions as defined in Section 13.28.030 of the City Code for Stormwater Management shall apply.

- A. "Alternative Surface" means any surface discussed in Section 5.3 of the Maryland Stormwater Design Manual.
- B. "Best Management Practices" or "BMP's" means practices approved by the Maryland Department of the Environment for use in improving water quality of stormwater runoff.
- C. "Department" means the Salisbury Department of Public Works.
- D. "Equivalent Residential Unit" (ERU) means the median Impervious Surface Area associated with a Single Family Property in the City.
- E. "Equivalent Residential Unit Rate" means the Stormwater Utility Fee charged on an Equivalent Residential Unit (ERU). The annual Stormwater Utility Fee for a Single Family Property in the City equals the ERU rate.
- F. "Fee" or "Stormwater Utility Fee" means the charge established under this chapter and levied on owners of parcels or pieces of real property to fund the cost of operating, maintaining and improving the Stormwater System in the City.

G. "Impervious Surface" means a surface area which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, swimming pools, buildings and any other oiled, graveled, graded, compacted, or other unvegetated surface which impedes the natural infiltration of surface water including gravel and alternative surfaces.

H. "Impervious Surface Area" means the number of square feet of horizontal surface covered by buildings and other Impervious Surfaces.

I. "Owner" means the property owner.

J. "Practice" means a system, method or facility employed in a Stormwater System.

K. "Retrofit" means the modification of an existing or in some instances the construction of a new SW System on a previously developed site.

L. "Single Family Residential Lot" means a property which serves the primary purpose, or is zoned to provide the primary purpose, of providing a permanent dwelling unit and which is classified as residential in the state assessment rolls. Single-family dwellings and single-family attached dwellings are included in this definition.

M. "Stormwater Management" or "SWM" means the planning, design, construction, regulation, improvement, repair, maintenance and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion and sediment control.

N. "Stormwater Utility Fund" means the fund created by this chapter to operate, maintain, and improve the City's Stormwater System.

O. "Stormwater System" or "SW System" means the system or network of storm and surface water management facilities including but not limited to inlets, pipes, dams, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as all natural waterways.

13.30.030 Establishment of Stormwater Utility Fund.

A. The Stormwater Utility is provided to protect the waterways and land in the City by controlling flooding and protecting the natural environment. The cost of designing, developing, improving, operating, maintaining and monitoring the Stormwater System required in the City should, therefore, be allocated, to the extent practicable, to all property owners based on their impact on the Stormwater System. In order to provide revenue to fund those costs and to fairly allocate those costs, a Stormwater Utility Fund ("the Fund") is established. The City's Stormwater Fund is a dedicated enterprise fund.

B. All revenues collected from the Stormwater Utility Fee and from grants, permit fees, fines and penalties, interest from deposits into the Fund, and other charges collected under Chapter 13.30 Stormwater Utility, shall be deposited to the Fund. The City Council may make additional appropriations to the Fund.

13.30.040 Purposes of the Fund.

All disbursements from the Fund shall be for the following purposes, only

- A. All costs of administration and implementation of the Stormwater Utility, including the establishment of reasonable operation and capital reserves to meet unanticipated or emergency Stormwater System requirements.
- B. Engineering study, design, debt services and related financing expenses, construction costs for new facilities, and enlargement, retrofit or improvement of existing facilities including dams.
- C. Operation and maintenance of the Stormwater System.
- D. Monitoring, surveillance, and inspection of stormwater control devices.
- E. Water quality monitoring and water quality programs including requirements for the City's National Pollutant Discharge Elimination System (NPDES) stormwater permit.
- F. Retrofitting developed areas for pollution control.
- G. Regulatory review, inspection and enforcement activities, including illicit discharge and illicit connection investigations.
- H. The payment or reimbursement of debt service on bonds, notes or other obligations that finance Stormwater System projects and the pledging of such revenue and fund to secure the repayment of this debt service.
- I. The acquisition by gift, purchase, easement or condemnation of real and personal property, and interest therein, necessary to construct, operate, and maintain stormwater control facilities.
- J. Water quality and pollution prevention education and outreach activities.
- K. Watershed, stormwater management, floodplain, impervious surface assessment and storm drainage conveyance studies and planning.
- L. Grants to property owners, homeowner associations and neighborhood associations to retrofit acceptable Best Management Practices. The Director of Public Works may develop this grant program to encourage BMP's. No more than 20% of the total annual funds collected by the Utility Fee maybe expended on grants each fiscal year.
 - 1. For residential property owners that retrofit on-site stormwater management by installing BMP's, the City will establish a grant fund to reimburse the cost of construction up to 50%.
 - 2. Grants to nonprofit organizations may be provided for up to 75% of the construction costs for retrofitting of existing stormwater management facilities to install BMP's.

13.30.050 Stormwater Utility Fee.

- A. An annual service charge is imposed upon all real property in the City, as of July 1, 2015, to fund the Stormwater Utility. This service charge shall be known as the Stormwater Utility Fee ("Fee"). Any real property annexed into the City after July 1, 2015 will be subject to a partial year charge for the remainder of the first year and the full fee each year thereafter.

- B. The City shall, by Ordinance, establish the annual (fiscal year) ERU rate for the Fee each year in conjunction with the annual budget.
- C. Except as otherwise provided in Section 13.30.060, the fee will be based on: the amount of Impervious Area on each property as determined by Section 13.30.050; and shall be calculated to ensure adequate revenues to fund the costs of the Stormwater Utility and provide for the operation, maintenance, and capital improvements of the Stormwater System in the City and the cost of implementing the City's Stormwater Management drainage and water quality programs.
- D. The minimum assessed Fee will be equal to the fee for one ERU for all properties.
- E. Except as otherwise provided in Section 13.30.060.B, the Fee will be based on whole increments, rounded to the nearest whole number, of ERUs calculated for properties.
- F. Except as otherwise provided in Section 13.30.060, the Fee will be calculated as follows:
1. Determine the Impervious Surface Area in square feet for the property.
 2. Divide the property's Impervious Surface Area by the ERU in square feet.
 3. Round the resulting ratio to the nearest whole number. This whole number is the number of ERUs on the property.
 4. Multiply the Equivalent Residential Unit Rate by the number of ERUs for the property to obtain the fee in dollars.
- G. Except as otherwise provided, the Impervious Surface Area for the properties will be determined by the City using aerial photography, as-built drawings, field surveys or other appropriate engineering and mapping tools.
- H. The Fee provisions of this Ordinance apply to all real property in the City, including government owned real property and real property that is tax exempt under Title 7 of the Tax Property Article of the Annotated Code of Maryland, as amended.
- I. Maximum Assessed Fee
1. In general, the maximums set by Section 13.30.050.I.2. do not apply to any property or portion of a property for which a credit or exemption has been approved under 13.30.100.
 2. The fee for any property that is subject to Property tax and is subject to assessment under this Section may not exceed an amount equal to 20% of the total of all State and Local Real Property Taxes levied on the property.

13.30.060 Classification of property for purposes of determination of the Stormwater Utility Fee.

- A. For purposes of determining the Stormwater Utility Fee, all properties in the City are classified into one of the following classes. Vacant parcels shall be classified based on the applicable zoning for that parcel. Vacant parcels with an area of less than 100 square feet are exempt from the Fee.
- B. Single Family Residential Lot Fee. The City finds that the intensity of development of most parcels of real property in the City classified as residential is similar and that it would be excessive and unnecessarily expensive to determine precisely the square footage of the Impervious Surface Area on each

such parcel. Therefore, all Single Family Properties in the City shall be charged a flat Stormwater Utility Fee, equal to the ERU rate, regardless of the size of the parcel or the Impervious Surface Area.

C. Townhouse and Semi-Detached Residential Lot Fee. Owners of townhouses and semi-detached dwellings located on separately recorded lots and operated under a Community Association will be charged a fee calculated as follows:

1. Determine the sum total Impervious Surface Area in square feet for all townhouse and/or semi-detached dwelling lots within the Community Association excluding Common Areas held in joint Ownership.
2. Divide the sum total Impervious Surface Area by the ERUs in square feet, rounding to the nearest whole number to obtain the total number of ERUs.
3. Multiply the Equivalent Residential Unit Rate by the total ERUs to determine the total fee due for the aggregated lots.
4. Divide the total Fee for the aggregated lots by the number of townhouses and/or semi-detached dwelling lots within the Community Association. This is the amount billed to each lot owner's water and sewer bill.

D. Condominium Properties. Owners of residential or Commercial Condominiums will be charged a fee calculated as follows:

1. The Fee for a Condominium property will be calculated as determined in Section 13.30.060.C.
2. The property's fee will be divided equally among the property tax accounts for all units assigned to that Condominium by the State Assessment Office or City Department of Internal Services.
3. The Department, at its sole discretion, may utilize alternative methodologies for billing fees associated with Condominiums.

E. Common Areas. Common areas owned by a Community Association will be charged based on the sum total Impervious Surface Measurement of the common areas in the manner prescribed in Section 13.30.050.E. The Fee will be billed directly to the Community Association. The Department, at its sole discretion, may utilize alternative methodologies for billing fees associated with Common Areas.

F. Other Improved Lot Fee. All other improved lots in the City will be charged in accordance with Section 13.30.050.

G. Roads and Rights of Ways. No Fee will be charged to public roads or other property within a public right of way. A Fee will be charged to Owners of private alleys, streets and roads. No Fee will be charged for a private street or road where the Director of Public Works determines that a private street or road functions primarily as a public road or street and meets current City standards.

1. Railroad Tracks. No Fee will be charged to mainline railroad tracks devoted to movement of railroad traffic. The Fee will be charged for all other Impervious Areas associated with rail traffic, including structures, bridges and storage areas.

13.30.070 A. The Director of Public Works shall send assessment notices for the Fee to property owners where the Fee is calculated on the basis of Section 13.30.50.C prior to billing the Fee.

- B. The notice shall include the following information:
1. The Impervious Surface Area of the property.
 2. The method by which the Impervious Surface Area of the property was determined.
 3. The amount of the ERU rate (i.e., the Single Family Fee).
 4. The number of ERUs on the property. If the number of units is a fraction, it shall be rounded to the nearest whole number.

13.30.080 Payment terms and penalties.

A. The Stormwater utility fee shall be billed with municipal property taxes and, if not paid, be a lien on the property for which it was assessed and shall be collected in the same manner as municipal property taxes, have the same priority, and bear the same interest and penalties.

B. Property owners who violate the provisions of this Chapter shall be issued a written notice of the violation, which shall be delivered via first class U.S. mail, postage prepaid, to the Owner's last known address on file with the City. If the property owner does not comply within seven (7) days of the written notice, the property owner shall be guilty of a municipal infraction and shall be subject to a fine pursuant to the City Code and state law, and fines levied hereunder shall be payable to the City of Salisbury and mailed to the Department of Internal Services within twenty (20) days of service of the municipal infraction citation. Notice and service of a citation shall be as directed under the Local Government Article of the Maryland Annotated Code § 6-101, et seq. and § SC5-1(38), as amended, concerning municipal infractions.

13.30.090 Request for Adjustment of the Stormwater Utility Fee.

A. Before filing a request for adjustment of the Fee, a property Owner may contact the Department to request an explanation of the Fee bill and to view the Impervious Surface Area determined by the Department for the property.

B. An Owner may request adjustment of the Fee by submitting the request in writing to the Director of Public Works within 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:

1. Incorrect classification of the property for the purposes of determining the Fee;
2. Errors in the square footage of the Impervious Surface Area of the property;
3. Mathematical errors in calculating the Fee to be applied to the property; and
4. Errors in the identification of the property Owner of a property subject to the Fee.

C. The following information must be submitted:

1. A completed SWM Utility Fee Adjustment application form supplied by the Department.
2. If the request for adjustment is regarding an error in the Impervious Surface Area measurement, a plan view of the property's Impervious Surface Area measurement must be submitted with the application and must be prepared at the Owner's expense. The Plan must meet the following criteria:
 - a. Prepared at a scale of 1 inch = 30 feet or more detailed.

- b. Show all Impervious Areas and label their dimensions within the property boundaries, including Buildings, patios, driveways, parking areas, graveled areas and any other separate impervious structures greater than 10 x 10 feet and paths wider than 4 feet.
- c. Sealed and signed by a Professional Engineer or Professional Land Surveyor licensed in the State of Maryland attesting to the accuracy of the Impervious Surface Area measurement.

D. The Department may grant up to an additional 30 days to submit a plan view of the property's Impervious Surface Area. The Department may also grant up to an additional 30 days for correction requests to Owner's that show good cause.

E. The Director of Public Works shall make a determination within 30 days after receipt of the Owner's completed written request for adjustment of the Fee. The Director of Public Works decision on a request for correction of the Fee shall be final.

F. An Owner must comply with all rules and procedures adopted by the City when submitting a request for adjustment of the Fee and must provide all information necessary for the Director of Public Works to make a determination on a request for adjustment of the Fee. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.

13.30.100 Request for Credit to the Stormwater Utility Fee.

Stormwater Utility Fees calculated on the basis of Impervious Surface Area may be adjusted through the use of credits, when an investment in properly maintained On-Site SW Systems results in a reduced impact on the City SW System.

A. Owners of property designated for any use, except those designated Single Family Residential Lot, that structurally maintain and operate a SW System, are eligible for a credit. Previous payment of SWM Waivers or monetary contributions in lieu of on-Site SW System controls does not confer eligibility to receive a credit. The construction of and dedication to the City of a SW System does not confer eligibility to receive a credit.

B. The following SW Systems are eligible for a Fee credit:

1. Structural SW Systems.
2. ESD practices categorized by the Design Manual as Alternative Surfaces.
3. The following ESD practices categorized by the Design Manual as microscale practices; cisterns, submerged gravel Wetlands, landscape infiltration, infiltration berms, dry wells, micro-bioretenion, rain gardens and swales.
4. Any other SW System deemed eligible by the Department.

C. The following SW Systems are not eligible for a credit: disconnection of rooftop runoff, disconnection of non-rooftop runoff, sheet flow to conservation areas, rain barrels, enhance filters and any other system deemed ineligible by the Department.

D. Structural SW Systems designed only for Recharge Volume (Re_v) are eligible for a credit, if they are subject to routine structural inspections and maintenance.

E. An Owner that provides only aesthetic maintenance of a SW System is not eligible for a credit. Aesthetic maintenance includes activities that are not essential to the proper operation or function of the practice or are considered part of routine property maintenance. Examples of aesthetic maintenance

include, but are not limited to routine trash or leaf removal, mowing, roof gutter cleaning and enhanced landscaping.

F. SW Systems that are not certified as functioning as originally designed are not eligible for a credit. Functioning as originally designed means that the practice is functioning in accordance with the original design specifications, regardless of whether it meets the Standards established in the most recent version of the Maryland Stormwater Design Manual.

G. The Department reserves the right to inspect, on a routine basis, any SW System listed on a fee credit application. If a practice is found by the Department inspector to be non-functioning, the Department will issue to the Owner a report of needed maintenance. The inspection also may include directions to correct Site conditions adversely affecting the practice, such as uncontrolled Soil Erosion or contamination.

H. The Department may revoke a previously approved fee credit at any time for failure to properly maintain a SW System, for unapproved changes made to the SW System or for changed site conditions that adversely impact the SW System. The Owner is responsible for correcting problems at the Owner's expense. Where SW System ceases to function due to the Owner's failure to provide proper maintenance, the SW System will be ineligible for a fee credit for a period of two years after the date that the SW System is restored to functioning condition.

I. Any approved credit will be applied only to bills for the Owner of the SW System. Credit may be given to a single Owner for Impervious Surface Areas on multiple parcels that drain to a Practice on a separate parcel, provided that all parcels are owned by the same entity as the Practice itself.

J. It is the sole responsibility for the property Owner to apply for a credit. Credit applications must be submitted before March 1st and approved before May 1st to qualify for credit on the current year's Fee. Any credit application approved on or after May 1st will be applied to the following year's Fee. The Fee will not be prorated for a credit approved by the Department during the billing year.

13.30.101 Credit Application Requirements and Certification Reports.

A. To apply for a Fee Credit, the Owner must submit, at the Owner's expense, the following information for the approval of the Department:

1. Completed SWM Utility Fee – Private System Credit application form supplied by the Department and application fee.
2. Description of the type of system, including water quality control and/or water quantity control design criteria and performance standard, and year built.
3. Drainage Area map for the system showing the boundaries and acreages for Impervious Areas that are treated in the SW System.
4. As-built engineering plans for the SW System. SW Systems are not eligible for fee credits until the as-built plans have been accepted by the Department. If as-built plans do not exist for a Practice, the Applicant must develop and submit these for review and acceptance to qualify for the credit.
5. A narrative of the known maintenance history of the system, including routine maintenance and significant Structural Maintenance and repair.
6. Information on any public funds used to repair, upgrade or Retrofit the SW System, including the dollar amount and date the repair, upgrade or Retrofit was made.

7. Completed calculation sheet, on a form provided by the Department, to determine the monetary amount of the claimed credit.
8. Initial Certification Report. An initial certification report must be prepared by a Professional Engineer or under the guidance of a Professional Engineer.
9. Initial certifications include an inspection report pursuant to Section 13.28.100 of the Stormwater Management Ordinance, or other format approved by the Department. The report must certify that the SW System is functioning as originally designed, is operational and has been adequately maintained.
10. The initial certification report must be signed and sealed by the responsible Professional Engineer. The certification inspection must not be more than one year old at the time of application.

B. **Credit Recertification for Continued Credit.** In order to remain eligible for a credit, an Owner must submit to the Department, every three years and at the Owner's expense, a Private SW System Credit Recertification application and report for approval by the Department.

1. The recertification report must include photographs of each SW System listed on the recertification form, a description of maintenance performed since the last recertification request and a copy of any maintenance records or invoices. The Owner must certify that the SW System continues to be operational and has been adequately maintained.
2. The recertification application must include an inspection report pursuant to Section 13.28.100, or other format approved by the Department. The recertification inspection must be performed by a Professional Engineer, under the guidance of a Professional Engineer, or by a Person approved in accordance with the Department.
3. The report must include information on any public funds used to upgrade or Retrofit the SW System, including the dollar amount and date the upgrade or Retrofit was made.

C. Any maintenance of functional deficiencies must be remedied at the Owner's expense before the practice qualifies or is recertified for a fee credit. In addition, maintenance or safety deficiencies must be addressed by the Owner in accordance with the terms of the SW System's Maintenance and Inspection Agreement.

13.30.102 Credits for Private SWM Retrofits Under Cost-Share Program.

A. The Department at its sole discretion, may consider sharing up to 50 percent of the Retrofit construction costs for a Private SW System that has been identified as a priority stormwater improvement in a City Watershed study, or if the Department determines the Retrofit will make a significant improvement to meeting current water quality and/or quantity controls or the watershed. Any privately owned SW System that has been Retrofitted to meet current stormwater Standards using public funding shall be eligible for a subsequent Fee credit only in accordance with the following:

1. The Retrofit project must be approved by the Department for the cost-share program.
2. The construction of the Retrofit must be completed to the satisfaction of the Department and all Department Permits for the Retrofit must be released at least six months prior to receiving credit.
3. The SWM Practice's ownership and structural and aesthetic maintenance must remain the responsibility of the Owner.
4. If the Practice was not functioning as originally designed prior to the Retrofit, the Owner will not be eligible for any fee credit until such time that the cumulative amount of credit that otherwise would have been allowed equals or exceeds the public investment in the Retrofit.

5. If the Practice was functioning as originally designed prior to the Retrofit, the Owner is still eligible for a credit based on Section 13.30.103.B. After the Retrofit, the Owner will be eligible for a credit based on Section 13.30.103.C. once the cumulative difference between the credit provided in the previous standards credit and current standards credit equals or exceeds the public investment in the Retrofit.
6. All necessary approvals and permits must be obtained for Retrofits before commencing disturbance or construction including any sediment control permits, SWM permits, Forest conservation permits and any applicable State permits.

B. Nothing in this Section prohibits an Owner from upgrading or Retrofitting a Practice at the Owner's expense in accordance with the provisions of this Ordinance to qualify for credit or to qualify for a higher credit.

13.30.103 Credit Amounts

A. The credit amount is calculated as a reduction in Site Impervious Area. The credit is prorated based on the amount of Impervious Surface Area located on the property draining to the SWM Practice, and not the total amount of Impervious Surface Area on the Site. The credit may be prorated based on the percentage of SWM treatment volume provided in a Practice as compared to the target treatment standard.

B. Previous Standards Credit. A SWM Practice that is certified as functioning as originally designed, but does not meet the Standards established in the most recent version of the Design Manual, makes the contributing Impervious Surface Area eligible for a maximum cumulative credit of 20 percent against the Fee. Credits are allocated as follows:

1. A maximum of 10 percent credit is provided if the Practice provides stormwater quality control.
2. A maximum of 10 percent credit is provided if the Practice provides stormwater quantity control.

C. Current Standards Credit. A SWM practice that is certified as functioning as originally designed and meets the Standards established in the most recent version of the Design Manual, makes the contributing Impervious Surface Area eligible for a maximum cumulative credit of 50% against the Fee. Credits are allocated as follows:

1. A maximum of 25 percent credit is provided if the practice provides stormwater quality control for Water Quality Volume (WQv).
2. A maximum of 25 percent credit is provided if the practice provides stormwater quantity control of Overbank Flood Protection Volume (Qp10).
3. A maximum of 10 percent credit is provided if the practice provides only stormwater control for Recharge Volume (Rev) and is a structural SWM practice.

D. Where an eligible SWM Practice meets the Standards established in the most recent version of the Design Manual for quality, but not quantity, or vice versa, it is acceptable to combine 13.30.13.B. and 13.30.103.C. above accordingly. The cumulative credit must not exceed 50 percent, except for practices that meet the Additional Quantity reduction Credit.

E. The Owner of an eligible private Practice that treats an off-site impervious area located within the City may take an additional credit for treating the off-Site Impervious Area, provided that in no case will the total credit exceed the total amount of the Fee charged to the Owner on which the Practice is located.

F. Additional Quantity Reduction Credit. A maximum of 100 percent credit is provided to Impervious Surface Areas draining to on-site SWM Practices that retain the difference in Runoff volume between the 100-year post development storm event and the 100-year pre-development condition storm event.

G. The cumulative credits for a property will in no case exceed the total amount of the SWM Fee charged to the property.

13.130.110 Financial Hardship Exemption

A. Exemptions for property able to demonstrate substantial hardship as a result of the Stormwater Utility Fee may be granted by the Director of Public Works for residential property that can properly document a financial hardship by meeting two of the following conditions:

1. Enrollment in a Homeowner's Property Tax Credit Program;
2. Receiving an energy assistance subsidy;
3. Receiving public assistance through supplemental security income (SSI) or food stamps;
4. Receiving veterans or social security disability benefits.

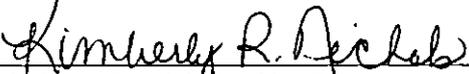
B. Only properties that are Owner occupied and meeting the minimum qualifications will receive approval for the hardship exemption.

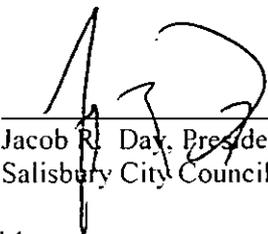
C. The hardship exemption is only valid for one year. It is the responsibility of property Owners to reapply yearly.

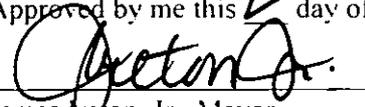
BE IT FURTHER ORDAINED that this ordinance shall take effect on July 1, 2015.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 10 day of November, 2014, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 24 day of November, 2014.

ATTEST


Kimberly R. Nichols, City Clerk


Jacob R. Day, President
Salisbury City Council

Approved by me this 26th day of November, 2014

James Henton, Jr. Mayor