

# City of St. Augustine

## Florida

## Stormwater Management Fee Adjustment, Credit and Appeals Policy & Procedure Manual

Martha S. Graham, P.E.  
Director, Public Works Department  
P.O. Box 210  
St. Augustine, FL 32085  
Phone: (904) 825-1040  
Fax: (904) 209-4286

# Table of Contents

<b>Section 1</b>	<b>Introduction</b>	1-2
<b>Section 2</b>	<b>User Fee Adjustment and Credits</b>	2-1
2.1	User Fee Adjustments	2-1
2.2	User Fee Credits	2-2
2.2.1	Restrictions	2-2
2.2.2	Terms	2-2
2.2.3	Credit 1. Permitted Stormwater Facility	2-2
2.3	Fee Credit Example	2-3
<b>Section 3</b>	<b>Application Procedures</b>	3-1
<b>Section 4</b>	<b>Appeal Process</b>	4-1
<b>Section 5</b>	<b>Credit Enforcement Policy</b>	5-1

# Appendices

Appendix A      Credit Application Form

# Section 1

## Introduction

The City of St. Augustine established a Stormwater Management Utility in 1995. The purpose of the enterprise fund is to provide the City with the authorization to establish and collect just and equitable rates, fees, and charges for the operation and maintenance of the Stormwater Management Utility.

The City's Stormwater Management Utility is an established mechanism for billing the costs of operating and maintaining the City's Stormwater Management System, and financing the necessary repairs, replacements, improvements, and extensions. The City's ordinance provides the mechanisms for billing and payment, accounting for capital contributions, and establishing the Stormwater Management Utility. This Adjustment and Credit Manual outlines the guidelines under which the City will grant credits to stormwater management utility fee.

## Section 2

# User Fee Adjustment and Credits

The following procedures address both adjustments and credits for stormwater user fees. The City grants user fee adjustments when customers identify incorrect information contained in the City's billing database. Adjustments typically occur when the City has incorrectly delineated the impervious area within a nonresidential property, or when residential customers are assigned the incorrect percentage of SFU rate per dwelling unit for their residential type.

User fee credits are associated with the construction, operation, and maintenance of privately owned stormwater facilities that provide benefit to the city by reducing runoff into the City maintained system. Both residential and nonresidential customers can qualify for user fee adjustments; whereas only nonresidential customers qualify for user fee credits. The attached form, *St. Augustine Credit Application*, shall be used as part of the adjustment and credit policy.

The City Manager will review adjustment and credit requests made during the first fiscal year during which the stormwater user fee is imposed and at any time when a customer submits a new request due to the implementation of a change to their existing stormwater facilities. These requests will be reviewed within a 6-month period from the date of filing of the request. Adjustment or credits resulting from such requests shall be retroactive for the first year (2014); however, all subsequent evaluations will be applied from the date of the application.

To maintain credit eligibility, stormwater systems must be maintained in such a manner that the intended retention, detention or treatment functions are being provided. Credits will be granted on bi-annual basis (24 month) with validated inspection/maintenance reports from the applicant.

### 2.1 User Fee Adjustments

Requests for adjustment of the stormwater user fee shall be submitted to the City Manager's office, which has authority to administer the procedures and standards, and review criteria for the adjustment of fees as established herein. All requests shall be judged on the basis of the amount of impervious area on the site.

The following procedures shall apply to all adjustment requests of the stormwater user fee:

- Any residential/nonresidential owners who have paid stormwater user fees, and who believe the Single Family Unit (SFU) component of his/her stormwater user fee to be incorrect, may submit an adjustment request on a form supplied by the City Manager. Note that driveways, patios, and decks must be added to the building footprint to determine the total impervious area.
- The first step in the adjustment process will be a review of the City's calculation of the impervious area. If resolution is not achieved, the City may request the customer to provide supplemental information to the City Manager including, but not limited to, survey data prepared by a Registered Land Surveyor (R.L.S.) that represents the amount of impervious area and compacted gravel, limerock, or coquina area on a parcel and/or engineering reports

prepared by registered Professional Engineer (P.E.). Failure to provide such information may result in the denial of the adjustment request.

- The City Manager shall respond in writing to all adjustment requests. The response shall provide an explanation of adjustment approval or denial as well as requests for additional information.

## 2.2 User Fee Credits

- Customers may qualify for user fee credits when they can demonstrate that their existing stormwater facilities provide the City with a savings of cost that the City otherwise would incur as part of their efforts to manage stormwater. The amount of reduction will be 30%.

### 2.2.1 Restrictions

- a) No public or private property shall receive credit to offset fees for any condition or activity unrelated to the City's cost of providing stormwater management services.
- b) No credit will be applied to any dwelling unit that reduces the fee to an amount less than one Single Family Unit (SFU) fee.
- c) Credit shall only be given to the property owner of record.
- d) Credits shall be effective for 24 months requiring inspection or recertification to continue to receive the credit.

### 2.2.2 Terms

- a) Credits will only be applied if a permitted facility number is provided.
- b) Credits will be defined as percent (%) reductions applied as a credit adjustment to the fee calculation equation.
- c) As long as the stormwater system are functioning as approved (as demonstrated by self-certification reports and City inspections), the credit will be applied to the fee. If the approved practice is not functioning as approved or is terminated, the credit will be cancelled and the fee will return to the baseline calculation. Once the credit has been cancelled, a customer may not reapply for credit for a period of 12 months and only then if the deficiency has been corrected, as determined by City inspection. (See Section 5 for more details).
- d) Proper operation and maintenance of stormwater facilities is essential for the facilities to continue to perform as intended. In order to continue to receive a credit, stormwater facilities must be certified or inspected at least once every twenty-four (24) months.

### 2.2.3 Credit 1. Permitted Stormwater Facility

Customers with a permitted stormwater facility within their property will be eligible for a fee credit of 30%, insofar that the credit does not result in an SFU below 1 as the minimum. Permits granted by the City of St. Augustine, Florida Department of Environmental Protection (FDEP), or the St. Johns River Water Management District (SJRWMD) are accepted as evidence to receive credit. Customers shall complete form "A" in order to qualify for the credit. This Credit will be based upon a permit certifying the facility serves a hydrologic and water quality benefit to the City's stormwater management system.

With the facility permit number, it is understood that adequate and routine facility maintenance is provided by the property owner.

## 2.3 Fee Credit Example

The following example shows the process to determine the credit for a customer. Consider a customer with a impervious area of 30,500 square feet, including 10,500 square feet of building area, and 20,000 of parking, driveway and back patio. The city ordinance Chapter 29, Article 1 – Stormwater Management Utility sets the basis for the stormwater utility which states the Single Family Unit (SFU) as 2,752 square feet, and a base rate of \$7.00/month/billing unit. The customer has received initial stormwater bills for a fixed monthly rate of \$77.58/month, calculated by the City staff as follows:

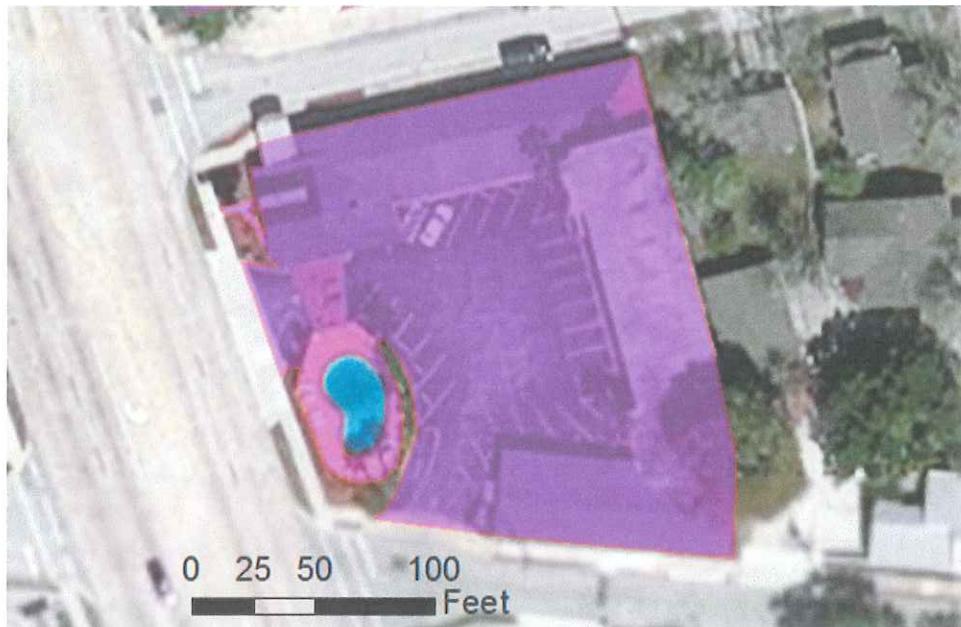


FIGURE 2.1 –Impervious area highlighted in non-residential property

$$\text{Monthly Fee} = \frac{(\text{impervious area in sq/ft.}) \times (\text{Rate})}{\text{SFU sq. ft.}}$$

$$\text{Monthly Fee} = \frac{(30,500 \text{ sq/ft.}) \times (\$7.00/\text{month})}{2,752 \text{ sq. ft.}} = \$77.58/\text{month}$$

The user obtained a City permit number PW001 at the time of construction, therefore fills out the credit form which allows a credit adjustment of 30% as follows:

$$\text{Reduced Fee} = (\$77.58/\text{month})(1-0.30) = \$54.30/\text{month}$$

This corresponds to \$279.28 savings for each year the facility is permitted and properly maintained by the owner.

## Section 3

# Application Procedures

A property owner seeking a fee credit must comply with the procedures outlined in this Manual and must submit a fee credit application (See attached application). All information necessary for the City Manager to make a determination must be supplied as outlined in the Manual and the Credit Application. Failure to comply with the procedures outlined in the Manual will result in a denial of the Credit Application.

## Section 4

### Appeal Process

Any person disagreeing with the interpretation or application of a provision in this manual, or the related laws or ordinances pertaining to Stormwater Management in the City, may appeal in writing to the City Manager via the Stormwater Management Forms or other applicable appeal accompanied by plats, St. Johns County Assessor's records, survey data, or other pertinent information to support the appeal. The City Manager will notify all parties, in writing, of his or her decision within 90 days of receipt of any appeal.

## Section 5

### Credit Enforcement Policy

The City reserves the right to review the application for accuracy and/or inspect and review documentation confirming the provision of the facility at any time. If, after its review or inspection, the City finds the application to be inaccurate or the projected level of service is not being provided or continued, the customer will be notified in writing and given 45 days to correct the deficiency. The property owner must provide written documentation to the City Manager within 45 days of the original notice by the City Manager that the requirements are being met or continued as agreed in addition to such evidence as the City Manager reasonably requires showing that the deficiency has been corrected. If, in the opinion of the City Manager, the deficiency is not satisfactorily corrected, the fee credit attributable to the deficiency will be terminated on the following billing cycle and will remain in effect for a minimum of 12 months. Reapplication for fee credit will not be reviewed until the requirements have been adequately met and evidence of the corrections has been provided with the reapplication.

Once the credit reduction has been canceled, a customer may not reapply for that particular credit for a period of 12 months and then only if the deficiency has been corrected, as determined by the City inspection. It will be the responsibility of the customer to prove the stormwater management goals are met prior to the credit being reissued.



## Stormwater Credit Application

(Please Type or Print)

Note: Please refer to the following website for the latest version of this document available for download: [\(City website\)](#)

### GENERAL INFORMATION

1. Customer Contact Information:

Name/Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

2. Property RE #(s): \_\_\_\_\_

3. Property Address/Description: \_\_\_\_\_

4. Authorized Representative (if applicable) Contact Information:

Name/Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ E-mail \_\_\_\_\_

5. Facility Permit Number: \_\_\_\_\_

6. Granting Entity:

City of St. Augustine  
 St. Johns River Water Management District  
 Florida Department of Environmental Protection

7. Current Monthly Stormwater Utility Fee: \$\_\_\_\_\_

Signature of Owner

Date

Submit to:

City of St. Augustine  
Public Works, Engineering Division  
P.O. Box 210  
St. Augustine, FL 32085

***CITY USE ONLY***

FACILITY PERMIT IS VALID? Y N

CREDIT GRANTED (MAXIMUM 30%) : \_\_\_\_\_ %

REVIEW DATE: \_\_\_\_\_

APPROVAL SIGNATURE \_\_\_\_\_

# THE ST. AUGUSTINE RECORD

CITY OF ST AUGUSTINE  
PO Box 210  
SAINT AUGUSTINE FL 32085

Ref.#: L3341-13  
P.O.#: HG 11-20

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared STEVEN SMITH  
who on oath says that he/she is an Employee of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement being a **NOTICE OF HEARING**

In the matter of **ORDINANCE 2013-31 - 2ND READ NOVEMBER 20, 2013**

was published in said newspaper on **10/31/2013**

Affiant further says that the St. Augustine Record is a newspaper published  
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper  
heretofore has been continuously published in said St. Johns County, Florida,  
each day and has been entered as second class mail matter at the post office in the  
City of St. Augustine, in said St. Johns County, for a period of one year preceding  
the first publication of the copy of advertisement; and affiant further says that  
he/she has neither paid nor promised any person, firm or corporation any discount,  
rebate, commission or refund for the purpose of securing the advertisement for  
publication in the said newspaper.

Sworn to and subscribed before me this        day of OCT 31 2013  
by Tiffany M. Lowe who is personally known to me  
or who has produced as identification

(Signature of Notary Public)

## NOTICE OF PROPOSED ENACTMENT OF ORDINANCE 2013-31 BY THE CITY OF ST. AUGUSTINE, FLORIDA

NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING TO BE  
HELD BY THE CITY COMMISSION OF THE CITY OF ST.  
AUGUSTINE CONCERNING THE SECOND READING OF  
ORDINANCE 2013-31. THE PUBLIC HEARING WILL BE HELD  
DURING THE REGULAR CITY COMMISSION MEETING ON  
WEDNESDAY NOVEMBER 20, 2013, BEGINNING AT 5:00 P.M.,  
IN THE ALCAZAR ROOM, 1ST FLOOR, WEST WING, CITY HALL, 75  
KING STREET, ST. AUGUSTINE, FLORIDA. PUBLIC COMMENTS ARE  
INVITED ON THE FOLLOWING MATTER:

**ORDINANCE NO. 2013-31**  
AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING  
CHAPTER 29, ARTICLE I, SECTION 29-2 OF THE CODE OF THE  
CITY OF ST. AUGUSTINE TO REVISE DEFINITIONS; AMENDING SECTION  
29-5 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO REVISE  
STORMWATER MANAGEMENT UTILITY FEES; PROVIDING FOR EXEMPTIONS  
AND CREDITS; PROVIDING FOR ADOPTION BY REFERENCE OF THE POLICY AND PROCEDURE MANUAL FOR CREDITS  
AND APPEALS; PROVIDING FOR INCLUSION IN THE CODE OF THE  
CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING  
ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS;  
AND PROVIDING AN EFFECTIVE DATE.

Related documents may be inspected by the public in the Public Works Office, City Hall, Lobby B, 4th Floor; or the City Clerk's Office, City Hall, Lobby B, 2nd Floor, 75 King Street, St. Augustine, FL 32084, during the hours of 8:00 A.M. and 5:00 P.M. except weekends and holidays. In accordance with Florida Statute 286.0105; "If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on notice. Telephone: City Clerk (904)825-1007; or 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.  
L3341-13 Oct 31, 2013



**ORDINANCE NO. 2013-31**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 29, ARTICLE I, SECTION 29-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO REVISE DEFINITIONS; AMENDING SECTION 29-5 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO REVISE STORMWATER MANAGEMENT UTILITY FEES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR ADOPTION BY REFERENCE OF THE POLICY AND PROCEDURE MANUAL FOR CREDITS AND APPEALS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of St. Augustine finds that the Stormwater Management Utility provides a vital enterprise necessary for the operation, maintenance and improvements of the City's stormwater management system; and

**WHEREAS**, since the adoption of the Stormwater Management Utility in 1995, new technology and contemporary financial realities require modification of the City's rate structure; and

**WHEREAS**, the City of St. Augustine has prepared and adopted the 2013 Stormwater Master Plan identifying near and long term priorities requiring necessary resources to accomplish critical and necessary infrastructure improvements for the benefit of the citizens of St. Augustine; and

**WHEREAS**, the Stormwater Management Utility rates require amendment to accomplish said critical and necessary improvements identified in the stormwater master

plan and require further amendment to address technology and financial requirements in the rate structure;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR  
THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

Section 1. Amendment to Chapter 29, Article I, Section 29-2. Chapter 29, Article I, Section 29-2 of the Code of the City of St. Augustine, Florida is hereby amended, as follows:

**"Sec. 29-2. Abbreviations and definitions.**

...

*Equivalent residential unit (ERU) means the basic unit, derived from data for the city, used to compute individual stormwater management utility fees.*

...

*Impervious area means any part of any parcel of land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall including. This includes areas that have been cleared, graded, paved, graveled or compacted, or covered with structures and excluding. Excluded are all lawns, landscape areas, water and other areas designated by the city manager.*

...

*Single Family Unit (SFU) means the basic unit, derived from data for the city, used to compute individual stormwater management utility fees and is equivalent to the average impervious area of a single-family detached residential dwelling unit located within the city as periodically determined and established as provided in this article.*

*Stormwater Management Utility Fee means the dollar value periodically determined and assigned to each SFU as a charge for*

stormwater services and expressed as a dollar value per SFU per month.”

... ”

Section 2. Amendment to Chapter 29, Article I, Section 29-5. Chapter 29, Article I, Section 29-5 of the Code of the City of St. Augustine, Florida is hereby repealed and replaced in its entirety, as follows:

“Sec. 29-5. Stormwater management utility fees.

(a) *Determination of Single Family Unit (SFU).* For the purposes of this article, a single family unit (SFU) shall be equivalent to 2,752 square feet of impervious area.

(1) Residential properties, including multi-family residential property and mobile homes, are assessed the stormwater management utility fee on the basis of the size or use of the residential property as defined in the following table. The stormwater management utility fee shall be calculated by multiplying the applicable SFU factor by the monthly rate.

<u>Residential Properties</u>	<u>SFU Factor</u>
<u>Small Single Family (&lt;=1,400 SF)</u>	<u>0.52</u>
<u>Average Single Family (1,401 SF – 4,000 SF)</u>	<u>1.00</u>
<u>Large Single Family(&gt;4,000 SF)</u>	<u>1.60</u>
<u>Multi-Family</u>	<u>0.38</u>
<u>Mobile Home</u>	<u>0.85</u>

(2) Non-residential developed properties, including businesses, mixed use, home occupations, institutional, educational, commercial, manufacturing, ecumenical, hospitality, industrial, government and all such properties other than residential, the stormwater management utility fee shall be calculated by dividing the total impervious area of the property by the square feet contained in the equivalent SFU multiplied by the stormwater management utility fee.

(b) Monthly rates. The stormwater management utility fee to be applied to residential and nonresidential properties shall be seven dollars per month for each SFU (\$7.00/month X SFU).

(c) Escalation. The SFU rate shall increase or decrease with the consumer price index and shall be computed annually for each fiscal year.

(d) Exemptions and Credits.

- (1) Except as provided in this section or as exempted by applicable law, no public or private property located in the city shall be exempt from stormwater management utility fees nor shall any public or private property be exempt to receive a credit or offset against such stormwater management utility fees. No exemption, credit, offset or other reduction in stormwater management utility fees shall be granted based on the tax status, economic status, race, religion, age or sex of the owner of the property being served or based on any other condition unrelated to the provision of stormwater management systems and facilities.
- (2) Railroad tracks and the rights-of-way shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings or other developed land used for railroad purposes shall not be exempt from stormwater service charges.
- (3) Public and private roadways, not including driveways, shall be exempt from stormwater management utility fees.
- (4) Credits. A feepayer may obtain credit against a portion of the monthly stormwater management utility fee by the construction and maintenance of permitted onsite stormwater retention facilities serving the property for which credit is sought or by demonstrating that the properties are not contributing stormwater runoff to or benefitting from the city's stormwater management system. Properties meeting this criteria shall be allowed up

to a thirty (30) percent reduction of the monthly stormwater management utility fee.

(5) Appeals. The City Manager shall develop policies and procedures for the purpose of reviewing applications for credits, adjusting fees and hearing and resolving appeals related to this article.

(e) Stormwater Management Fee Adjustment, Credit, and Appeals Policy and Procedure Manual. The Stormwater Management Fee Adjustment, Credit and Appeals Policy and Procedure Manual effective on the effective date of this ordinance is hereby approved and ratified and made part of this ordinance by reference. The city manager is authorized to enforce the provisions of the Stormwater Management Fee Adjustment, Credit and Appeals Policy and Procedure Manual, and any amendments to same, and to make changes to the referenced manual as he or she deems appropriate.”

Section 3. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

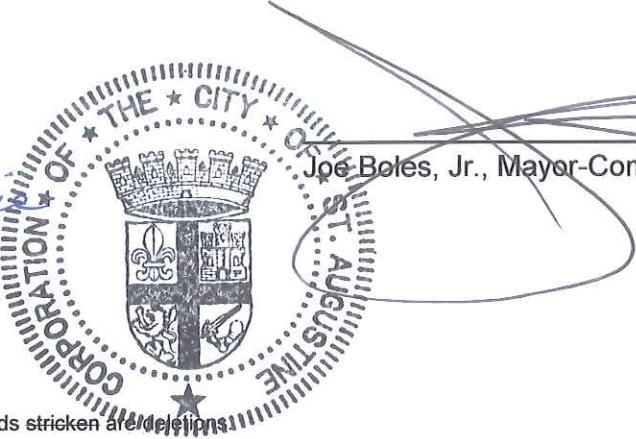
Section 6. Effective Date. This ordinance shall become effective March 1, 2014, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this 30<sup>th</sup> day of November, 2013.

ATTEST:

  
Alison Ratkovic, City Clerk

(SEAL)



  
Joe Boles, Jr., Mayor-Commissioner

Coding: Words underlined are additions; words stricken are ~~deletions~~