

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
AUGUST 14, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Ordinance Creating Stormwater Utility & Amending Water Utility Provisions	✓ Resolution Ordinance Motion Discussion Only	David Fieldman Village Manager

**SYNOPSIS**

An ordinance to create and adopt a stormwater utility and to amend water utility sections of the Municipal Code has been prepared.

**STRATEGIC PLAN ALIGNMENT**

The Goals for 2011 to 2018 include *Top Quality Infrastructure* and *Steward of Financial and Environmental Sustainability* and *Exceptional Municipal Services*. Creation of Stormwater Utility is a 2012 high priority action item.

**FISCAL IMPACT**

The proposed stormwater utility would shift funding for the stormwater management system from a primarily property tax based system to a fee-based system and would generate \$3.5 million in revenue for FY13. All stormwater utility revenues and expenses will be accounted for within the Stormwater Fund which will be operated as an enterprise fund beginning in 2013. Property taxes previously levied for stormwater system maintenance and debt service expenses, approximately \$2.48 million, will not be levied beginning in 2013.

**RECOMMENDATION**

Approval on the August 21, 2012 active agenda.

**BACKGROUND**

The Village is responsible for maintaining stormwater infrastructure consisting of storm sewer pipes, streams, wetlands, roadway ditches and drainage structures. The Village has invested significant capital to develop the stormwater system which consists of approximately 7,000 drainage structures, 315 stormwater detention facilities, 130 miles of storm sewer pipes, 12 miles of streams, 140 miles of roadway ditches and 47,000 feet of culverts. The stormwater system includes 3 main watersheds.

The proposed ordinance will change the way the Village pays for the cost of owning and maintaining the stormwater management system. The current method primarily uses property tax revenues. Under the stormwater utility approach the Village will use a monthly stormwater fee based on the property's impact to the stormwater system. Shifting to a stormwater utility system is designed to:

- Create a system in which properties pay for their portion of the stormwater system's expenses, since all properties benefit from the system.
- Increase awareness about the Village's stormwater management system.
- Encourage property owners to reduce the amount of stormwater run-off from their property by implementing management measures.
- Provide a predictable and sustainable funding source to properly maintain the stormwater system.

In 2003, the Village created the Stormwater Utility Exploratory Committee, which identified the need for a master plan that would provide information about the condition of the Village's stormwater system and the estimated costs for meeting capital, maintenance and regulatory requirements. In 2006, the Village

completed a Stormwater Master Plan which outlined the activities required to maintain the stormwater system. In 2007 the Village completed the Watershed Infrastructure Improvement Plan (WIIP) which identified capital improvement projects to minimize flooding throughout the Village.

In 2011, the Village hired Municipal and Financial Services Group (MFSG) to complete a stormwater utility study. The goal of the stormwater utility study was to provide a set of recommendations regarding the possible creation of a stormwater utility, including suggested fees and funding sources. The findings of the study were presented to the Village Council by the consultant at meetings on August 2<sup>nd</sup>, September 13<sup>th</sup>, October 4<sup>th</sup> and October 18<sup>th</sup> 2011. In January 2012, the Village hosted a series of stakeholder and public meetings to explain the proposed stormwater utility and to collect feedback on the potential implementation of a stormwater utility. MFSG presented their final recommendations at the March 13, 2012 Village Council meeting (additional information can be found here: [http://www.downers.us/public/docs/agendas/2012/03-13-12/INF00-04817\\_SWU.pdf](http://www.downers.us/public/docs/agendas/2012/03-13-12/INF00-04817_SWU.pdf).) On April 10, 2012 the Village Council authorized staff to implement a stormwater utility system within the Village of Downers Grove.

Adoption of the ordinance will create a stormwater utility fee, including billing and payment collection procedures, credits, incentives and appeals.

Fees

The fees are based on the amount of impervious area located on each parcel in the Village. The fees are calculated based on the number of Equivalent Runoff Units (ERU). One ERU is 3,300 square feet of impervious area - the average amount of impervious area located on single family residential properties in the Village. Fees for single family residential properties would be charged based on a tiered system. Tier 1 parcels would be charged .75 ERU. Tier 2 parcels will be charged 1.0 ERU and Tier 3 parcels would be charged 1.5 ERU. Fees for non single family residential parcels will be charged based on the actual amount of impervious area located on the parcel. Vacant parcels will be charged .3 ERU.

For FY 2013, monthly fees would be charged according to the following schedule:

<b>Single Family Residential</b>	
Tier 1 (1 - 2,500 s.f.) - .75 ERU	\$6.30
Tier 2 (2,501 - 4,000 s.f.) - 1 ERU	\$8.40
Tier 3 (4,001 - 7,000 s.f.) - 1.5 ERU	\$12.60
<b>Non Single Family Residential</b>	
Per ERU (3,300 s.f.)	\$8.40
<b>Vacant (unimproved) Parcels</b>	
0.3 ERU	\$2.52

Billing and Payment

All fees for the stormwater utility will be billed on a common utility bill and collected along with the Village water charges. The Village will include stormwater charges on the utility bills beginning in January 2013. Residents on the south side of the Village will receive their first stormwater bill on January 2. Residents on the north side of the Village will receive their first stormwater bill on February 1. Property owners and tenants are jointly responsible for paying the bills.

In the event the party responsible for the payment of the stormwater utility fee makes a payment insufficient to pay the total amount required by the common utility bill, the payment shall be applied first to the stormwater utility fee, then to any water charges. If the balance for the water charges remains unpaid for forty-five (45) days, the Village may shut off water service. The Village may also place a lien against the property.

Credits and Incentives

Concurrent with the approval of the ordinance, the Village Manager will approve and issue an Administrative Regulation creating a Credit and Incentive Manual which will guide the application for credits and incentives. A credit is an ongoing conditional reduction in the amount of a stormwater utility fee assessed to a parcel in recognition of onsite systems, facilities, measures, or other actions taken to reduce or mitigate the impact of stormwater runoff which are in compliance with the provisions of the Village Stormwater Credit and Incentive Manual.

There are six types of credits available and are subject to the maximums shown in the table below.

<b>Control Activity</b>	<b>Stormwater Fee Credit</b>
<b>Site Runoff Rate Reduction</b> (detention basin)	Up to 20%
<b>Volume Reduction</b> (retention basin, permeable pavement, cisterns, etc.)	Up to 20%
<b>Water Quality</b> (Best Management Practices – BMP’s)	Up to 10%
<b>Direct Discharge</b> (outside & downstream of the Village’s stormwater system)	Up to 50%
<b>Education</b>	Up to 100%
<b>Partnership</b> (provide land/facilities to Village to manage stormwater)	Up to 100%

An incentive is a one-time reduction in the stormwater utility fee, which will be reflected on the utility bill, to assist in offsetting the cost of materials, construction and installation of qualifying stormwater facilities (this will not be a cash reimbursement). Incentives are available for qualifying rain barrels, rain gardens, permeable pavers and other stormwater facilities that reduce the total volume of stormwater, reduce the peak volume of stormwater and/or improve the quality of stormwater leaving a parcel. Examples of such stormwater facilities include green roofs, cisterns and other Best Management Practices.

Incentive amounts are as follows:

Rain Barrel	\$25 per property
Rain Garden	\$250 per property
Permeable Pavers	\$300 per property
Other Stormwater Facilities	30% up to \$300 per property

Appeals

Decisions affecting stormwater fees including the classification of the parcel, the amount of impervious area, the calculation of the stormwater utility fee, and granting of credits and incentives will be made by the Village’s stormwater administrator. These decisions may be appealed by submitting a written request to the Village Manager. Parcel owners may further appeal the decision of the Village Manager by submitting an application to the Stormwater & Floodplain Oversight Committee. Decisions by the Stormwater & Floodplain Oversight Committee are final and subject to judicial review.

Public Engagement

The Village’s ongoing public engagement strategy will continue throughout the implementation of the stormwater utility. The Village will use multiple media sources to inform and educate residents about the stormwater utility including the Village website, Facebook, Twitter, E-News, Hometown Times, displays

at the Downers Grove Library, Park District Recreation Center and Village facilities and meetings with key stakeholders.

Amendments to Water Utility Provisions

The amendments to those sections of Chapter 25 regarding the water utility are minor in nature. The amendments correct some internal inconsistencies (i.e. the time to file a lien for nonpayment of water charges) and typographical errors, clarify some administrative procedures, delete meter reading requirements as that process is no longer done in that manner, and adds a provision regarding emergency shutoff procedures in the event of breaks or leaks in service pipes.

**ATTACHMENTS:**

Stormwater Utility Frequently Asked Questions

Ordinance

Stormwater Credit & Incentive Manual

Staff Presentation to the Village Council

Stormwater Utility

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING A STORMWATER UTILITY ORDINANCE  
AND AMENDING WATER UTILITY PROVISIONS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading/underline**; deletions by ~~strikeout~~):

**Section 1. That Section 25.1ART. is hereby amended to read as follows:**

**25.1ART. Article I. WATER**

NOTE: For state law as to authority of Village to supply water, see Ill. Comp. Stat., Ch. 65, § 5/11-125-1, 5/11-126-1. As to authority of Village to regulate the use of the water supply, see Ill. Comp. Stat., Ch. 65, § 5/11-125-3, 5/11-126-4.

**Section 2. That Section 25.1SEC. is hereby amended to read as follows:**

**25.1SEC. Water system owned and controlled by Village.**

The system of water supply and distribution established, built and constructed in the Village is public property under the control, jurisdiction and management of the Village. The water system and plant shall at all times be maintained, repaired, enlarged and extended under the authority and ownership of the Village. All extensions to the system located on public right of way or water utility easements granted to the Village shall become the property of the Village upon acceptance by the Village. (Ord. No. 2942. § 1.)

NOTE: For state law as to authority of Village to supply water, see Ill. Comp. Stat., Ch. 65, § 5/11-125-1, 5/11-126-1. As to authority of Village to regulate the use of the water supply, see Ill. Comp. Stat., Ch. 65, § 5/11-125-3, 5/11-126-4.

**Section 3. That Section 25.6. is hereby amended to read as follows:**

**25.6. Right of entry.**

The Village Manager or the Manager's authorized representatives shall, subject to applicable law, between the hours of 7:00 A.M. and sunset, have free access in and through any premises to which water is furnished by the Village for the purpose of inspecting the potable water pipes and fixtures, reading, testing consumption, use or flow, maintaining or replacing metering devices or ascertaining whether there may be unnecessary waste of water or any unauthorized connections. It is the property owner's or occupant's responsibility to cause the metering devices to be accessible to the Village at all times. The Village shall not be responsible for any damage caused by accessing the metering device. This provision shall constitute a condition in continuing water service to each water consumer. It shall be unlawful for any person to interfere with, prevent or obstruct the Village or its duly authorized agent in its duties hereunder.

Water consumers shall answer all questions of authorized water department representatives relative to consumption of water or connections of water pipes and fixtures. (Ord. No. 2942, § 1.)

**Section 4. That Section 25.15. is hereby amended to read as follows:**

**25.15. Application for water tap and meter permit.**

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The Village Treasurer shall receive all applications for water tap and metering device permits and issue such permits upon approval of the water department and payment of appropriate fees. A record of all water applications shall be kept. (Ord. No. 2942, § 1.)

### **Section 5. That Section 25.18. is hereby amended to read as follows:**

#### **25.18. Same--Deposit.**

(a) Each applicant for water service, except as provided in subsections (c) and (d), shall pay to the Village a cash deposit as security for payment of all charges incurred under any provision of this Chapter 25 in connection with water service to the premises covered by such application. The amount of such cash deposit shall be the estimated maximum water service charge for such premises for a two-month period, as determined by the Village Treasurer, as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"

(b) The cash deposit shall be paid to the Village prior to connection, or, at the Village Manager's discretion in cases in which water service to the premises has not been interrupted, no later than thirty days from the date the application is received by the Village.

(c) An applicant for water service to a single-family dwelling unit may deposit with the Village, in lieu of such cash deposit, an agreement to pay to the Village upon demand the full amount of all charges incurred under any provision of this Chapter 25 provided that the following conditions are met:

- (1) That the applicant for such service is the owner of the premises to be served;
- (2) That the applicant has no unpaid bills for water service at the same or a different address;
- (3) That the applicant has not made two late payments of bimonthly bills during the preceding twelve-month period; and
- (4) That the applicant has not previously received the benefit of any tampering with pipes, metering devices or other water supply equipment.

(d) An applicant for water service to a business may deposit with the Village, in lieu of such cash deposit, a performance bond issued by a surety company licensed to do business in the State of Illinois to guarantee full and timely payment of all charges imposed under this chapter. The amount of such bond shall be the estimated maximum water service charge for the premises for a twelve-month period, as determined by the Village Treasurer. Such bond shall include a provision prohibiting termination without written notice mailed to the Village at least thirty days prior to the termination thereof.

(e) Upon discontinuance of water service to the customer making the cash deposit, the excess, if any, of such deposit over the amount of all unpaid charges incurred under any provision of this chapter shall be refunded. (Ord. No. 2942, § 1; Ord. No. 3326, § 1.)

### **Section 6. That Section 25.22. is hereby amended to read as follows:**

#### **25.22. Discontinuance of water service at customer's request.**

Water service shall be discontinued within forty-eight hours after notice to the Village Treasurer by the consumer. Upon receipt of notice to discontinue water service, the Village Treasurer shall notify ~~the water department~~ water billing to take a final meter reading. (Ord. No. 2942, § 1.)

### **Section 7. That Section 25.23. is hereby amended to read as follows:**

#### **25.23. Reserved.**

~~Meter reading requirements.~~

~~(a) Meter reading routes shall be established by the Village Manager or the Manager's authorized representative to provide for the reading of all metering devices on a scheduled basis.~~

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~~\_\_\_\_\_ (b) A meter reading record shall be maintained for each account.~~

~~\_\_\_\_\_ (c) Readings shall be made and recorded only from primary meters. Any customer installing secondary or subtraction meters to record subdivisions of water consumption shall be responsible for reading and maintaining such additional meters.~~

~~\_\_\_\_\_ (d) In the event the meter reader is unable to gain access to the consumer's premises, the meter reader shall leave a meter reading card requesting the consumer to record thereon the correct reading and to forward the card to the Village Treasurer. In those cases where a reading cannot be made and the meter reading card is not received in sufficient time to be used, an estimated reading shall be entered on the meter reading record. Such estimated readings shall be based on the average quantity of water consumed during comparable previous consumption periods. Such estimated readings or customer readings shall not be used for more than two consecutive consumption periods.~~

~~\_\_\_\_\_ (e) Each customer shall, as a condition of continued service, grant to the meter reader access to the metering device for purposes of making a direct reading. Any customer who refuses access to the metering device for more than two consecutive scheduled readings shall be subject to discontinuance of service in accordance with the procedures of Section 25-35.~~

~~\_\_\_\_\_ (f) Customers occupying premises on which remote reading devices have been installed to permit the reading of meters from outside the building shall, as a condition of continued service, grant to the meter reader access to the primary inside metering device for purposes of checking the accuracy of the remote reading device upon request of the Village, which request shall not be made less than twelve months from the previous routine reading of the inside meter under authority of this subsection. Any customer who refuses such access to the inside metering device shall be subject to discontinuance of service in accordance with the procedures of Section 25-35. (Ord. No. 2942, § 1; Ord. No. 3326, § 3.)~~

### **Section 8. That Section 25.33. is hereby amended to read as follows:**

#### **25.33. Billing generally.**

(a) Regular bills sent to owner. Regular bimonthly bills for water service and other charges under this chapter shall be rendered to the person designated on the Village records as soon as practical, but in no event later than the tenth day of the month next following the reading of the meter. The owners of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premise, and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village. Upon request, in connection with a sale or other transfer of the premises or other change of person responsible for service charges, the Village may make a special meter reading and render a special billing for water services and other charges incurred up to the date of such meter reading.

(b) Bills for meter consumption. Except as hereinafter provided, a bill for water usage shall be rendered for each primary meter in accordance with the consumption registered thereon. Bills for buildings used for multiple-family residence purposes or mixed business and residential uses which have more than one primary meter (but not having separate meters for each dwelling unit or use therein) shall be based upon the combined consumption registered on the several meters, in accordance with Section 25-29; except that separate bills shall be rendered for each meter for which the number of dwelling units or uses served by such meter can be determined from inspection of the plans for such building.

(c) Payment due date. Payment must be received by the Village by close of business on the due date printed on the bill or a late charge of ten percent (10%) shall be due after such due date, which due date shall not be earlier than the fifteenth day of the month in which the bill is rendered.

(d) Delinquent bills. If the charges for such services are not paid for 45 days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

(e) Lien and notice of delinquency. Whenever a bill for service remains unpaid for 45 days after it has been rendered, the Village Treasurer shall file with the County Recorder of Deeds a statement of lien

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claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his/her address be known to the Treasurer, whenever such bill remains unpaid for the period forty-five days after it has been rendered. The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

(f) Foreclosure of lien. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is in case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village. the Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five days after it has been rendered. The Village Attorney is entitled to attorney fees as determined by the court.

(g) Revenues. All revenues and moneys derived from the operation of the water system shall be credited in the water account of the water fund. All such revenues and moneys shall be accounted for by the Village Treasurer separate and apart from private funds and separate and apart from all other funds of the Village Treasurer not more than ten days after receipt of same, or at such more frequent intervals as may from time to time be directed by the Village Council. The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund of the Village of Downers Grove". Said Treasurer shall administer such fund in every aspect in the manner provided by statute.

(h) Accounts. The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, ~~including a replacement cost~~. The financial information to be shown in the audit report shall include the following:

- (i) Flow data showing total gallons received at the water plant for the current fiscal year.
- (ii) Billing data to show total number of gallons billed per fiscal year.
- (iii) Debt service for the next succeeding fiscal year.
- (iv) Number of users connected to the system.
- (v) Number of non-metered users.

(i) Access to records. The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Belmont Park Grant.

(j) Appeals. The method for computation of rates and service charges established for user charges shall be made available to a user within ten (10) days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village Manager within ten (10) days after notification of a formal written appeal outlining the discrepancies. (Ord. No. 2942, § 1; Ord. No. 3326, § 6; Ord. No. 3405, § 1.)

### **Section 9. That Section 25.34. is hereby amended to read as follows:**

#### **25.34. Authority to discontinue service.**

The Village may discontinue service when any customer pays a shut-off notice with an NSF check



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or fails to do any of the following:

- (a) Correct the condition of waste, tampering or unauthorized use required by a notice issued pursuant to Section 25-10; or
- (b) Make a deposit or increase a deposit pursuant to Sections 25-18 or 25-19; or
- (c) Pay a past due bill owed to the Village for the water service furnished at the same or at another location; or
- (d) Make payment in accordance with the terms of a deferred payment agreement as described in Section 25-36; or
- (e) Provide Village representatives with access to the metering devices as required by Section 25-23 and Section 25-6.
- (f) Provide Village representatives with access for purposes of inspecting the potable water pipes and fixtures as described in Section 25-6. (Ord. No. 2942, § 1.)

### **Section 10. That Section 25.35. is hereby amended to read as follows:**

#### **25.35. Procedure.**

(a) Notice shall be mailed to the customer whose water service may be discontinued under authority of Section 25-34. The notice shall inform the customer of the payment or other action required to prevent discontinuance of service, the date by which such payment or other action must be made (which date shall not be less than ten days from the date such notice is mailed unless a shut-off notice was paid with an NSF check, no additional notice shall be given), the charges for disconnection and reconnection of service, and the person or department with authority to resolve disputes.

(b) Except as provided in subsection (c) below, water service may be discontinued, at the sole discretion of the Village, without further notice to the owner or occupant of the premises, in the event that the customer has failed to correct the condition specified in the written notice.

(c) Water service shall not be discontinued to any building in which multiple residential or commercial units are served through a common metering device until the Village has mailed, delivered or posted on the premises a notice to all lessees or tenants, which notice shall comply with the requirements of subsection (a). (Ord. No. 2942, § 1.)

### **Section 11. That Section 25.37. is hereby amended to read as follows:**

#### **25.37. Collection of unpaid charges by lien on property.**

(a) Whenever the charges for water services remain unpaid for sixtyfourty-five (45) days after the date they become due and payable, the Village Treasurer shall cause to be filed with the recorder of DuPage County, a statement of lien claim covering the amount claimed by the Village as delinquent for the water department services rendered to the premises. This statement shall contain a description of such real estate sufficient for identification thereof; the amount of money due for such water services; and the date when such amount became delinquent. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said recorder's office.

(b) If the Village Treasurer has notice that the consumer to whom the water services were supplied is not the legal owner of the premises, notice shall be mailed to the legal owner of the premises at his/her last-known address, whenever charges for water services remain unpaid for a period of sixtyfourty-five (45) days after they become due and payable. Failure of the Village Treasurer to mail such notice or to record such lien claim, or the failure of the legal owner to receive such notice, shall not affect the right of the Village to foreclose the lien for unpaid water service charges as provided for in this section.

(c) The Village Treasurer is authorized to notify the Village Attorney to institute such proceedings as shall be necessary to enforce the liens of the Village filed in accordance with this section.

(d) The remedy by enforcement of lien claims for unpaid water service charges shall not be

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exclusive of any other legal remedy to collect the amounts delinquent. (Ord. No. 2942, § 1.)

### **Section 12. That Section 25.45. is hereby amended to read as follows:**

#### **25.45. Leaks in mains, service pipes or accessories; repairs.**

(a) Repairs shall be made whenever the owner or occupant of the premises served has knowledge, through his/her own observation or through information brought to his/her attention, of water leaking from the service pipe or accessories.

(b) Within three days of receipt of a written notice from the water department of a leak in service pipes, accessories or water main extensions not yet accepted by the Village, the owner or occupant shall arrange to have such leak repaired and shall inform the water department of the action to be taken. Repairs shall be completed within ten days of receipt of the written notice from the water department. Notwithstanding the foregoing, the water service may be shut off immediately by the Village if the Public Works Director determines that an emergency exists. The water supply shall not be turned on until such leak has been repaired and any expense incurred by the Village in connection therewith has been paid by the owner or occupant.

(c) If repairs are not scheduled or completed within the time limits of subsection (b) herein, the Village may discontinue water service until the repairs are completed.

(d) If repairs are not completed by the owner of water main extensions not yet accepted by the Village, the Village may complete or have completed such necessary repairs and charge the owner for the actual costs incurred.

(e) The water department will arrange to shut off the water to allow repairs whenever such notice is given that such repairs are contemplated. (Ord. No. 2942, § 1.)

### **Section 13. That Section 25.58ART. is hereby added to read as follows:**

#### **25.58ART. STORMWATER**

### **Section 14. That Section 25.58SEC. is hereby added to read as follows:**

#### **25.58SEC. Purpose.**

The purpose of this Article is to establish a stormwater utility to protect the public health, safety and welfare of the residents of the Village of Downers Grove from damage to property and local waterways caused by stormwater runoff and floods by reduction, control and discharge of pollutants to the Village's stormwater system. In order to provide an effective and long-term approach to stormwater management within the Village, an adequate and stable funding source must be identified.

### **Section 15. That Section 25.59. is hereby added to read as follows:**

#### **25.59. Stormwater Utility Established.**

The Village hereby establishes a stormwater utility to provide for the management, operation, maintenance, enhancement and rehabilitation of the Village's stormwater system.

### **Section 16. That Section 25.60. is hereby added to read as follows:**

#### **25.60. Stormwater Utility Fee Established.**

A stormwater utility fee is hereby established and shall be imposed on each parcel of property in the Village, whether publicly or privately owned, or whether subject to or exempt from real property taxation,

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at the rate set forth in Section 25.66 as adopted by the Village Council and adjusted from time to time. Public rights-of-way shall not be subject to the stormwater utility fee.

### **Section 17. That Section 25.61. is hereby added to read as follows:**

#### **25.61. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Credit* - means an ongoing conditional reduction in the amount of a stormwater utility fee assessed to a parcel, which will be reflected on the utility bill, in recognition of onsite systems, facilities, measures, or other actions taken to reduce or mitigate the impact of stormwater runoff which are in compliance with the provisions of the Village Stormwater Credit and Incentive Manual.

*Developed Land* - means a parcel altered from a natural state by the addition of impervious area.

*Direct Discharge* - means the conveyance of stormwater runoff from a parcel or portion of a parcel directly to a receiving conveyance system which is outside and downstream of the Village's stormwater system.

*Equivalent Runoff Unit (ERU)* - An ERU shall mean three thousand three hundred (3,300) square feet of impervious area or any fraction thereof. An ERU shall be used as the basis for determining the stormwater utility fee for a parcel.

*Impervious Area* - means area within a parcel which prevents or significantly impedes the infiltration of stormwater into the soil. Common impervious areas include, but are not limited to, buildings, paved walkways, swimming pools, decks, paved, gravel or stone areas, and other similar non-porous areas.

*Incentive* - means a one-time reduction in the amount of the stormwater utility fee assessed to a parcel, which will be reflected on the utility bill, to assist in offsetting the cost of materials, construction and installation of qualifying stormwater facilities.

*Manual* - means the Village Stormwater Credit and Incentive Manual.

*Non-single family residential* - means a parcel that is not classified as single family residential or vacant.

*Oversight Committee* - means the Village's Stormwater and Floodplain Oversight Committee created pursuant to Section 26.400 of this Code.

*Parcel* - means any designated area of land, established by a plat or other legal means, which has been assigned a Property Index Number (PIN) by DuPage County.

*Single Family Residential (SFR)* - means a parcel or parcels containing one dwelling, designed or used exclusively for residential occupancy by one family, which contains one or more bedrooms, with permanently installed cooking and sanitary facilities.

*Stormwater System* - means a conveyance or system of conveyances and includes sewers, storm drains, streets, curbs, gutters, ditches, retention ponds or basins, dams, river impoundments, man made channels or storm drains and flood control facilities and appurtenances thereof which are designed or used for the collection, control, transportation, treatment or discharge of stormwater.

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Stormwater Utility - means a stormwater management program that includes all or part of the management, administration, maintenance, engineering, planning and capital investments related to the stormwater system.

Vacant Parcel - means a parcel that has no impervious area.

Village - means the Village of Downers Grove, a municipal corporation organized under the laws of the State of Illinois.

### **Section 18. That Section 25.62. is hereby added to read as follows:**

#### **25.62. Administration.**

(a) The Village Manager shall administer the stormwater utility in accordance with the provisions of this Article.

(b) It shall be the duty of the Village Manager or his/her designee to preserve and protect all Village-owned property relating to the stormwater utility. He/she shall direct the laying of all pipes or other facilities connected or to be connected to the stormwater system of the Village. The Village Manager or his/her designee shall direct the making of all necessary repairs or maintenance to the stormwater system.

### **Section 19. That Section 25.63. is hereby added to read as follows:**

#### **25.63. Nonliability of Village.**

No claim shall be made against the Village, its officers or employees on account of the management of stormwater; the leaking, breaking or bursting of any stormwater pipe; disability of any of the appurtenances of the Village's stormwater system; or damage to private property, real or personal, caused by the operation, repair or maintenance of the stormwater system.

### **Section 20. That Section 25.64. is hereby added to read as follows:**

#### **25.64. Interference with Stormwater System.**

(a) No person shall alter, interfere with or disturb the stormwater system or appurtenances thereto without the permission of the Village Manager or his/her designee.

(b) No person shall willfully or negligently break, injure or deface such stormwater system and appurtenances, or commit any act which is intended to or which shall obstruct or impair the intended use thereof.

### **Section 21. That Section 25.65. is hereby added to read as follows:**

#### **25.65. Classification of Parcels.**

For purposes of determining the stormwater utility fee, all parcels in the Village are classified as one of the following:

(i) Single Family Residential (SFR); or

(ii) Non-Single Family Residential; or

(iii) Vacant.

### **Section 22. That Section 25.66. is hereby added to read as follows:**

## Stormwater Utility

### 25.66. Stormwater Utility Fee Rates.

#### (a) Authority of Village to set rates.

The Village Council shall retain at all times the power and authority to set stormwater utility fee rates. The Village shall review the adequacy of the stormwater utility fee rate annually in conjunction with the budget process. The rate shall be revised periodically to reflect any change in local capital costs, operation, or maintenance, plus replacement costs.

#### (b) Rates.

(1) Effective January 1, 2013 the stormwater utility fee rate per Equivalent Runoff Unit (ERU) per month shall be \$8.40.

(2) Single Family Residential. Each parcel within the single family residential classification shall be assessed the following stormwater utility fee based on a four tier structure which is tied to the amount of impervious area located on each parcel.

	<b>Parcel Description</b>	<b>Number of ERUs per parcel</b>
<b>Tier 1</b>	parcels with 1 to 2,500 square feet of impervious area	0.75 ERU
<b>Tier 2</b>	parcels with 2,501 to 4,000 square feet of impervious area	1.0 ERU
<b>Tier 3</b>	parcels with 4,001 to 7,000 square feet of impervious area	1.5 ERUs
<b>Tier 4</b>	parcels with more than 7,000 square feet of impervious area	The actual number of ERUs rounded to the next whole ERU multiplied by the rate per ERU as set forth in Section b(1) above.

(3) Non-Single Family Residential. All non-single family residential parcels in the Village shall be assessed a stormwater utility fee based on the measured number of ERUs on the parcel multiplied by the rate per ERU as set forth in Section b(1) above. All fractional ERUs will be rounded up to the next whole ERU.

(4) Vacant Parcels. The Village shall assess vacant parcels a stormwater utility fee that is equivalent to 0.3 ERU.

### **Section 23. That Section 25.67. is hereby added to read as follows:**

#### **25.67. Stormwater Utility Fee Credits and Incentives.**

(a) The Village desires to encourage and recognize the benefits of on-site stormwater management by parcel owners and/or tenants. As a result, subject to certain conditions, parcel owners and/or tenants may be entitled to receive a one-time incentive or ongoing credit which will reduce their stormwater utility fee. Applications for credits or incentives must be filed in writing with the Stormwater Administrator, along with the required documentation as set forth on the application and the non-refundable application fee as set forth in Administrative Regulation entitled "User Fee, License and Fine Schedule. The Stormwater Administrator shall review an application for a credit or incentive, and shall either grant or deny the requested credit or incentive within forty-five (45) days of receipt of a completed application and payment of any applicable fees. Amounts for credit(s) or incentive(s) granted, are set forth in Administrative Regulation entitled "User Fee, License and Fine Schedule". The Village Treasurer or designee shall apply a credit or incentive granted by the Stormwater Administrator to the applicant's next regularly generated bill after approval of the credit or incentive. The Village reserves the right to enter upon the applicant's property to inspect said stormwater facility during the process of investigating the application and for determining continued compliance if granted a credit or incentive.

## Stormwater Utility

### (b) Credit.

(i) The party who owns and is responsible for maintaining a qualifying stormwater management facility on a parcel may be eligible to receive a stormwater utility fee credit based upon the requirements set forth in the Manual. Subject to other provisions contained herein and those in the Manual, stormwater utility fee credits are provided for up to a maximum of five (5) years before the applicant has to re-apply. An applicant may apply and be eligible for more than one type of credit up to a maximum amount for each credit. Any credit allowed against the stormwater utility fee is conditioned upon continuing compliance with the Manual. Proof of continuing compliance will be required.

(ii) A credit may be forfeited under the following circumstances: failure to make stormwater utility fee payments; submission of inaccurate documents; failure to submit required annual documentation; failure to maintain a stormwater facility; and failure of a stormwater facility to operate as credited. Any party who has received an improperly issued credit shall be required to reimburse the Village.

(c) Incentive. Any parcel owner or tenant may be eligible to receive a one-time reduction in the stormwater utility fee per stormwater facility for the purchase, construction and installation of qualifying stormwater facilities. Some examples of incentives include but are not limited to rain barrels, rain gardens, green roofs, permeable pavement, and cisterns.

### **Section 24. That Section 25.68. is hereby added to read as follows:**

#### **25.68. Billing and Payment.**

(a) Bills for stormwater utility fees shall be rendered by the Village on a bi-monthly basis and may be billed in advance for services to be rendered.

(b) All bills for the stormwater utility fee will be billed on a common utility bill and collected along with the Village water charges, as provided by this Chapter. In the event the party responsible for the payment of the stormwater utility fee makes a payment insufficient to pay the total amount required by the common utility bill, the payment shall be applied first to the stormwater utility fee, then to any water charges. If the balance for the water charges remains unpaid for forty-five (45) days after the rendition of the bill, the water service may be discontinued in accordance with the procedures set forth in Section of this Chapter 25.

(c) The owner of any parcel, the occupant thereof and the customer of the service of said system shall be jointly and severally liable to pay for such stormwater utility fee for said parcel.

(d) For those parcels not receiving a bill for water usage, the Village will send a separate stormwater utility fee bill to the owner of the parcel.

(e) Notice must be given to the Village by the parcel owner if it is desired that bills be forwarded to any other address than the parcel address.

(f) In the event a bill for water usage for numerous parcels with multiple owners is currently addressed to one party, the stormwater utility fee for each of those parcels will be added to that bill and be addressed to that same party who shall be responsible for payment.

(g) Payment must be received by the Village by close of business on the due date printed on the bill or a late charge of ten percent (10%) shall be due after such due date, which due date shall not be earlier

## Stormwater Utility

than the fifteenth day of the month in which the bill is rendered. Failure to receive a bill does not entitle the owner or other responsible party to a remission of the late charge.

(h) The person in whose name the stormwater utility fee is being charged shall be responsible to the Village for all charges incurred through the date on which a change in ownership is effective or the date on which the Village is notified of the change, whichever is later.

(i) Modifications to parcel – In the event a parcel owner or tenant makes any modification to a parcel which changes the amount of impervious area on the parcel, the parcel owner or tenant must notify the Village at least ten (10) days before making such modification. An adjustment to the stormwater utility fee for a modification which results in an increase in the amount of impervious area will take effect as of the date of the modification. An adjustment to the stormwater utility fee for a modification which results in a decrease in the amount of impervious area, which has been confirmed by the Village, will take effect as of the date of notification to the Village. For purposes of this subsection, notice may be made by giving written notification to the Village or may be deemed to have been given by submitting an application for a permit for the modification when required.

(j) In the event a parcel owner sells a parcel, that parcel owner shall notify the Village no later than ten (10) days from the date of the sale.

(k) A pending application for a credit or incentive or a pending appeal shall not constitute a valid reason for nonpayment of a current stormwater utility fee.

### **Section 25. That Section 25.69. is hereby added to read as follows:**

#### **25.69. Appeals.**

(a) A parcel owner who is aggrieved by the classification of the parcel, the amount of impervious area, the calculation of the stormwater utility fee, or by the denial of a credit or incentive application may appeal the classification, calculation or denial by submitting the request in writing to the Village Manager or his designee within thirty (30) days after the date the bill is issued or the application for a credit or incentive is denied. Such appeal shall state the reason and basis for the appeal. If the parcel owner requests the method for calculation of the stormwater utility fee, the Village shall make said information available within ten (10) business days after receipt of the written request.

(b) A parcel owner must provide all factual documentation and information necessary for the Village Manager to make a determination on an appeal. Failure by the applicant to provide necessary information as may be requested by the Village within required time frames is deemed an automatic denial of the appeal.

(c) The Village Manager shall make a written determination within thirty (30) days after receipt of the parcel owner's completed written appeal.

(d) A decision of the Village Manager that is adverse to the parcel owner may be appealed to the Oversight Committee for review. Said appeal must be in writing, state the basis for the appeal, and be filed with the Oversight Committee within thirty (30) days of the date of the Village Manager's written decision. The Village Manager shall forthwith transmit to the Oversight Committee all the papers constituting the record upon which the action appealed from was taken.

(e) Within sixty (60) days of receipt of a complete appeal petition, the Oversight Committee shall commence a public hearing. The appellant shall be notified of the public hearing date via first class mail.

## Stormwater Utility

Otherwise, notice of the public hearing shall be in accordance with the Open Meetings Act. At the public hearing, the appellant shall be permitted to submit information and comments either verbally or in writing. The Oversight Committee shall control the conduct of such public hearing. The public hearing may be continued from time to time as directed by the Oversight Committee. Within thirty-five (35) days after conclusion of the public hearing, the Oversight Committee shall render a decision. The failure of the Oversight Committee to render a decision within thirty-five (35) days shall be deemed to be a decision denying the appeal. The decision of the Oversight Committee shall be considered a final decision and shall be subject to judicial review.

(f) If the Village Manager or Oversight Committee finds in favor of the party making an appeal, the adjustment of the fee or approved credit or incentive will be incorporated into the stormwater utility fee calculation for the specified parcel and will apply to the next regularly generated bill.

### **Section 26. That Section 25.70. is hereby added to read as follows:**

#### **25.70. Lien and Collection.**

(a) Stormwater utility fees shall be a lien upon the parcel for which the stormwater utility fee is due. Whenever a bill for stormwater utility fees remains unpaid for forty-five (45) days after it has been rendered, the Village Treasurer or designee shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the parcel served, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all fees subsequent to the period covered by the bill, late fees, interest, penalties, administrative fees, and recording fees. If the user whose bill is unpaid is not the owner of the parcel and the Village Treasurer has notice of this, notice shall also be mailed to the owner of the parcel if his/her address is known to the Treasurer. The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills.

(b) Parcels subject to a lien for unpaid stormwater utility fees shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the fees, after deducting costs, as is in case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village. The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any parcel for which the bill has remained unpaid for forty-five (45) days after it has been rendered. The Village Attorney is entitled to attorney fees as determined by the court.

(c) In addition to recording and foreclosing on a lien, the Village may seek payment for past due stormwater utility fees, late fees, interest, penalties, administrative fees, and recording fees by sending same to collections or by filing suit in the circuit court. In either case, the Village may also recover its actual expenses so incurred, including but not limited to, court costs, collection agency fees, and reasonable attorney's fees.

### **Section 27. That Section 25.71. is hereby added to read as follows:**

#### **25.71. Accounts.**

The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the stormwater fund, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the stormwater fund. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the stormwater facilities. The financial information to be shown in the audit report shall



Stormwater Utility

include the following:

- (i) Billing data to show total number of billing units per fiscal year;
- (ii) Debt service for the next succeeding fiscal year.

**Section 28. That Section 25.72. is hereby added to read as follows:**

**25.72. Violations; Penalties.**

(a) It is hereby found and declared that any violation of any of the provisions of this Article is a public nuisance and shall be subject to injunctive relief in addition to any other penalties provided for under this Code or under applicable law.

(b) Any person found to be violating any provision of this Article shall be served via hand delivery or first class mail by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(c) Any person violating any provision of this Article or failing to comply with any of the mandatory requirements of this Article shall be guilty of an offense. Any person convicted of an offense under this Article shall be punished by a fine of not less than seventy five (\$75.00) nor more than seven hundred fifty dollars (\$750.00).

(d) Any person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Article is committed, continued or permitted by any such person, and he shall be punished accordingly.

**Section #.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section #.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

## **Stormwater Utility Frequently Asked Questions**

### *Why is a Stormwater Utility being created?*

The Village of Downers Grove is changing the way we pay for the cost of owning and maintaining the stormwater management system. The current method primarily uses property tax revenues. Under the new approach the Village will use a monthly stormwater fee based on the property's impact to the stormwater system. Shifting to a stormwater utility system is designed to:

- Create a system in which properties pay for their portion of the stormwater system's expenses, since all properties benefit from the system.
- Increase awareness about the Village's stormwater management system.
- Encourage property owners to reduce the amount of stormwater run-off from their property by implementing management measures such as rain barrels and detention basins.
- Provide a predictable and sustainable funding source to properly maintain the stormwater system.

Many communities in the United States have opted for a stormwater utility to fund their stormwater programs. Since every property generates run-off and benefits from the infrastructure in place, the utility model represents an equitable method to collect revenue from those who place a demand on the stormwater management system. Communities in Illinois that have adopted stormwater utilities include Aurora, Highland Park and Rolling Meadows.

### *How are the fees determined?*

The fees are based on the amount of impervious surface located on each parcel in the Village. The fees are calculated based on the number of Equivalent Runoff Units (ERU). One ERU is 3,300 square feet of impervious area - the average amount of impervious area located on single family residential properties in the Village. Fees for single family residential properties will be charged based on a tiered system. Tier 1 parcels will be charged .75 ERU. Tier 2 parcels will be charged 1.0 ERU and Tier 3 parcels will be charged 1.5 ERU. Fees for non single family parcels will be charged based on the actual amount of impervious area located on the parcel. Vacant parcels will be charged .3 ERU.

### *What are the fees?*

Monthly fees will be charged according to the following schedule:

Single Family Residential	Rate
Tier 1 (1 - 2,500 s.f.) - .75 ERU	\$6.30
Tier 2 (2,501 - 4,000 s.f.) - 1 ERU	\$8.40
Tier 3 (4,001 - 7,000 s.f.) - 1.5 ERU	\$12.60
Non Single Family Residential	Rate
Per ERU (3,300 s.f.)	\$8.40

Vacant (unimproved) Parcels	Rate
0.3 ERU	\$2.52

*What is an impervious surface?*

An impervious surface is an area within a parcel which prevents or significantly impedes the infiltration of stormwater into the soil. Common impervious areas include, but are not limited to, buildings, paved walkways, swimming pools, decks, paved, gravel or stone areas, and other similar non-porous areas.

*How does the Village determine how much impervious surface is located on each property?*

The amount of impervious area on each property is provided to the Village by DuPage County. The County calculated the impervious area using aerial photography.

*Who will pay the fees?*

All parcels within the Village of Downers Grove are subject to the monthly stormwater fees.

*How will property taxes be affected?*

Because the Village will be shifting funding for the stormwater infrastructure system from a primarily property tax based system to a fee based based system, the Village property tax levy will be reduced by approximately \$2.48 million beginning with the 2012 levy (collected in 2013). The Village portion of property taxes will be reduced by approximately 19%.

*How will the stormwater fees and reduction in Village property taxes affect a typical house?*

If the stormwater utility were in place in 2012, a typical house with a taxable value of \$100,000 (market value of \$300,000) that falls into the Tier 2 stormwater fee category would have paid annual stormwater fees of \$100.80 and would have paid \$111 less in Village property taxes.

*When will the utility be started?*

The stormwater utility will become effective on January 1, 2013.

*When will the bills be sent?*

All bills for the stormwater utility fee will be billed on a common utility bill and collected along with the Village water charges. The Village will include stormwater charges on the utility bills beginning in January 2013. Residents on the south side of the Village will receive their first stormwater bill on January 2. Residents on the north side of the Village will receive their first stormwater bill on February 1.

*To whom will the bills be sent?*

Since all parcels in the Village of Downers Grove are subject to the fees, there will be a bill for each parcel in the Village. Generally speaking, stormwater bills will be sent to

existing water bill customers. For those parcels that do not have water service, the bills will be sent to the owner of record.

*Who is responsible for paying the bills?*

Property owners and tenants are jointly responsible for paying the bills.

*What happens if the bill is not paid?*

In the event the party responsible for the payment of the stormwater utility fee makes a payment insufficient to pay the total amount required by the common utility bill, the payment shall be applied first to the stormwater utility fee, then to any water charges. If the balance for the water charges remains unpaid for forty-five (45) days, the Village may shut off water service. The Village may also place a lien against the property.

*What is a credit?*

A credit is an ongoing conditional reduction in the amount of a stormwater utility fee assessed to a parcel in recognition of onsite systems, facilities, measures, or other actions taken to reduce or mitigate the impact of stormwater runoff which are in compliance with the provisions of the Village Stormwater Credit and Incentive Manual.

There are six types of credits available:

1. Site Runoff Rate Reduction (detention basin)
2. Volume Reduction (retention basin, permeable pavement, cisterns, etc.)
3. Water Quality (Best Management Practices – BMP's)
4. Direct Discharge (outside & downstream of the Village's stormwater system)
5. Education
6. Partnership (provide land/facilities to Village to manage stormwater)

*How much of a credit will be given?*

Credits are subject to the maximums shown in the table below.

*Stormwater Utility Fee Credits*

<b>Control Activity</b>	<b>Stormwater Fee Credit</b>
Site Runoff Rate Reduction	Up to 20%
Volume Reduction	Up to 20%
Water Quality	Up to 10%
Direct Discharge	Up to 50%
Education	Up to 100%
Partnership	Up to 100%

*Who is eligible to receive a credit?*

A **Site Runoff Rate Reduction credit** may be available for applicants who discharge stormwater from all or a portion of their impervious area to a detention basin owned and maintained by the applicant. The detention basin must be designed by a licensed engineer and comply with all standards and requirements as set forth by the Village.

A **Volume Reduction credit** may be available for applicants who own and maintain qualifying stormwater management facilities that reduce the volume of stormwater leaving the property. The stormwater management facility must be designed by a licensed engineer and comply with all standards and requirements as set forth by the Village. Some volume reduction facilities and activities may also improve the quality of stormwater runoff and as a result an applicant qualifying for a volume reduction credit may also qualify for a water quality credit.

A **Water Quality credit** may be available for applicants who own and maintain qualifying stormwater management facilities and activities that improve the quality of stormwater runoff through best management practices (BMPs).

A **Direct Discharge credit** may be available to applicants who can demonstrate that all or a portion of their impervious area discharges outside and downstream of the Village's stormwater system.

An **Education credit** is available for public and private schools that develop a lesson plan(s) and teach their students about stormwater management issues.

A **Partnership credit** may be offered to applicants that operate in partnership with the Village to improve the overall public stormwater system. These partnerships would include applicants who provide land and/or facilities for use by the Village to facilitate the management of stormwater.

*How long is a credit good for?*

Credits are provided for up to a maximum period of five years. To continue to receive the credit in future years, the applicant is required to submit a new stormwater credit application by October 1st of the fifth year. Each year documentation must be submitted to the Village to continue receiving a credit. The required documentation consists of recently dated photographs showing the condition of a stormwater facility and records demonstrating that required maintenance activities and/or repairs have been completed.

*Is a Localized Poor Drainage Area (LPDA) eligible for a credit?*

No. Since LPDA's are not engineered stormwater storage facilities credits are not applicable.

*What is an incentive?*

An incentive is a one-time reduction in the stormwater utility fee, which will be reflected on the utility bill, to assist in offsetting the cost of materials, construction and installation of qualifying stormwater facilities (this will not be a cash reimbursement). Incentives are available for qualifying rain barrels, rain gardens, permeable pavers and other stormwater facilities that reduce the total volume of stormwater, reduce the peak volume of stormwater and / or improve the quality of stormwater leaving a parcel.

Examples of such stormwater facilities include green roofs, cisterns and other Best Management Practices.

*How much of an incentive will be given?*

Incentive amounts are as follows:

Rain Barrel	\$25 per property
Rain Garden	\$250 per property
Permeable Pavers	\$300 per property
Other Stormwater Facilities	30% of cost up to \$300 per property

*Is there a limit on the amount of incentives that the Village will grant?*

Yes. Incentives are offered on a first-come, first-served basis dependant upon available funds allocated by the Village Council. The amount of funds available for incentives will be determined as part of annual municipal budget process.

*How do you apply for a credit or incentive?*

Parcel owners wishing to receive a credit or incentive must submit a complete application. The Stormwater Administrator will review the application for a credit or incentive, and will either grant or deny the requested credit or incentive within forty-five (45) days of receipt of a completed application and payment of any applicable fees. An awarded credit or incentive will be applied to the applicant's next regularly generated bill after approval of the credit or incentive. If the application is denied, a letter explaining reasons for the denial will be provided to the applicant.

*What is the application fee for a credit?*

The application for a credit is \$300.

*What is the application fee for an incentive?*

There is no application fee for an incentive.

*When will the Village start accepting credit and incentive applications?*

Credit and incentive applications will be accepted after the ordinance is adopted which is expected in late August or early Sepetmeber.

*How will the money generated from the fees be used?*

The money generated from the stormwater fees will be used to own, operate and maintain the Village's stormwater infrastructure system.

*What is the plan for increasing the fees in the future?*

The Village Council will determine the amount of the stormwater fees annually as part of the municipal budget review and approval process. The current plan is to increase the fees each year by approximately 11% for 15 years to generate \$11.3 million in revenues in 2027. Following this plan would allow the Village to fund the stormwater system in a manner consistent with the Stormwater Master Plan and the Stormwater Utility Study Final Report.

*Will the revenue generated from the fees be used to make payments on the 2008 bond issuance for stormwater improvements?*

Yes, the revenues generated from the stormwater fees will be used to make the annual debt service payments on the 2008 stormwater bonds. The annual debt service payments are approximately \$1.15 million each year through 2038.

*Will the Village issue bonds for future stormwater improvements?*

Yes, the Village plans to issue bonds on a regular basis for needed capital improvements to the stormwater infrastructure system. The financial plan for the stormwater infrastructure system calls for the Village to issue approximately \$7 million in bonds in 2015. In future years additional bond issuances would be required to complete additional capital projects.

*How will staffing levels be affected by the utility?*

The Village will hire a permanent, part-time position to assist in the maintenance of the billing database and to respond to resident questions. The estimated cost for this position is \$40,000 per year.

The Village will hire temporary part-time employees to assist with customer and billing service when the stormwater utility is launched. These part-time employees will be in place for approximately 6 months. The estimated cost for these positions is estimated to be \$50,000.

*What is the process for appealing decisions that affect the stormwater fee?*

Decisions affecting stormwater fees including the classification of the parcel, the amount of impervious area, the calculation of the stormwater utility fee, and granting of credits and incentives will be made by the Village's stormwater administrator. Residents may appeal these decisions by submitting a written appeal to the Village Manager. Parcel owners may further appeal the decision of the Village Manager by submitting an application to the Stormwater & Floodplain Oversight Committee. Decisions by the Stormwater & Floodplain Oversight Committee are final.

# Stormwater Utility

Village Council Meeting

August 14, 2012





# SWU Presentation Overview

- Council is Considering an Ordinance that Implements Stormwater Utility
- Policy Direction Provided in April
- Stormwater Utility Program is Consistent with Policy Direction
- Detailed Information Provided
- Extensive Public Engagement Effort from September to Program Launch & Beyond



# Stormwater Utility Summary

- Village Owns & Operates a Stormwater Management System
- Village Uses Property Tax Revenue to Fund the Stormwater System
- Shifting to a Fee-Based System
  - All Properties Benefit; All Properties Pay
  - Encourage On-Site Stormwater Management
  - Predictable, Dedicated Funding Source
  - Property Tax Reduction



# Monthly Stormwater Fees

Single Family Residential (SFR)	2013
Tier 1: (1 – 2,500 sq. ft.)	\$6.30
Tier 2: (2,501 – 4,000 sq. ft.)	\$8.40
Tier 3: (4,001 – 7,000 sq. ft .)	\$12.60

Non-SFR	2013
Per ERU (3,300 sq. ft.)	\$8.40

Vacant Parcels Charged 0.3 ERU (\$2.52)



# Stormwater Utility Summary

- Fees Can be Reduced
  - Credits: On-Going Fee Reduction for On-Site Actions & Facilities That Reduce Run-off
  - Incentives: One-time Fee Reduction for Qualifying Facilities
- Village Reducing 2013 Property Tax Levy by \$2.48 Million (19%)



# Stormwater Utility Summary

- Recommended in Long Range Financial Plan
- Furthers Strategic Plan Goals
  - Steward of Financial & Environmental Sustainability
  - Exceptional Municipal Services
  - Top Quality Infrastructure
  - Continual Innovation



History of Efforts, 2003 to 2012

Progress Since April, 2012

Next Steps



# History of Efforts

- **2003** – Stormwater Utility Exploratory Committee
- **2006** – Stormwater Master Plan
- **2007** – Watershed Infrastructure Improvement Plan
- **2010** – Long Range Financial Plan
- **2011** – Stormwater Utility Study
- **2012** – Stormwater Utility Final Report & Council Authorization to Proceed



# History of Efforts

- 2011/12 Public Engagement
  - 7 Village Council Meetings
  - Informational Videos
  - Stakeholder Meetings
  - Public Meetings
  - E-mail Questions and Comments
  - Questions and Comments Posted
  - Specific Impact on Each Parcel





# Progress Since April

- Staff Created Program Consistent with Council Policy Direction
  - Detailed Information Provided
  - Billing System Created
  - Database & GIS Updated
  - Ordinance Drafted
  - Credit & Incentive Manual
  - Program Administration Finalized
  - Public Engagement Plan Prepared



# Next Steps

- Extensive Public Engagement Effort
  - September to Program Launch & Beyond
  - Create Awareness of Utility Prior to Receiving a Bill
  - Understand Financial Impacts
  - Know How to Lower Bill



# Next Steps

- Extensive Public Engagement Effort
  - Social Media
  - Village Website
  - E-News
  - Channel 6
  - Hometown Times
  - Community Wide Notification System
  - Direct Mailings
  - Meetings with Key Customers
  - Displays at Public Buildings
  - Interactive E-mails



# Next Steps

- 2013 Budget Review and Approval
  - Reduction in Tax Levy
  - Budget for Stormwater Fund



# Stormwater Utility

Village Council Meeting

August 14, 2012





# Village of Downers Grove

## Administrative Regulation Issued by Village Manager

Description:	<b>STORMWATER CREDIT &amp; INCENTIVE PROGRAM</b>		
Manager's Name:	<b>David B. Fieldman, Village Manager</b>	Effective Date:	<b>8/14/12</b>
Category:	<b>Engineering and Public Works</b>		
	<input checked="" type="checkbox"/> New Administrative Regulation		
	Amends Previous Regulation Dated: _____		
	Description of Previous Regulation (if different from above): _____		

### **STORMWATER CREDIT & INCENTIVE PROGRAM**

#### **PURPOSE**

The Village of Downers Grove recognizes the need for the management of a Village-wide stormwater system; and recognizes the benefits when property owners proactively manage stormwater on their property. Therefore, the Downers Grove stormwater credit & incentive program is implemented as follows:

#### **1.0 Introduction**

It is the intent of the Village of Downers Grove to encourage property owners to proactively manage stormwater on their property by incorporating sustainable stormwater management practices that reduce the negative impact of development on the drainage system. To acknowledge the impact that on-site stormwater management can have on the Village's stormwater management program costs, the Village Council has developed a program of credits and incentives for the stormwater utility fee.

Credit programs are a process through which stormwater utility fees can be reduced on a recurring basis, while incentives are a one-time reduction of the fee. Applications for the credit and incentive programs are available on the [Village website](#), the Public Works facility, and Village Hall.

In addition to describing those activities which may be used to qualify for a credit or incentive, this manual outlines the basis for determining the extent of the credit or incentive and the conditions required to remain eligible for a stormwater utility fee credit or incentive.

#### **2.0 Credits**

##### **2.1 Eligibility for Credit**

In order for an applicant to be eligible to receive a stormwater utility fee credit, an applicant must receive a Stormwater Utility bill from the Village. The credit will only be given to the parcel containing the stormwater facility. A party who owns and maintains a stormwater facility is eligible to receive a credit if the impervious area drains to an engineered detention basin located within the same parcel.

## **2.2 Stormwater Utility Fee Credits**

There are six types of credits available:

1. Site Runoff Rate Reduction (detention basin)
2. Volume Reduction (retention basin, permeable pavement, cisterns, etc.)
3. Water Quality (Best Management Practices – BMPs)
4. Direct Discharge (outside & downstream of the Village’s stormwater system)
5. Education
6. Partnership (provide land/facilities to Village to manage stormwater)

### **2.2.1 Site Runoff Rate Reduction Credit**

A credit may be available for applicants who discharge stormwater from all or a portion of their impervious area to a detention basin owned and maintained by the applicant. The detention basin must be designed and comply with all standards and requirements as set forth in Chapter 26 of the [Downers Grove Municipal Code](#).

### **2.2.2 Volume Reduction Credit**

A credit may be available for applicants who own and maintain qualifying stormwater management facilities that reduce the volume of stormwater leaving the property. The stormwater management facility must be designed and comply with all standards and requirements as set forth in Chapter 26 of the [Downers Grove Municipal Code](#). Some volume reduction facilities and activities may also improve the quality of stormwater runoff and as a result an applicant qualifying for a volume reduction credit may also qualify for a water quality credit.

### **2.2.3 Water Quality Credit**

A credit may be available for applicants who own and maintain qualifying stormwater management facilities and activities that improve the quality of stormwater runoff through best management practices (BMPs). The water quality credit may be granted if it is demonstrated that the installed BMPs are designed to remove a minimum of 75% of total suspended solids as measured on an annual basis. The suspended solid removal shall be based on the DuPage County Water Quality Best Management Practices Technical Guidance Manual, latest edition. The credit will be calculated based on the portion of impervious area draining to the BMP in the same manner as the site runoff rate reduction credit.

### **2.2.4 Direct Discharge Credit**

A credit may be available to applicants who can demonstrate that all or a portion of their impervious area discharges outside and downstream of the Village’s stormwater system. Applicants are required to submit site plans demonstrating the portion of the impervious areas discharging outside the Village stormwater system.

### 2.2.5 Education Credit

For public and private schools that develop a lesson plan(s) and teach their students about stormwater management issues, the Village may provide an annual credit (per-student instructed) to schools that comply with the requirements.

The allowable education credit will be \$3.00 per student taught per year. To remain eligible for this credit, the applicant shall, on an annual basis, provide a copy of the lesson plan(s), demonstrate that the lesson plan(s) is (are) consistent with the educational content deemed appropriate by the U.S. EPA for stormwater education, and provide documentation of the number of students taught that year. This credit is limited to the number of students enrolled in the applicant's school at the time of the application. In no case will the credit exceed 100% of the total Stormwater Utility fee. The applicant will be required to submit documents outlined on the Education Credit Application Form, as may be amended from time to time, and any additional information deemed necessary by the Stormwater Administrator.

### 2.2.6 Partnership Credit

A credit may be offered to applicants that operate in partnership with the Village to improve the overall stormwater system. These partnerships would include applicants who provide land and/or facilities for use by the Village to facilitate the management of stormwater. Applicants who form these partnerships may be eligible for up to 100% stormwater utility fee credit. The applicant will be required to submit documents outlined on the Partnership Credit Application Form, as may be amended from time to time, and any additional information deemed necessary by the Stormwater Administrator.

## 2.3 Maximum Credit Amounts

Table 1 presents the maximum credit available for each individual stormwater management activity.

*Table 1 - Stormwater Utility Fee Credits*

Control Activity	Stormwater Utility Fee Credit
Site Runoff Rate Reduction	Up to 20%
Volume Reduction	Up to 20%
Water Quality	Up to 10%
Direct Discharge	Up to 50%
Education	Up to 100%
Partnership	Up to 100%

Except for Partnerships and Education credits, the maximum aggregate stormwater utility fee credit for any individual parcel is 50% of the gross billing amount regardless of how many individual credits for which the parcel qualifies. **A maximum credit of 100% of the stormwater utility fee is allowed** for Educational institutions and Partnerships.

The assessment for the control activities and credits must include an evaluation of the portion of the impervious area on the property that drains to the control facility.

An example is provided for clarification:

If 100% of impervious area drains to onsite detention basin(s) then the credit is 20%. Alternatively, if 80% of the impervious area drains to onsite detention, then 80% times 20% results in a 16% credit of the stormwater utility fee.

It is possible to have stormwater facilities that provide site runoff rate reduction, volume reduction, and water quality control thereby reaching a cumulative 50% credit.



## **2.4 Stormwater Facility Maintenance**

The following stormwater facility maintenance activities are required for an applicant to be eligible for a stormwater utility fee credit. These activities are required to ensure that the facility performs as credited, complies with Village standards and State law, meets safety standards, and is not a public nuisance. Maintenance activities are required on all drainage structures related to the facility, including inlets, headwalls, velocity dissipaters, spillways, pipes, feeder channels, discharge channels, vegetation, etc. The party applying for or receiving a stormwater utility fee credit must demonstrate compliance with all applicable maintenance practices below that are relevant to the stormwater facility.

- Debris and Litter Removal – Debris and litter removal shall be performed after storm events totaling approximately two inches over a 24-hour period or as needed in order to prevent the structure from clogging and failing and to prevent a public nuisance.
- Erosion and Structural Repair – Side slopes, emergency spillways, and embankments shall be regraded, revegetated, compacted and/or installed or replenished with rip-rap to correct slumping or erosion problems that develop.
- Mowing – Side slopes, embankments, emergency spillways, and other grassed areas of stormwater facilities shall be periodically mowed to prohibit woody growth. Native grasses, which are water-tolerant, pest-tolerant, and slow growing, are recommended.
- No Blockages – Removal of any blockage from pipes, channels, spillways, inlets, and outlets shall be performed as needed to keep the facility in proper working condition.
- Outlet Control – Maintain outlet control devised to ensure proper functioning in the control of stormwater velocities at the outlet of the stormwater facility. Revegetating and/or replenishing or reinstalling rip-rap may be required to correct erosion problems at the outlet of stormwater facility pipes.
- Removal of Log Jams and Debris – All streams and ditches within the private stormwater facility shall be inspected periodically for blockages. If identified, the blockages and debris shall be removed as quickly as practicable.
- Sediment Removal – Removal of sediment shall be performed as needed (or as required by the Village) to ensure proper working order of the facility and its related stormwater facility features (channels, pipes, etc.).
- Structural Repairs and Replacement – Eventually, stormwater control structures will deteriorate and must be replaced. Structural damage to outlet structures (i.e. cracks, leaks, or failure) shall be repaired as soon as possible.

## **2.5 Annual Documentation Submittal for Credits**

Between April 1<sup>st</sup> and April 15<sup>th</sup> of each year documentation must be submitted to the Village to continue receiving a credit. The required documentation consists of the following:

- Recently dated photographs showing the condition (including any known damage or disrepair) of a stormwater facility. For basins, these photos should include views where applicable of the outlet structure, all side slopes, vegetated shoreline zones, emergency spillway, overflow routes, and areas designed to catch sediment.
- Records demonstrating that required maintenance activities and/or repairs have been completed.

Failure to submit the required documentation will result in the credit being forfeited. Reinstatement of a credit will require a full application submittal and fee.

## **2.6 Credit Renewal**

Stormwater utility fee credits are provided for up to a maximum period of five years, subject to the requirements previously identified in this Manual . In order to continue to receive the credit in future years, *the applicant is required to submit a new stormwater credit application by October 1<sup>st</sup> of the fifth year.* It is the responsibility of the recipient to submit a new stormwater application along with the required documentation and fee to the Village and to do so in a manner that insures that the credit remains continuous. If the new application is not submitted, the credits will cease on October 1st of the fifth year and not be reinstated until the new application, required documentation and associated fee is submitted and approved.

## **3.0 Incentives**

### **3.1 Eligibility for Incentives**

A one-time incentive may be available for the purchase, construction, and installation of qualifying stormwater management facilities. Incentives are offered on a first-come, first-served basis dependant upon available funds allocated by the Village Council. The applicant will be required to submit documents outlined on the appropriate Stormwater Utility Fee Incentive Application Form and any additional information deemed necessary by the Stormwater Administrator.

### **3.2 Stormwater Facility Incentives**

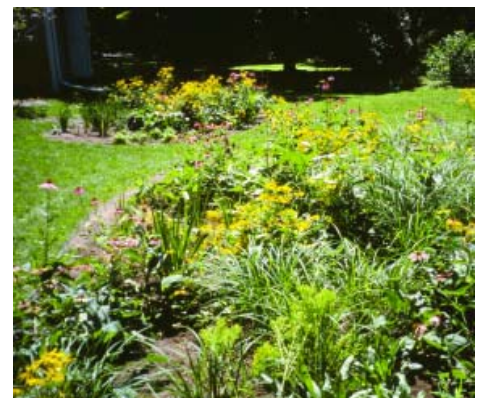
The following stormwater management facilities may be eligible for stormwater incentive funding:

#### **3.2.1 Rain Barrels**

Rain barrels are structures designed to intercept and store runoff from rooftops and thereby reduce peak stormwater discharge rates from properties. Stored water can be used to water gardens or lawns. A minimum rain barrel volume of 45 gallons is required and the maximum incentive per property is \$25.

#### **3.2.2 Rain Gardens**

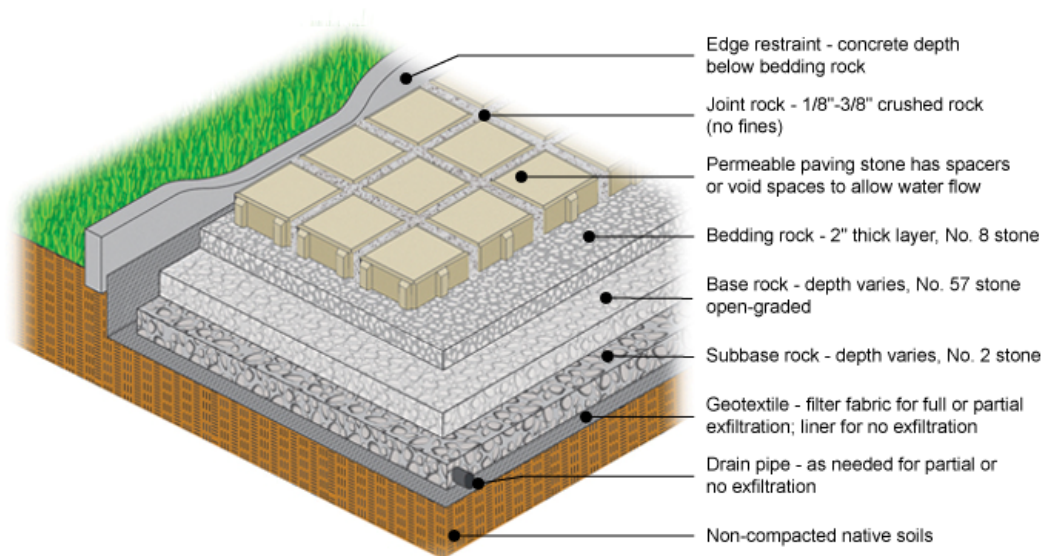
A rain garden is a shallow depression that is planted with deep-rooted native plants and grasses. Rain gardens are positioned near a stormwater source such as a roof drain, driveway, or sump pump location. Rain gardens reduce the peak stormwater discharge rates, the overall stormwater volume and improve stormwater quality by settling out suspended solids. Applicants who install rain gardens may be eligible for an incentive of \$250 per property. In order to qualify for the incentive, the rain garden must be a minimum of 100 square feet in size. Information on rain garden design and construction is available on the [Village's website](#).



#### **3.2.3 Permeable Pavement**

Permeable pavement is another tool to reduce stormwater runoff, and it can reduce flooding, increase water infiltration, recharge groundwater and improve water quality. The key to achieving the infiltration is to make sure subbase aggregate thickness is designed to accommodate the subsoil conditions and anticipated loads.

Applicants who install permeable pavement may be eligible for an incentive of \$300 per property. In order to qualify for the incentive, the permeable pavement must be a minimum of 100 square feet in size and installed on a subbase designed in accordance with the manufacturer’s recommendations. The following is an example for illustrative purposes:



### 3.2.4 Other Facilities

Applicants who install other pre-approved stormwater facilities that reduce the total volume of stormwater, reduce the peak volume of stormwater and / or improve the quality of stormwater leaving the property may be eligible for an incentive for the costs of materials and construction of the stormwater facility up to a maximum of \$300 per property. Examples of such stormwater facilities include green roofs, cisterns and other Best Management Practices.

## 4.0 Administration

### 4.1 Right-of-Entry and Facility Inspections

As a condition of receiving a stormwater utility fee credit or incentive, the owner of the parcel that contains the stormwater facility must agree to allow the Village unrestricted access to inspect the facility associated with the stormwater utility fee credit or incentive. Each applicant that has received a credit for a stormwater facility has the responsibility to inspect and repair their facility to ensure that it is functioning as credited. In addition, the Village reserves the right to inspect stormwater facilities receiving a credit or incentive at any time in order to verify that the facility is being maintained in accordance with Village Code standards, and that the condition of the stormwater facility is consistent with the documentation submitted by the stormwater utility fee creditor incentive recipient, and that the facility is operating as intended. If the field inspection proves that any of the annual documentation submitted for continuation of the credit is not accurate, or the facility is not maintained, or the facility is not operating as credited, then the credit will be forfeited. The party receiving the credit may be billed by the Village for credits improperly received.

### 4.2 Application Procedure for Credit or Incentive

An applicant will be required to submit documents outlined on the appropriate Stormwater Utility Fee Credit or Incentive Application Form, as may be amended from time to time and any additional information deemed necessary by the Stormwater Administrator.

The Stormwater Administrator will review the application for a credit or incentive, and will either grant or deny the requested credit or incentive within forty-five (45) days of receipt of a completed application and payment of any applicable fees.

An awarded credit or incentive will be applied to the applicant's next regularly generated bill after approval of the credit or incentive. If the application is denied, a letter explaining reasons for the denial will be provided to the applicant. The applicant has the right to appeal this decision in accordance with the procedures outlined in Chapter 25 of the [Downers Grove Municipal Code](#).

Applicants with past-due balances owed to the Village shall not be eligible to receive a stormwater utility fee credit or incentive.

### **4.3 Indemnification**

In consideration for permission to construct, maintain, or install a stormwater facility , and by nature of applying for a stormwater utility fee credit or incentive, the applicant is hereby legally acknowledging and agreeing to the following:

After completion of the construction, maintenance, or installation by the applicant and approval by the Village, the construction, maintenance, or installation of a stormwater facility shall remain privately owned and maintained. It shall not be accepted by the Village, and shall not become a part of the maintenance program of the Village of Downers Grove Stormwater Utility. All maintenance responsibility and liability shall be and remain with the applicant, his personal representatives, heirs, grantees, successors and assigns.

Applicant, his personal representatives, heirs, grantees, successors and assigns shall indemnify and hold harmless the Village of Downers Grove, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorney's fees) arising out of or resulting from the construction, maintenance, installation, or operation of the stormwater facility .

This indemnification provision shall run with the real estate upon which the stormwater facility has been constructed or installed and shall be binding upon the applicant , his personal representatives, heirs, grantees, successors and assigns so long as the stormwater facility or any part of it shall be used by them. This provision shall be disclosed upon transfer of real estate. At such time as the stormwater facility shall cease to be so used, this provision shall immediately terminate.

### **4.4 Appeals**

A parcel owner who is aggrieved by the classification of the parcel, the amount of impervious area, the calculation of the stormwater utility fee, or by the denial of a credit or incentive application may appeal the classification, calculation or denial in accordance with the provisions set forth in Article IV of the Downers Grove Municipal Code.

### **4.5 Questions**

**For questions regarding the Credit or Incentive Applications, Contact:**

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