

RECORD OF ORDINANCES

Ordinance No. 04-354

Passed February 17, 2004

AN ORDINANCE ESTABLISHING A STORM WATER UTILITY PROGRAM FOR THE CITY OF MILFORD

PREAMBLE

Pursuant to the authority granted to the City of Milford by the Constitution and laws of the State of Ohio and the Charter of the Municipality of Milford, the following ordinance is prescribed to establish a storm water utility. The Storm Water Utility established pursuant to this ordinance shall establish a means to organize, operate, and manage such a utility; shall establish and provide for collection of storm water service charges or user fees; shall provide for rates applicable thereof and a method of calculation of such rates; and shall delineate all things necessary for the full implementation of a storm water utility which shall include a comprehensive storm water administrative code.

WHEREAS, the City of Milford has studied the issue of storm water management since 2001 through official council committee meetings, staff reports and analysis, and participation in pertinent organizations; and,

WHEREAS, the City of Milford has experienced significant storm events over a number of years, most recently in the summer of 2001, which events have exceeded the capacity of the existing public and private storm drainage facilities causing significant amounts of flooding to occur in the Milford community; and,

WHEREAS, the City of Milford has experienced continuous instances of limited or lack of finances to address the overall scope of storm water management indicated by past studies and citizen's requests; and,

WHEREAS, the City of Milford currently owns and operates a storm water system for the collection and disposal of storm and other surface waters and for flood control; and,

WHEREAS, the City of Milford was to have complied with the requirements of the Clean Water Act by submitting to the State of Ohio Environmental Protection Agency a National Pollution Discharge Elimination System permit application by March 10, 2003 and implement the requirements of the permit; and,

WHEREAS, in order to reduce flooding and meet regulatory requirements, the Storm Water Advisory Committee and Public Services Committee have recommended to City Council the

establishment of a Storm Water Utility to provide for the effective management and financing of a storm water system within the City of Milford; and,

WHEREAS, City Council has determined that the establishment of a storm water utility is necessary for the continuing best interests of the citizens of the City of Milford;

Now, Therefore, Be It Ordained By The Council Of The Municipality of Milford, Ohio:

Section 1.

The Council of the City of Milford hereby establishes a storm water utility. The storm water utility shall establish the means to organize, operate, and manage the utility; shall establish and provide for collection of storm water service charges or user fees; shall provide for rates applicable thereof and a method of calculation of such rates; and shall delineate all things necessary for the full implementation of a storm water utility including the adoption of rules and regulations as may be adopted by City Council pursuant to Ordinance. The storm water utility shall be administered by the City Manager or his/her designee.

Section 2.

The City shall operate its storm water utility as a public utility and in a manner so as to provide for and maintain open drainage ways, underground sewers and drains, and other storm water drainage facilities, equipment and appurtenances necessary, useful or convenient to providing a complete and adequate system of storm water drainage for the City and its inhabitants.

Section 3.

Prior to the formal commencement of the operation of the storm water utility, City Council shall enact a comprehensive administrative code or other rules and regulations consistent with the effective use, operation, management, maintenance, and improvement of the storm water utility.

Section 4.

City Council shall, pursuant to Ordinance, establish the rate to be charged by the Storm Water Utility to each owner of property located within the municipal corporation limits of the City of Milford said rate to be based on the contribution of the property to runoff to the storm water system and the amount of impervious area contained on the property.

Section 5.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not effect the other provisions or applications of the provisions or any other provision of this ordinance, which can be given effect without the invalid

