Town of Sullivan's Island
Town Council Special Meeting
Monday, August 1, 2016
Town Hall, 2050-B Middle Street
6:00 p.m.

(Regularly scheduled Workshop Meeting Immediately to follow)

1. **Call to Order and notification that press and public were duly notified in accordance with State Law.**

2. **Third Reading and Ratification, Ordinance No. 2016-05, An Ordinance to Amend Chapter 25 Sections 1, 2, 14, 16 and 17 to Increase the Stormwater Utility Fee for Residential and Commercial Parcels.**

3. **Adjourn.**

ORDINANCE 2007-CHAPTER 25 SECTIONS 13-17
(August 21, 2007)

AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT UTILITY FEES, PROVIDING FOR THE CLASSIFICATION OF REAL PROPERTY SUBJECT TO SUCH FEES, ESTABLISHING THE AMOUNT OF ~~INTERIM~~ STORMWATER MANAGEMENT UTILITY FEES AND PROVIDING FOR THE USE OF SUCH FEES BY THE STORMWATER MANAGEMENT UTILITY OF THE TOWN OF SULLIVAN'S ISLAND.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA, IN TOWN COUNCIL ASSEMBLED:

SECTION 1 Findings.

A. By Ordinance 2007-Chapter 25 Section 1-12, Town Council created a Stormwater Management Utility (the "Utility") and provided that fees may be adopted to assist in the establishment and administration of the Utility.

B. In the adoption of such Ordinance, Town Council made certain findings and declarations which findings and declarations are hereby reaffirmed and made a part hereof as fully and completely as if set forth herein verbatim.

C. Town Council ~~is aware of the practical difficulty of determining precisely the particular need of each parcel of real property for stormwater management, and the special benefits to be derived by the owners and users of such property. Upon the completion of the Stormwater Utility Rate Study (Study), Town Council will adopt a permanent fee system and rate structure so as to equally and reasonably address and relate such needs and benefits to the fees assessed. As an interim measure, Town Council feels that it is appropriate to adopt a fee for real property throughout the Town. Town Council recognizes that after the Study has been completed and submitted to it for review, a different approach to the assessment of fees and classifications of real property may result~~. is aware of the practical difficulty of determining precisely the particular need of each parcel of real property for stormwater management, and the special benefits to be derived by the owners and users of such property. A Stormwater Utility Rate Study (Study) has been completed and through this Ordinance, Town Council has adopted a permanent fee system and rate structure so as to equally and reasonably address and relate such needs and benefits to the fees assessed

D. Town Council hereby advises Utility customers of the ~~interim nature and~~ basis of the fees and classifications set forth herein.

SECTION 2. That the following Chapter 25, Sections 25-13-25-17, Stormwater Regulations, Article B, Stormwater Management Utility Fee, is hereby adopted:

"<u>Sec. 25-13</u> <u>Stormwater Management Utility Fee; Classification of Property</u>

~~A. Stormwater Management Utility Fees:~~

~~All real property owners shall pay an annual Stormwater Management Utility Fee as follows:~~

~~1. Single Family Residential Property – Single family residential property owners shall be charged a fee equal to the Base Rate times one Equivalent Residential Unit (ERU), regardless of the size of the parcel or improvements (impervious area).~~

~~2. Vacant and/or undeveloped property- Vacant and/or undeveloped property owners shall be charged a fee equal to the Base Rate times one half (1/2) Equivalent Residential Unit (ERU), regardless of the size of the parcel.~~

~~3. Playgrounds/Parks Property- Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for play ground/parks has been determined to be 0.11. An equation is used to relate the runoff coefficient of the playground/park property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.~~

~~4. Special Use Properties - Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for Special Use properties has been determined to be 0.50. An equation is used to relate the runoff coefficient of the special use property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.~~

~~5. Multi-use Residential Property- Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for Multi-use Residential property has been determined to be 0.64. An equation is used to relate the runoff coefficient of the Multi-use Residential property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.~~

~~6. Non-residential/Commercial Property - Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for Non-residential/Commercial property has been determined to be 0.82. An equation is used to relate the runoff coefficient of the Non-residential/Commercial property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.~~

A~~B~~. For purposes of determining the fee, all real property in the Town is classified as follows:

1. Single Family Residential

2. Vacant ~~or undeveloped property~~

3. Commercial ~~Playgrounds/open park areas (Parks)~~

~~4. Special use properties~~

~~5. Multi-use Residential Property~~

~~6. Non-residential/Commercial~~

B ~~C~~. Base Rate: The base rate shall be seventy-two ($72.00) ~~thirty-six ($36.00)~~ dollars annually. In no case shall a Utility customer be billed a fee for less than one half(1/2) the base

rate.

C ~~D~~. Equivalent Residential Unit (ERU): The commonly accepted rate unit for stormwater utilities is the Equivalent Residential Unit (ERU). This is a descriptive value based on the land classification type and the amount of impervious surface. The ERU is used to relate a rate charged for a typical residential property and this becomes the common denominator by which Commercial properties are evaluated. The ERU for Charleston County has been determined to be 3,000 square feet ~~One commonly accepted rate unit for stormwater utilities is the Equivalent Residential Unit (ERU). This is a descriptive value based on the total gross land area and the amount of impervious surface. The ERU is used to relate a rate charged for a typical residential property and this becomes the common denominator by which non-residential properties are evaluated. In general there are two principal methods used to assign values for impervious surface: Actual amounts of impervious surface on a parcel can be physically measured or accepted land use coefficients can be used to relate imperviousness to intensity of development. The latter method is adopted herein. Pursuant to this Ordinance, an ERU is considered to be a single family lot not less than or equal to 1/3 acre. The runoff coefficient (C Factor) assigned to the ERU is 0.40.~~

~~The runoff coefficients (C Factor) are assigned to the following categories:~~

~~1. Playgrounds/open park areas (Parks) C Factor = 0.11~~

~~2. Special Use Properties (Manufacturing/Mining, Special Purpose Properties, Schools) C Factor = 0.50~~

~~3. Multi-use Residential Property [Apartment Buildings, Condominium (Common area), Residential Commercial] C Factor = 0.64~~

~~4. Non-residential/Commercial Property (Commercial, Hotel/Motel, Office, Restaurant, Retail, Cultural/Entertainment/Recreation) C Factor = 0.82~~

D. Annual Fees:

Annual fees for all property shall be as follows:

1. Single Family Residential Property – Single family residential property shall be charged a fee equal to the Base Rate times one (1) Equivalent Residential Unit (ERU), regardless of the size of the parcel or improvements (impervious area).

2. Vacant Property – Vacant property shall be charged a fee equal to the Base Rate times one half (1/2) Equivalent Residential Unit (ERU), regardless of the size of the parcel.

3. Commercial Property – Commercial property shall be charged the Base Rate multiplied by the numerical factor obtained by dividing the total impervious area of the property, as determined by the Director of Public Works or an authorized designee, by one (1) ERU (3,000 square feet). The numerical factor will be rounded to the nearest tenth (0.1) of a unit. The minimum fee for any Commercial property shall be the Base Rate times one half (1/2) ERU. Those Commercial properties with impervious area greater than one-half (1/2) ERU (1,500 square feet) and less than one (1) ERU (3,000 square feet) shall be charged the Base Rate times one (1) ERU.

Sec. 25-14 Determination of Amount of Stormwater Management Utility Fee.

A. Computation of Stormwater Management Utility Fee:

1. Determine Base Rate to assign ERU;

~~2. Calculate runoff ratio of playgrounds/parks, special use, multi-use residential and non-residential/commercial properties C-factor to ERU C- factor;~~

~~3. Calculate ERU's per acre;~~

~~4. Calculate the number of ERU's for the property in question; and~~

~~5. Calculate the annual fee.~~

~~B. Example Calculation:~~

~~Determine monthly fee for 1.50 acre commercial property.~~

~~1. ERU = $36.00 / year~~

~~2. C-factor ratio of commercial to ERU = 0.82 / 0.40 = 2.05.~~

~~3. ERU / acre= 2.05 x 3 = 6.15 ERU / acre.~~

~~4. ERU's for 1.50 acre property= 1.50 x 6.15 = 9.23 ERU's.~~

~~Utility fee= 9.23 x $36.00 = $332.28/year~~

~~The use of real property and the identification of the Utility customer for the purpose of determining interim fees shall be determined from the records of the Charleston County Tax Assessor's Computer Assisted Mass Appraisal (CAMA) system. The Utility customer or person charged the fee is based on the classification of the real property as of January 1 of the year of billing and each year subsequently thereafter.~~

~~Where the tax records are incomplete or ambiguous, a physical inspection of the real property shall be made to determine the use of the property. Upon development of the Town's database and review of the real properties on a case-by- case basis, the classifications in the CAMA system do not preclude an adjustment to the data that the Town uses to determine the fee.~~

2. Determine the impervious area on the property;

3. Calculate the numerical factor for the property in question by dividing the impervious area by (1) ERU (3,000 square feet); and

4. Calculate the annual Stormwater Management Utility Fee by multiplying the numerical factor by the Base Rate, if the factor is greater than one (1).

B. Example Calculation:

Calculation of monthly fee for a 1.50 acre Commercial property with a determined impervious area of 32,500 square feet.

1. 1ERU = 3,000 square feet.

2. Property impervious area = 32,500 square feet

3. ERU's for example property = 32,500 square feet of impervious / 1 ERU of 3,000 square feet = 10.8 ERU's

4. Utility fee = ERU's x Base Rate

= 10.8 ERU's X Example Base Rate of $72.00 = $777.60 / year

The classification of real property and the identification of the utility customer for the purpose of determining fees shall be determined from the records of the Charleston County Tax Assessor's. The utility customer or person charged the fee is based on the classification of the real property as of January 1 of the year of billing and each year subsequently thereafter.

Where the tax records are incomplete or ambiguous, a physical inspection of the real property shall be made to determine the use of the property. Upon development of the County's database and review of the real properties on a case-by-case basis, the classifications from the records of the Charleston County Tax Assessor's do not preclude an adjustment to the data that the County uses to determine the fee.

Sec. 25-15 Adjustment of Utility Fee. In cases where the Utility customer disputes the fee based on the actual impervious area of the real property in which he has interest, a notice of objection may be filed with the Chief Building Inspector as outlined in the Stormwater Management Utility Ordinance, Section 25-9, Written Notice of Objection; provided, however, that Town Council ma~~n~~y delegate the Chief Building Inspector's responsibilities hereunder to Charleston County or its duly authorized representatives pursuant to an inter-governmental agreement providing for same.

Where an adjustment of the fee is warranted, the Chief Building Inspector shall recalculate and re-determine the fee using equivalent ERU's ~~a weighted runoff coefficient (or C Factor)~~ that is based .on the total impervious ~~and pervious areas~~ of the real property at issue.

~~Where deemed appropriate and at the discretion of the Chief Building Inspector, the gross acreage of the real property may be adjusted as a means of recalculating and re-determining the fee. This method is applied in cases where the property is large and the ratio of pervious area to impervious area is low. The Chief Building Inspector and the utility customer shall mutually agree on the general area of improvement. In cases where a mutual agreement cannot be reached, the utility customer may file a notice of objection as referenced above.~~

Sec. 25-16 Duration of Fee. The fees established by this Ordinance ~~are temporary, and shall apply only until such time as the pending Stormwater Utility Rate Study is completed and~~ have been adopted by Town Council. This fee will be reviewed, evaluated, and amended as necessary in order to address the Towns stormwater program needs/deficiencies and Small Municipal Separate

Storm Sewer System (SMS4) general permit requirements. ~~adopts a permanent rate structure and schedule of fees for the Stormwater Management Utility.~~

Sec. 25-17 Billing of Stormwater Management Utility Fee; Late Charges. The fee shall not be prorated. No refunds of the fee shall be made except as set forth in this Ordinance. The fee shall be billed annually and mailed to each owner of record of real property, based on the classification of the property, to the owner of record of the real property as of January 1 of each year subsequently thereafter. ~~, commencing in the 2007 calendar year, with the bill mailed to each owner of record of real property as of January 1, 2007, and to the owner of record of the real property as of January 1 of each year subsequently thereafter. Annual fees unpaid as of the 61st day after the billing date shall be subject to a late fee of$5.00 and an additional late fee of$5.00 for each 30 day period thereafter in which the fee remains unpaid. If legal action is instituted to collect any fees due hereunder, owners will also be required to pay attorney's fees and court costs incurred by or on behalf of the Town in such action.~~ For non-payment of all or any part of the utility fee, the monetary penalty shall be the same penalty set forth in Section 12-45-180 of the South Carolina Code of Laws. If any fee shall remain sixty (60) days after the due date, the County may issue a lien upon the parcel for the stormwater utility fee, penalties and costs of collection and shall proceed to collect in the same manner as prescribed by law for the collection of other fees and taxes. The Town may delegate collection of the fees, including any required legal action, to the County of Charleston or its representatives pursuant to an inter-governmental agreement providing for same.

SECTION 3. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 4. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 5. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF SULLIVANS ISLAND SOUTH CAROLINA, ON THE 1ST DAY OF AUGUST, 2016.

Town of Sullivan's Island

_____

Patrick M. O'Neil, Mayor

Attest:

First Reading: June 21, 2016

_____

Second Reading: July 19, 2016

Ellen Miller, Town Clerk

Third Reading and Ratification: August 1, 2016

STORMWATER UTILITY FEE

Stormwater Program at $72 Rate

	2017	2018	2019	2020	2021
Regulatory Compliance	$52,800	$54,340	$54,560	$54,560	$55,440
Estimated Revenue @ Base Rate=$72	$72,600	$82,500	$82,500	$82,500	$85,800
FIRMP Available	$19,800	$28,160	$27,940	$27,940	$30,360

Andy Benke

From: Andy Benke
Sent: Thursday, July 07, 2016 12:50 PM
To: oneilp
Cc: Larry Dodds
Subject: FW: Answers to Questions.
Attachments: Sullivan Island town owned parcels.xlsx

Pat,

The County attorney responded to your questions. With the exception of #4 they did not recommend any changes.

Regards,
Andy

From: Chris L. Wannamaker [mailto:CWannamaker@charlestoncounty.org]
Sent: Thursday, June 30, 2016 1:36 PM
To: Andy Benke
Cc: Stuart A. Ruelle ; Frank Pandullo
Subject: Answers to Questions.

Mr. Benke,
Here are the answers to the questions you had:

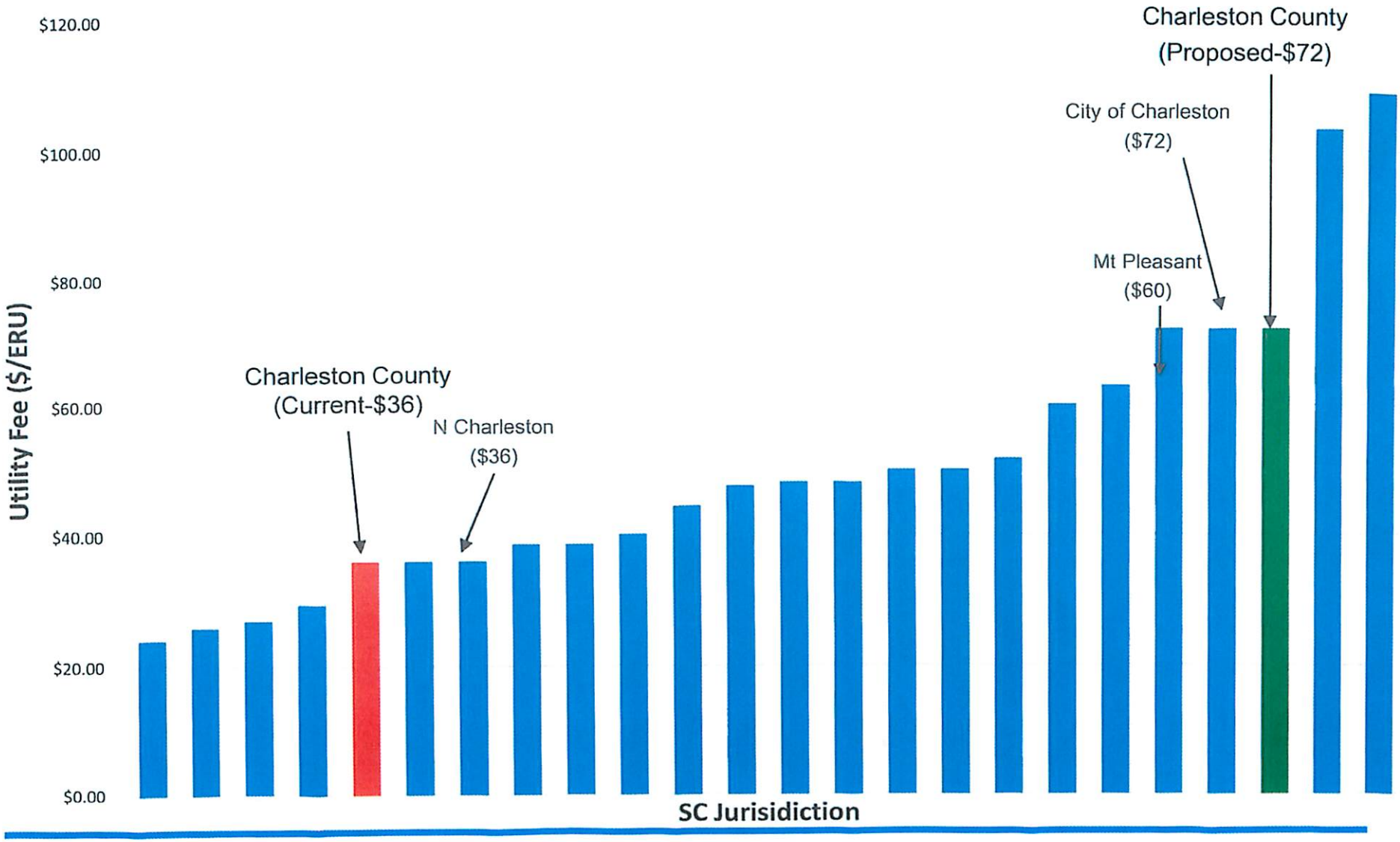
1. Findings – Mayor inquired whether all findings still apply or is there a need to update or delete anything in order to be more current.
   1 C updates the findings by stating that the Rate Study has been completed
2. In section 1C we seem to be deleting a sentence and replacing it with almost the identical language. I did not exactly follow that.
   There is the one sentence that was deleted and rewritten to replace "Interim" with "rate study completed".
3. It appears that all of the fees are located in section D. would it make any sense to move the commercial fees to 25-14?
   No. One section identifies the fee, and the other section explains how a fee is calculated
4. 25-14A – would it make sense to add the words "for Commercial Property" to the end of this sentence?
   Yes. Good recommendation.
5. Commercial property 25-14B – does SI have any property this size? Can you give me a print out of the commercial listings and how they would be billed?
   Yes, see attached.
6. Are churches charged as commercial properties or exempt?
   Charged as commercial property.
7. Please clarify that the County places lien for non payment.
   Yes.

Chris Wannamaker, P.E.
Stormwater Program Manager
Charleston County Public Works - Stormwater Division
Lonnie Hamilton III Public Services Building

4045 Bridge View Drive, Suite A301
North Charleston, SC 29405-7464
(843) 202-7600

COMPARISON TO NEARBY MUNICIPALITIES

Comparison of Utility Rates in South Carolina



RECOMMENDED COUNCIL ACTIONS

Recommend that Council:

- Simplify Ordinance 2007 Chapter 25 Sections 13-17 for Commercial/Other Developed Properties
- Increase the Base Rate from **$36/year** to **$72/year**

edit at 25-14A

ORDINANCE 2007-CHAPTER 25 SECTIONS 13-17
(August 21, 2007)

AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT UTILITY FEES, PROVIDING FOR THE CLASSIFICATION OF REAL PROPERTY SUBJECT TO SUCH FEES, ESTABLISHING THE AMOUNT OF ~~INTERIM~~ STORMWATER MANAGEMENT UTILITY FEES AND PROVIDING FOR THE USE OF SUCH FEES BY THE STORMWATER MANAGEMENT UTILITY OF THE TOWN OF SULLIVAN'S ISLAND.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA, IN TOWN COUNCIL ASSEMBLED:

SECTION 1 Findings.

A. By Ordinance 2007-Chapter 25 Section 1-12, Town Council created a Stormwater Management Utility (the "Utility") and provided that fees may be adopted to assist in the establishment and administration of the Utility.

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C. Town Council ~~is aware of the practical difficulty of determining precisely the particular need of each parcel of real property for stormwater management, and the special benefits to be derived by the owners and users of such property. Upon the completion of the Stormwater Utility Rate Study (Study), Town Council will adopt a permanent fee system and rate structure so as to equally and reasonably address and relate such needs and benefits to the fees assessed. As an interim measure, Town Council feels that it is appropriate to adopt a fee for real property throughout the Town. Town Council recognizes that after the Study has been completed and submitted to it for review, a different approach to the assessment of fees and classifications of real property may result.~~ is aware of the practical difficulty of determining precisely the particular need of each parcel of real property for stormwater management, and the special benefits to be derived by the owners and users of such property. A Stormwater Utility Rate Study (Study) has been completed and through this Ordinance, Town Council has adopted a permanent fee system and rate structure so as to equally and reasonably address and relate such needs and benefits to the fees assessed

D. Town Council hereby advises Utility customers of the ~~interim nature and~~ basis of the fees and classifications set forth herein.

SECTION 2. That the following Chapter 25, Sections 25-13-25-17, Stormwater Regulations, Article B, Stormwater Management Utility Fee, is hereby adopted:

"Sec. 25-13 Stormwater Management Utility Fee; Classification of Property

~~A. Stormwater Management Utility Fees:~~

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~~3. Playgrounds/Parks Property- Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for play ground/parks has been determined to be 0.11. An equation is used to relate the runoff coefficient of the playground/park property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.~~

~~4. Special Use Properties – Pursuant to generally accepted engineering data, the runoff coefficient, or C-factor, for Special Use properties has been determined to be 0.50. An equation is used to relate the runoff coefficient of the special use property to base ERU. This equation is then multiplied by the acreage of the property in question. The determined ratio is then multiplied by the Base Rate to determine the annual fee.~~

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A~~B~~. For purposes of determining the fee, all real property in the Town is classified as follows:

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C ~~D~~. Equivalent Residential Unit (ERU): The commonly accepted rate unit for stormwater utilities is the Equivalent Residential Unit (ERU). This is a descriptive value based on the land classification type and the amount of impervious surface. The ERU is used to relate a rate charged for a typical residential property and this becomes the common denominator by which Commercial properties are evaluated. The ERU for Charleston County has been determined to be 3,000 square feet ~~One commonly accepted rate unit for stormwater utilities is the Equivalent Residential Unit (ERU). This is a descriptive value based on the total gross land area and the amount of impervious surface. The ERU is used to relate a rate charged for a typical residential property and this becomes the common denominator by which non-residential properties are evaluated. In general there are two principal methods used to assign values for impervious surface: Actual amounts of impervious surface on a parcel can be physically measured or accepted land use coefficients can be used to relate imperviousness to intensity of development. The latter method is adopted herein. Pursuant to this Ordinance, an ERU is considered to be a single family lot not less than or equal to 1/3 acre. The runoff coefficient (C Factor) assigned to the ERU is 0.40.~~

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Add

Sec. 25-14 Determination of Amount of Stormwater Management Utility Fee.

A. Computation of Stormwater Management Utility Fee: "For Commercial Property"

1. Determine Base Rate to assign ERU;

~~2. Calculate runoff ratio of playgrounds/parks, special use, multi-use residential and non-residential/commercial properties C-factor to ERU C-factor;~~

~~3. Calculate ERU's per acre;~~

~~4. Calculate the number of ERU's for the property in question; and~~

~~5. Calculate the annual fee.~~

~~B. Example Calculation:~~

~~Determine monthly fee for 1.50 acre commercial property.~~

~~1. ERU = $36.00 / year~~

~~2. C-factor ratio of commercial to ERU = 0.82 / 0.40 = 2.05.~~

~~3. ERU / acre = 2.05 x 3 = 6.15 ERU / acre.~~

~~4. ERU's for 1.50 acre property = 1.50 x 6.15 = 9.23 ERU's.~~

~~Utility fee = 9.23 x $36.00 = $332.28/year~~

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2. Determine the impervious area on the property;

3. Calculate the numerical factor for the property in question by dividing the impervious area by (1) ERU (3,000 square feet); and

4. Calculate the annual Stormwater Management Utility Fee by multiplying the numerical factor by the Base Rate, if the factor is greater than one (1).

B. Example Calculation:

Calculation of monthly fee for a 1.50 acre Commercial property with a determined impervious area of 32,500 square feet.

1. 1ERU = 3,000 square feet.

2. Property impervious area = 32,500 square feet

3. ERU's for example property = 32,500 square feet of impervious / 1 ERU of 3,000 square feet = 10.8 ERU's

4. Utility fee = ERU's x Base Rate

= 10.8 ERU's X Example Base Rate of $72.00 = $777.60 / year

The classification of real property and the identification of the utility customer for the purpose of determining fees shall be determined from the records of the Charleston County Tax Assessor's. The utility customer or person charged the fee is based on the classification of the real property as of January 1 of the year of billing and each year subsequently thereafter.

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Sec. 25-15 Adjustment of Utility Fee. In cases where the Utility customer disputes the **fee** based on the actual impervious area of the real property in which he has interest, a notice **of** objection may be filed with the Chief Building Inspector as outlined in the **Stormwater** Management Utility Ordinance, Section 25-9, Written Notice of Objection; provided, **however,** that Town Council ma~~ny~~ delegate the Chief Building **Inspector's responsibilities** hereunder **to** Charleston County or its duly authorized representatives pursuant to an **inter-governmental** agreement providing for **same.**

Where an adjustment of the fee is warranted, the Chief Building Inspector **shall** recalculate and re-determine the fee using equivalent ERU's ~~a weighted runoff coefficient (or C Factor)~~ that is based .on the total impervious ~~and pervious areas~~ of the real property at **issue.**

~~Where deemed appropriate and at the discretion of the Chief Building Inspector, the gross acreage of the real property may be adjusted as a means of recalculating and re-determining the fee. This method is applied in cases where the property is large and the ratio of pervious area to impervious area is low. The Chief Building Inspector and the utility customer shall mutually agree on the general area of improvement. In cases where a mutual agreement cannot be reached, the utility customer may file a notice of objection as referenced above.~~

Sec. 25-16 Duration of Fee. The fees established by this Ordinance ~~are temporary; and shall apply only until such time as the pending Stormwater Utility Rate Study is completed and~~ have been adopted by **Town** Council. This fee will be reviewed, evaluated, and amended as necessary in order to address the Towns stormwater program needs/deficiencies and Small Municipal Separate

Storm Sewer System (SMS4) general permit requirements. ~~adopts a permanent rate structure and schedule of fees for the Stormwater Management Utility.~~

Sec. 25-17 Billing of Stormwater Management Utility Fee; Late Charges. The fee shall not be prorated. No refunds of the fee shall be made except as set forth in this Ordinance. The fee shall be billed annually and mailed to each owner of record of real property, based on the classification of the property, to the owner of record of the real property as of January 1 of each year subsequently thereafter. ~~, commencing in the 2007 calendar year, with the bill mailed to each owner of record of real property as of January 1, 2007, and to the owner of record of the real property as of January 1 of each year subsequently thereafter. Annual fees unpaid as of the 61st day after the billing date shall be subject to a late fee of$5.00 and an additional late fee of$5.00 for each 30 day period thereafter in which the fee remains unpaid. If legal action is instituted to collect any fees due hereunder, owners will also be required to pay attorney's fees and court costs incurred by or on behalf of the Town in such action.~~ For non-payment of all or any part of the utility fee, the monetary penalty shall be the same penalty set forth in Section 12-45-180 of the South Carolina Code of Laws. If any fee shall remain sixty (60) days after the due date, the County may issue a lien upon the parcel for the stormwater utility fee, penalties and costs of collection and shall proceed to collect in the same manner as prescribed by law for the collection of other fees and taxes. The Town may delegate collection of the fees, including any required legal action, to the County of Charleston or its representatives pursuant to an inter-governmental agreement providing for same.

SECTION 3. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 4. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 5. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF SULLIVANS ISLAND SOUTH CAROLINA, ON THE 1ST DAY OF AUGUST, 2016.

Town of Sullivan's Island

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Patrick M. O'Neil, Mayor

Attest:

First Reading: June 21, 2016

Second Reading: July 19, 2016

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Ellen Miller, Town Clerk

Third Reading and Ratification: August 1, 2016