

ORDINANCE G-1225
AN ORDINANCE AMENDING SECTION 456.080, ENTITLED
“STORM DRAINAGE FEE” OF TITLE IV, ENTITLED “LAND USE”
OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION
CITY, KANSAS, TO AMEND THE STORM DRAINAGE FEE

WHEREAS, the City of Junction City must comply with the requirements of the National Pollutant Discharge Elimination Process (NPDES) permit process, and the regulations promulgated by the Environmental Protection Agency and the Kansas Department of Health and Environment.

WHEREAS, in accordance with such requirements the City of Junction City operates and maintains a storm drainage system that provides for the collection, treatment and disposal of stormwater.

WHEREAS, the storm drainage system provides benefits and services to all property within the incorporated Junction City limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of storm water, the reductions of hazards to property and life resulting from storm water runoff, improvements in general health and welfare through reduction of undesirable storm water conditions, and improvements to water quality in the storm water and surface water system and its receiving waters.

WHEREAS, the City of Junction City desires to provide a funding mechanism to operate and maintain the City’s storm drainage system and finance the necessary storm drainage system repairs, replacements, improvements, and extensions necessary to protect the health, safety and welfare of the public.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

SECTION 1: Section 456.080 – “Storm Drainage Fee” of the Code of the Ordinances of the City of Junction City, Kansas is hereby amended to read as follows:

SECTION 456.080: - STORM DRAINAGE FEE

- A. *Fee.* There is hereby assessed against all property within the City a storm drainage fee. Such fee is based upon a determination, using accepted engineering principles, of impact on the storm drainage system of uses within each property

category as set forth hereinafter. The fee shall assessed from and after the effective date of this Chapter.

B. *Definitions.* For the purpose of this Section 456.080, the following definitions shall apply:

DEVELOPED RESIDENTIAL PROPERTY: Real property which has been altered from its natural state by the creation or addition of impervious surfaces, by the addition of any buildings, structures, pavement or other improvements for residential uses.

IMPERVIOUS SURFACE: A surface which is compacted or covered with material that is resistant to infiltration by water including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

LIVING UNIT: One (1) or more rooms in a residential use building which are arranged, designed, used or intended for use by one (1) family and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

OTHER DEVELOPED PROPERTY: Property which has been altered from its natural state by the creation or addition of impervious surfaces, by the addition of any buildings, structures, pavement or other improvements for uses other than residential uses. Such property shall include, but not be limited to, commercial properties, industrial properties, agricultural properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, offices and churches.

OTHER UNDEVELOPED PROPERTY: Property zoned for any use other than residential use on which there is no improvement by the addition of any buildings, structures, pavement or other improvements or impervious surfaces.

UNDEVELOPED RESIDENTIAL PROPERTY: Property zoned for residential use on which there is no improvement by the addition of any buildings, structures, pavement or other improvements or impervious surfaces.

C. *Property Classifications.* For purposes of determining the storm drainage fee, all properties in the City of Junction City, Kansas, are classified into one (1) of the following categories:

1. Developed residential property.
2. Undeveloped residential property.
3. Other developed property.
4. Other undeveloped property.

D. *Fees Assessed.*

1. The storm drainage fees for developed residential property shall be assessed per living unit as follows:
 - a. Seven dollars (\$7.00) per month per living unit; and
 - b. For each living unit served by more than one (1) water meter, five dollars (\$5.00) per month per additional water meter.
2. The storm drainage fees for undeveloped residential property are five dollars (\$5.00) per month per lot or tract.
3. The storm drainage fees for other developed property shall be based upon area of such property and are assessed as follows:

| Area of Other Developed Property | Monthly Fee |
|--|-------------|
| Less than or equal to 20,000 square feet | \$18.00 |
| From 20,001 to 100,000 square feet | \$35.00 |
| From 100,001 to 200,000 square feet | \$60.00 |
| From 200,001 to 400,000 square feet | \$80.00 |
| From 400,001 to 1,000,000 square feet | \$110.00 |
| From 1,000,001 and above square feet | \$140.00 |

4. The storm drainage fees for other undeveloped property shall be based upon area of such property and are assessed as follows:

| Area of Other Undeveloped Property | Monthly Fee |
|--|-------------|
| Less than or equal to 20,000 square feet | \$6.00 |
| From 20,001 to 100,000 square feet | \$8.00 |
| From 100,001 to 200,000 square feet | \$14.00 |
| From 200,001 to 400,000 square feet | \$21.50 |
| From 400,001 to 1,000,000 square feet | \$26.00 |
| From 1,000,001 and above square feet | \$35.00 |

5. In determining the area of property developed or zoned for a particular use, the area measured shall include all property contiguous to the particular use and under the same ownership, except that if a portion of said property that is both unimproved and legally subject to being subdivided from that portion actually devoted to the primary use. In situations where property is used in

common with more than one (1) use, the common area shall be included with each use in the same proportions as the area of each use bears to the area of the total of all uses. In situations where property is devoted to uses on more than one (1) level, the area of the property shall be proportionately divided among the levels and the storm drainage fees shall be assessed pro rata.

- E. *Revenue.* The revenue generated by this fee shall be set aside in a special fund to be used only for the construction, reconstruction, maintenance and repair of storm drainage system facilities, including the acquisition and related costs thereof of real estate for such use. In addition, said fund may be used to pay fees to study and prepare documents related to such facilities and to make payments of principal and interest on bonds issued for such improvements. Nothing in this Section shall be deemed to limit or restrict the City's ability to use and obtain other sources of funds for the same or similar purposes.
- F. *Collection.* The following provisions govern billing and collection of storm drainage fees:
1. For water metered properties utilizing the existing City water utility services, the storm drainage fees set forth above may be included as part of the monthly bill for water service, but shall be identified separately on said billing, said fees shall be due at the same time as water charges are due and the failure to pay said fees shall be considered a failure to pay water charges and enforceable pursuant to Section 700.200 of this Code.
 2. For properties not utilizing the existing City water utility services, the storm drainage fees may be separately billed to the person designated in the Geary County property tax records as owner of the property for ad valorem real estate tax billings. Such bills may be mailed by the City monthly, but shall be billed at least annually.
 3. In addition, any time City water service is initially established or re-established to a property, all fees hereunder shall be paid current, as of the date such water service is established or re-established.
 4. The owner or occupant of the property and, in the case of water metered property, any person who is responsible for the payment of water service to the property shall all be jointly and severally responsible for the payment of said fee. Persons responsible for the payment of water service to the property shall include the person responsible for payment for water provided to a master meter that is then distributed to multiple users, whether or not said users are located on the same property as the master meter.
 5. To the extent permitted by applicable law, the storm drainage fee shall be subject to interest for late payment at a rate that is the same as the rate prescribed in K.S.A. 79-2004, as amended, and K.S.A. 79-2968, as amended, shall constitute a lien on the applicable property in the same manner as City ad valorem real property taxes and shall be collected in the same manner as City ad valorem real property taxes collected by Geary County, regardless of

whether the storm drainage fee was incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

G. *Appeals.* The following provisions govern appeals of determinations of storm drainage fees:

1. Any person who disagrees with the calculation of their storm drainage fee or who believes that the actual amount of impervious area located upon their property justifies a reduction in the square footage of their property used to calculate the fee, in order to make their fee consistent with other uses with a similar amount of impervious area, may appeal the determination of their fee to the City Engineer. The appeal shall be in writing. The City Engineer shall thereafter hold an informal hearing. The City Engineer, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey showing dwelling units, total property area and impervious area, as appropriate, if such information is deemed to be material by the City Engineer. Based upon information provided, the City Engineer shall make a determination of the storm drainage fee for such property. The City Engineer shall notify parties in writing of his/her decision.
2. A person shall have the right to appeal the decision of the City Engineer to a board comprised of the City Manager or his/her designee, the Director of Public Works and a member of the City Commission. Such appeal shall be made within fifteen (15) days of the date of the written decision of the City Engineer. Such appeal shall be in writing and filed with the City Engineer. A hearing on such appeal shall be held within thirty (30) days from the date of filing and the applicant shall be given seven (7) days' advance notice of the time and date of such hearing. Within seven (7) days after the conclusion of such hearing, the Board shall render a decision in writing that sets forth findings that support its decision. The decision of the Board shall be final and any further appeal of such decision shall be to the District Court pursuant to K.S.A. 60-2101(d).

SECTION 2. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall be effective upon publication as required by law.

Passed and adopted by the Governing Body of the City of Junction City, Kansas this 19th day of June, 2018.



CITY OF JUNCTION CITY, KANSAS

Pat Landes
Mayor

ATTEST: (Seal)

Tammy Melton, City Clerk