

**ORDINANCE 2022-2
AS AMENDED**

AN ORDINANCE TO AMEND SECTION 12-302 (5) (c) OF THE BELLE MEADE MUNICIPAL CODE TO INCREASE THE STORMWATER USER FEE FROM \$7.47 PER EQUIVALENT RESIDENTIAL UNIT ("ERU") TO \$22.41 PER ERU AND COMPARABLE INCREASES FOR MULTIPLE DWELLING UNIT RESIDENTIAL PROPERTIES ("Multi-Family Units").

WHEREAS, in 2004 the Belle Meade City Commission ("Commission") adopted the Stormwater Fee Ordinance (Ordinance 2004-6) providing for stormwater management and the establishing a stormwater user fee within the City of Belle Meade; and

WHEREAS, the revenue from the Stormwater User Fee is intended to meet the costs to the City of services and facilities, including, but not limited to, the payment of principal and interest on debt incurred for stormwater management purposes, the creation of reserves for the replacement of permanent improvements for stormwater management, and other reasonable expenses necessary and convenient for the acquisition, construction, operation, maintenance, education and regulation of the stormwater management system and of properties affecting the stormwater management system; and

WHEREAS, specifically, the City is currently using revenue from stormwater fees for street sweeping, creek cleaning, capital projects, maintenance of infrastructure, emergency repairs, compliance with federal regulations for municipal separate storm sewer systems ("MS4"), stream monitoring, mapping of input and outfalls; and

WHEREAS, such fees are to be based both upon the reasonable cost to the City of the above services and activities and the benefit to each user actual or estimated use of such stormwater system and facilities; and

WHEREAS, the current fees of Seven Dollars Forty-Seven Cents (\$7.47) per ERU have been in force since 2011 and are no longer adequate to cover the annual costs to the City without the City's having to subsidize these expenses out of its general fund all of which is shown by the summary of proposed increase and summary attached as Exhibits 1, 2, and 3; and

WHEREAS, the Commission hereby finds that an increase is overdue and that based upon the known costs and reasonable estimates of future costs, the fee should be increased to Twenty-Two Dollars and Forty-One Cents (\$22.41), effective on the beginning of the next fiscal year, July 1, 2022;

WHEREAS, the current Stormwater Fee Ordinance authorizes the City to treat multi-family units owned independently, such as residential condominiums, as detached dwelling unit properties in the application of stormwater service charge rates, but this option has not been enacted heretofore; and

WHEREAS, the Board finds that efficient management of the City's fiscal affairs warrants an increase in the stormwater management fee in this amounts established by this ordinance;

NOW THEREFORE:

SECTION ONE: BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE that Section 12-305 (5)(c) of the Belle Meade Municipal Code is hereby amended to delete the figures "\$7.47" and to substitute therefor the figures "\$22.41."

SECTION TWO: BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE that Section 12-305 of the Belle Meade Municipal Code shall be amended to add a new sub-section (f) which shall read as follows:

(f) The stormwater fee for independently owned multiple dwelling unit residential properties (hereinafter "condominiums") shall be based upon the fee for detached dwelling units, using the lower tier factor in the Table in Section 12-305 (5)(a), and shall be assessed on a per unit basis at \$11.20 per month.

| Total Lot Area (sq. ft.) | Factor x ERU Monthly Rate | Monthly Fee | Annual Fee |
|--------------------------|---------------------------|-------------|------------|
| 0-40,000 | 0.5 x\$22.41 | \$11.20 | \$.134.41 |
| 40,000-70,000 | 1.0x\$22.41 | \$22.41 | \$268.92 |
| > 70,000 | 2.0x\$22.41 | \$44.82 | \$537.84 |
| | | | |

SECTION THREE: BE IT FINALLY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE THAT THIS ORDINANCE SHALL TARE EFFECT ON JULY 1, 2022, THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS REQUIRING IT.

Passed on first reading:

April 20, 2022

Passed on Second Reading (As Amended)

June 22, 2022

Rusty Moore, Mayor

Rusty Terry, City Recorder