

ORDINANCE NO. 12560

AN ORDINANCE repealing and superseding Ordinance No. 9183 adopted January 12, 1994, Ordinance No. 9030, adopted June 16, 1993, and Ordinance No. 8657, adopted May 3, 1992, and enacting a new ordinance in lieu thereof which establishes a schedule of Stormwater User Charges and authorizes an Adjustment Review Committee.

WHEREAS, The Metropolitan St. Louis Sewer District, a body corporate, Municipal Corporation and political subdivision of the State of Missouri (herein called the "District"), was established as a metropolitan sewer district under the provisions of Section 30 of Article VI of the Constitution of the State of Missouri, pursuant to a Plan adopted by the voters of St. Louis City and St. Louis County at a special election held on Tuesday, February 9, 1954 (the "Plan"); and

WHEREAS, the Plan established the District in the interest of the public health and for the purpose of providing adequate sewer and drainage facilities within the boundaries of the District; and

WHEREAS, the Plan empowers the District with jurisdiction, control, possession and supervision of sewer and drainage systems and facilities as may be placed under the District's jurisdiction in the manner provided in the Plan; to maintain, operate, reconstruct and improve the same as a comprehensive sewer and drainage system; to make additions, betterments and extensions thereto; to protect the public health and welfare by preventing or abating the pollution of water; and to have all the rights, privileges and jurisdiction necessary or proper for carrying such powers into execution; and

WHEREAS, the stormwater system within the District consists of man made facilities and structures and natural water courses used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, sewers, pipes, inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, flood walls, levies, and pumping stations (the "Stormwater System"); and

WHEREAS, by Resolution No. 65 adopted by the Board of Trustees of the District on May 21, 1956, the District accepted the maintenance and operation of the portion of the Stormwater System theretofore operated and maintained by the municipalities, sewer districts and other public agencies within the boundaries of the District established under the original Plan (the "Original Area"); and

WHEREAS, a special election was held on May 10, 1977 pursuant to which additional areas were annexed to the District (the "Annexed Area"); and

WHEREAS, by Resolution No. 1494 adopted by the Board of Trustees of the District on April 27, 1977, the District established a policy regarding the Stormwater System in the Annexed Area which provided that the District would not assume immediate control of the Stormwater System in the Annexed Area, but would provide planning services and work with local municipal authorities and other organizations and groups to coordinate stormwater and drainage programs where such services were requested; and

WHEREAS, by Ordinance No. 7691 adopted by the Board of Trustees of the District on February 22, 1989, the District established a policy effective April 1, 1989, to regulate the construction, alteration and reconstruction of all stormwater and drainage facilities within the District and undertake the operation and maintenance of those portions of the Stormwater System accepted for dedication by the District within the boundaries of the entire District to the extent of available funds for such purposes; and

WHEREAS, the District's Plan authorizes the Board to establish by ordinance charges to be collected from all the real property served by the sewer facilities of the District, whether public or private, such charges to be based upon any classifications or sub-classifications which the Board may determine to be fair and reasonable, and to prescribe the manner in which and time at which such charges are to be paid; and

WHEREAS, the District currently levies and collects an ad valorem property tax at the rate of five cents per one hundred dollars of assessed valuation on all property located in the Original Area for the purpose of operating and maintaining the Stormwater System in such area (the "Existing Stormwater Tax"); and

WHEREAS, the District's ability to provide for "Basic Service" of the Stormwater System has been greatly restricted due to the lack of adequate funds from the Existing Stormwater Charge and the Existing Stormwater Tax for such purposes; and

WHEREAS, 85% of the stormwater complaints received by the District over the last 10 years can be addressed by providing a fully funded "Basic Service" of the Stormwater System; and

WHEREAS, the District desires to provide for improvements to the "Enhanced Service" of the Stormwater System as part of a District-wide Stormwater User Charge; and

WHEREAS, the District is subject to the provisions of the federal Water Pollution Control Act, as amended (commonly referred to as the Federal Clean Water Act), 33 U.S.C. '1251, et seq. (the "Federal Clean Water Act"), and the regulations promulgated thereunder; and

WHEREAS, there are continuing and growing threats to the public health, safety and welfare of the District and its residents created by stormwater, including flooding,

erosion, water pollution, creation of pest breeding areas, traffic hazards caused by flooding, etc.; and

WHEREAS, the District has made a preliminary assessment of the needs for Stormwater User in the District and has estimated the cost of providing such Stormwater User , as reflected in a report entitled "Stormwater and Stormwater Rate Proposal, February 27, 2007"; and

WHEREAS, owners or users of improved property within the District, whether public or private, are served by and benefit from the Stormwater System in that the manmade impervious surface on such improved property contributes to stormwater run off which occurs from such property, beyond the amount which would occur if such property were undeveloped and in its natural state; and

WHEREAS, the establishment of a Stormwater User Charge based on the area of manmade impervious surface of property is an accepted rate methodology for Stormwater User and such impervious charges have been imposed by numerous public stormwater systems throughout the United States; and

WHEREAS, the Charter Change Elections held on November 7, 2000 included the addition of a rate Commission to review proposed rates and changes, and

WHEREAS said Commission issued a report dated August 13, 2007 that recommends the use of an impervious charge as being fair and equitable to raise funds for both Basic and Enhanced Stormwater Service .

WHEREAS, the Board hereby finds and determines that the establishment of a Stormwater User Charge, as herein provided, to be collected from owners or users of improved property within the District, whether public or private, with the measure of such Stormwater User to be determined by the contribution of such property to stormwater runoff to the Stormwater System based on the area of manmade impervious surface of such property, is fair and reasonable; and

WHEREAS, the Board further finds and determines that all owners and users of improved property within the District, whether public or private, use the Stormwater System and will be benefited by the District's delivery of Stormwater User and that the measure of such use and benefit to be determined based on the square footage of manmade impervious surface of such property, as herein provided, is fair and reasonable; and

WHEREAS, the Stormwater User Charges bear a substantial relationship to and are designed to cover the costs of providing Stormwater User , as herein provided and the revenues to be derived from such Stormwater User Charges will be set aside in a separate fund and used for the purposes of providing Stormwater User in the District, as herein provided; and

WHEREAS, in connection with the establishment of the Stormwater User Charges as herein provided, the District intends to no longer levy and collect an ad valorem property tax to be used for the purpose of providing "Basic Service" or "Enhanced Service" to the Stormwater System; and

WHEREAS, the Board does hereby find and determine that the adoption of this Ordinance is in the public interest of the District and its residents, will further the public purposes of the District, and is desirable and necessary in furtherance of the public health, safety and welfare of the District and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT:

Section One. Definitions of Words and Terms. In addition to words and terms defined elsewhere in this ordinance, the following words and terms as used in this ordinance shall have the following meanings, unless some other meaning is plainly intended.

"Area" means the square footage measurement of Property.

"Basic Service" means the planning and regulating of stormwater facilities with the construction of new buildings, parking lots, and other areas within its jurisdiction which contribute to the increased volume or negative quality of stormwater runoff, and the operation, maintenance, repair, and improvement of those parts of the Stormwater System as described in Appendix I.

"Board" means the Board of Trustees of the District.

"Dedicated Stormwater Facilities" means those portions of the Stormwater System which have been accepted for dedication by the District as provided in Section Three of this Ordinance.

"District" means The Metropolitan St. Louis Sewer District.

"Enhanced Service" shall mean any stormwater related service not described under "Basic Service".

"Impervious Surface" means those portions of Property which have been altered from its natural state by the addition to or construction thereon of any hard surfaced area which prevents or retards the entry of water into the soil in the manner and to the extent that such water entered the soil under natural conditions pre-existent to development, or which causes water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions pre-existent to development, including, but not limited to, rooftops, asphalt or concrete

sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam or other surfaces which similarly affect the natural infiltration or runoff patterns of real property in its natural state, subject to such exemptions as provided in Section Ten hereof.

"Owner or Owners" means both the owner or owners of record of Property as set forth in the records of the office of the respective Recorders of Deeds for the City of St. Louis or for St. Louis County, Missouri.

"Person" means any individual, firm, proprietorship, partnership, company, municipality, state, federal or local governmental entity, association, society, corporation, group, or other entity.

"Property" means a lot or parcel of real estate, whether public or private, which is Served by the Stormwater System.

"Runoff" means that part of rainfall which is not absorbed, transpired, evaporated or left in surface depressions; and which then flows controlled or uncontrolled into a Stormwater Facility, stream, channel or body of water.

"Served" or "Service" means Property which contributes to Stormwater Runoff which is drained through the Stormwater System as a result of the addition to or construction upon such Property of Impervious Surface, and the level or quantity of such service is reasonably and fairly measured by the Area of Impervious Surface of such Property.

"Stormwater" means any water or drainage resulting from precipitation which may or may not be mixed with an accumulation of dirt, soil, and other debris or substances collected from the surfaces on which such precipitation falls or flows.

"Stormwater Design Standards" means the most current published edition of "Rules and Regulations and Engineering Design Requirements for Sanitary Sewerage and Stormwater Drainage Facilities" and "Standard Construction Specifications for Sewers and Drainage Facilities" as ratified and approved from time to time by the Board.

"Stormwater Facility" or "Stormwater Facilities" means various drainage works that may include sewers, pipes, inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

"Stormwater User" means all activities described under "Basic Service" and "Enhanced Service".

"Stormwater User Charges" means the charges imposed by the District pursuant to this Ordinance.

"Stormwater System" means all man-made facilities, structures, and natural Watercourses used for collecting and conducting Stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: sewers, pipes, inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, rivers, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, and pumping stations.

"Unimproved Real Estate" means real property unaltered by the construction or addition to such Property by man of any Impervious Surface of any kind which changes the hydrology of such property from its natural state.

"User" means the occupant or Owner of Property, or any Person Served by the Stormwater System.

Section Two. Establishment of Stormwater User Charges. There are hereby ratified, confirmed and established Stormwater User Charges to be imposed on all Property Served by the Stormwater System of the District, whether public or private, based on the square footage of Impervious Surface of such Property as herein provided.

Section Three. Dedication of Stormwater Facilities. The District will accept for dedication all existing or newly constructed Stormwater Facilities as provided by this Section. The Executive Director shall accept the dedication of an existing Stormwater Facility to the District's Stormwater System, provided that the District's final inspection report made prior to the acceptance of dedication confirms that such facility is located in public rights-of-way or easements granted to and accepted by the District and which is not encroached upon, is intended for public use, and meets the District's current policy on Stormwater maintenance as provided in Section Four of this Ordinance.

Upon completion of construction of new Stormwater Facilities for which plans are received, reviewed and approved by the District after April 1, 1989, the Stormwater Facilities shall be dedicated to the District and the Executive Director shall accept the dedication of such Stormwater Facilities to the District's Stormwater System, provided that the facilities have been constructed in accordance with the approved plans, the District's final inspection reports made prior to the acceptance of dedication confirm that the facilities meet the Stormwater Design Standards, and the facilities meet the District's current policy on Stormwater maintenance as provided in Section Four of this Ordinance.

Section Four. Maintenance of Dedicated Stormwater Facilities. The District shall maintain all Dedicated Stormwater Facilities pursuant to policies established from time to

time by resolution of the Board to prioritize the use of monies for "Basic Service" from Stormwater User Charges and other available funds to meet the greatest needs in furtherance of the public health, safety and welfare and in compliance with the Federal Clean Water Act. To the extent of available funds the District shall establish a program of maintenance of Dedicated Stormwater Facilities in accordance with the District's then current Stormwater Maintenance Policy. The Board hereby adopts the Stormwater Maintenance Policy attached hereto as Appendix I.

Section Five. Private Stormwater Facilities. The Owner shall be responsible for Stormwater Facilities located on private property where runoff will principally be collected within that property and for all other Stormwater Facilities not maintained by the District per Appendix I. The owner shall clean and maintain the facility or channel as required to ensure proper operation as required by law or regulation. Where Dedicated Stormwater Facilities are in easements, the Owner of the Property is responsible for maintenance of such easements including lawn mowing, litter pick-up, pest control, removal of blockages and encroachments, etc. The owner shall place no structures or plantings that interfere with the Stormwater Facility or its operation and maintenance.

Section Six. Rules and Regulations. In order to accomplish the purpose of this Ordinance to protect the Stormwater System of the District, to secure the best results from the construction, operation, and maintenance thereof, and to prevent damage and misuse of any of the Drainage Facilities, improvements, or properties within the District, the Executive Director may make and enforce rules and regulations that are necessary and reasonable:

- (1) To prescribe the manner in which storm sewers, ditches, channels, and other Stormwater Facilities are to be designed, installed, adjusted, used, altered, maintained, replaced, or otherwise changed.
- (2) To prescribe the manner in which Stormwater Facilities are operated.
- (3) To facilitate the enforcement of this Ordinance.
- (4) To protect the Stormwater System, and to prescribe the manner of its use by any public or private person, firm, or corporation.
- (5) To protect the public health, safety, and welfare.

Section Seven. Permits and Plan Review. All plans and designs for all Stormwater Facilities within the boundaries of the District shall be submitted for approval, revision or rejection by the District pursuant to the Plan, applicable Ordinances and the District Stormwater Design Standards. Except as preempted or otherwise delegated by EPA or MDNR, the District shall provide all stormwater plan and design review, permit control and construction inspection.

Section Eight. Stormwater User Charge Policy. Stormwater User Charges will be imposed on all Property Served by the Stormwater System of the District, whether public or private, based on the square footage of Impervious Surface of such Property.

Section Nine. Stormwater User Charges. Subsequent to March 1, 2008, the District shall impose the following changes regarding Stormwater charges: See Appendix II

Section Ten. Property Not Subject to Stormwater User Charges. The following types of Property shall not be charged a Stormwater User Charge:

- (1) Streets, roads, alleys, and right-of-way used for roadway purposes serving more than one property, and adjoining sidewalks dedicated or available for general public use;
- (2) Federal, State, county and municipal highways and highway right-of-way used for roadway purposes;
- (3) Railroad and light rail tracks, roadbeds, yards and related rights-of-way; and
- (4) Airport runways and taxiways.

Section Eleven. Determination of Area of Impervious Surface. The District shall determine the Area of Impervious Surface of each Property rounded to the nearest 100 square feet, by estimation, calculation and computation of the Impervious Surface using aerial photography or photogrammetry. An Owner of Property who considers the determination by the District of the Impervious Surface of such Owner's Property to be inaccurate or erroneous may provide other evidence satisfactory to the District of the Area of Impervious Surface of such Property. The District shall have the power to enter on any Property for the purposes of determining the Area of Impervious Surface of such Property and for the purpose of carrying out this Ordinance.

Section Twelve. Billing. All bills for Stormwater User Charges shall be prepared by the District and shall be issued monthly for services provided in the preceding month. The issuance of any monthly bill may be delayed by the District for good cause.

The Stormwater User Charges shall be billed to the owner of the property or to the Person billed by the District for Stormwater User Charges for such property. Such Stormwater User Charges shall also constitute a personal obligation of both the Owner and any User of the Property regardless of to whom the bill for Stormwater User Charges is sent and shall constitute a charge and a lien against the Property served.

For the District's convenience, all Stormwater User Charges may be combined with any other charges of the District, and all such charges may be billed together. In the event of

a change in Owner or User of Property during a billing period, application may be made to the Director of Finance of the District for a refund or prorating of Stormwater User Charges for such billing period.

Section Thirteen. Charge for Late Payments. If any Stormwater User Charges billed are not paid by the due date indicated on any bill rendered, then an additional late payment charge equal to one and one-half percent (1-1/2%) per month or 18% per annum of the amount of the bill rendered is hereby imposed for each month or portion thereof the bill remains unpaid beyond the due date, until such time as a lien is recorded against the Property Served pursuant to Section Fourteen hereof.

Section Fourteen. Stormwater User Charges Constitute a Lien. The Stormwater User Charges shall constitute a lien upon the Property Served on the date a bill is rendered for Stormwater Service, and said lien shall have the same priority as taxes levied for state and county purposes. The District may cause a notice of lien for non-payment of such charges to be filed in the Office of the Recorder of Deeds within and for the City of St. Louis or St. Louis County, depending upon where such Property Served is located. Such notice of lien shall state the amount of the delinquent Stormwater User Charges, and shall adequately describe the Property against which such lien is asserted. A copy of such notice of lien shall be mailed to the Owner of the Property at the last address on file with the District and the filing of such notice in the Office of the Recorder of Deeds may be deferred as a matter of grace for not more than thirty (30) days from the mailing date. All Stormwater User Charges that remain unpaid shall bear interest at a rate not to exceed the lower of eighteen percent (18%) per annum or the maximum legal rate from the time a notice of lien is filed with the appropriate recorder of deeds as herein prescribed, until such time as the account is closed.

After such notice of lien is filed of record, the fees of the Recorder for filing and releasing said lien shall also be payable to the District as a prerequisite to releasing said lien.

Section Fifteen. Termination of Service for Nonpayment. When any Stormwater User Charge has not been paid and has been delinquent for a period in excess of three months, the District is authorized to order the water supply to be shut off for the Property for which the Stormwater User Charge is delinquent or to remove or close any sewer connections, or both, until payment of the delinquent charge together with the reasonable costs involved in shutting off and turning on the water, or closing and reopening the sewer connection, as the case may be, have been paid.

When any Stormwater User Charge has not been paid and has been delinquent for more than fifteen days after the due date, then the District may refuse to issue to the Owner and/or User a permit to connect any other Property owned or controlled by said Owner and/or User to the Wastewater System or Stormwater System; or may refuse to review any plans submitted by or on behalf of such Owner and/or User; or issue any permits requested by or on behalf of such Owner and/or User; or refuse to act on any easement

vacation request by or on behalf of such Owner and/or User; or refuse to contract for any purpose with or accept Wastewater or Stormwater from any such Owner and/or User.

Section Sixteen. Remedies. Whenever any charge is unpaid after ninety days from the date the bill for such charges was rendered, then the amount overdue may be collected by any or all of three procedures:

- (a) by assignment to a collection agency; or
- (b) by suit or other proceedings in any court of competent jurisdiction; or
- (c) by enforcement of the lien provided herein.

The District shall have the power to sue any Owner and/or User, jointly and severally, in a civil action to recover delinquent charges plus the late payment charge and interest on the delinquent bill, plus all costs incurred by the District in connection with the filing and enforcement of such lien and the prosecution and collection of such charges including court costs, fees for transcript judgments, special process servers, credit reports, video reports, sewer and/or water shutoff costs, other related fees, and reasonable attorney's fees to be fixed by the court.

Section Seventeen. False Information. It shall be unlawful for any Person to furnish any false report or information to the District which would tend to reduce Stormwater User Charges imposed by the District.

Section Eighteen. Violation of Ordinance. Any Person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 nor more than \$500.00, and each day's violation shall constitute a separate offense. The imposition of such penalty shall in no way restrict or deprive the District of its right to pursue any other remedy it may have for the collection of any delinquent bill for Stormwater User Charges.

Section Nineteen. Stormwater User Charge Review. The Board shall regularly review the Stormwater User needs of the District and Stormwater User Charges, usually as part of a Rate Proposal from the Rate Commission, to assure the appropriateness of the Stormwater User Charges.

Section Twenty. Notice of Rates and Impervious Area. All Owners of Property Served by the Stormwater System shall be notified at the time of a rate increase as to:

- (a) the rate schedule in effect; and
- (b) the Impervious Area of such Owner's Property.

In addition, all Owners of Property Served by the Stormwater System shall be notified of any change in the Impervious Area of such Owner's Property for purposes of

calculating the Stormwater User Charges billed to such Property.

Section Twenty-One. Application of Revenues. All revenues billed and collected from Stormwater User Charges shall be segregated, credited and deposited into a Stormwater Revenue Fund to be established and maintained by the Director of Finance of the District, and shall be used solely to pay for the costs of the operation (including billing, administration and overhead), repair, maintenance, improvement, renewal, replacement and reconstruction of the District's Stormwater System.

Section Twenty-Two. Appeals. Any Person who considers the Stormwater User Charges billed to such Person pursuant to the provisions of this ordinance to be illegal, inaccurate or erroneous, whether to the impervious area calculated or as to whether or not a credit should be applied may request a review thereof by the Director of Finance or his designate. The results of any appeal received prior to January 1, 2009 will apply to all Stormwater User Charges collected to date. The results of any appeal received on or after January 1, 2009 shall be applied starting on the date of receipt of the appeal by the District. The determination by the Director of Finance may be appealed by such Person to the Executive Director, by written notice of appeal filed with the Director of Finance within thirty (30) days of his determination. The determination by the Executive Director shall be considered a final order of the District.

Section Twenty-Three. Judicial Review. Any Person or Persons jointly or severally aggrieved by any final order of the Executive Director of the District may seek judicial review of such decision pursuant to the procedures set forth in Section 12.110 of the District's Plan.

Section Twenty-Four. Adjustment Review Committee. A committee, to be known as the Adjustment Review Committee (ARC), is hereby established and shall meet, at minimum, once a month to conduct its business. The ARC shall be comprised of the voting members which are the District's Director of Finance, Assistant Director of Finance, the Secretary-Treasurer, and General Counsel. Non-voting members are the Accounts Receivable Manager and Audit Administrator.

For purposes of Sections Twenty-Two and Twenty-Seven of this ordinance the following terms as used in this Ordinance shall have the following meanings, unless some other meaning is plainly intended.

- Adjustment - any change in billing resulting from errors and/or changes in circumstances.
- Write-off - an uncollectible amount due the District according to State or Federal Statute or as determined by majority approval of the ARC.
- Settlement - agreement between the customer and the District to alleviate all or part of a delinquent condition.

On a monthly basis, the ARC shall review and properly record in the minutes all prior monthly billing adjustments as approved and presented by the Accounts Receivable Manager. These billing adjustments may result from but are not limited to; misapplied payment, miscalculation of impervious area, incorrect determination of impervious/pervious area, transfer of balance due to bankruptcy notice, new occupant, bank encoding error, or water back-up.

All write-offs or settlements of accounts shall require a majority of the ARC voting members to meet and discuss before approval. No write-off or settlement in excess of Five Thousand Dollars (\$5,000.00) and less than Twenty-five Thousand Dollars (\$25,000.00) shall be effective unless reviewed and approved by three (3) out of the four (4) voting members of the ARC. Any write-off or settlement greater than Twenty-five Thousand Dollars (\$25,000.00) shall require Finance Committee approval or ratification. The suspension of these rules may occur when a time constraint exists and a decision must be made before the next scheduled meeting, or a situation exists from, but not limited to; foreclosure, sheriff or county tax sale, Land Reutilization Authority, Land Clearance for Redevelopment Authority, or discharged bankruptcy. In these instances, no settlements or write-offs in excess of Five Thousand Dollars (\$5,000.00) shall be effective unless reviewed and approved by three (3) out of four (4) voting members of the ARC on an individual basis or at a special meeting as requested by any of the ARC members. All such instances will be reported at the next regularly scheduled meeting of the ARC and recorded in the minutes.

ARC activity will be reported to the Board's Finance Committee on a monthly basis.

The committee shall perform any other such duties relating to billing and collection policies. Such duties shall be reported to the Executive Director and Board of Trustees.

Section Twenty-Five. Severability. The Board hereby declares that if any section, part, sentence or clause of this Ordinance is held invalid, such invalidity shall not affect the remainder of this Ordinance, the Board hereby declaring that it would have enacted the remainder of this Ordinance without regard to that part hereof that may be held invalid.

Section Twenty-Six. Prior Ordinances. This Ordinance shall take the place of and supersede the provisions of all prior ordinances relating to the same subject matter which are herewith inconsistent. This Ordinance shall not be so construed as to relieve any person from the payment of any fee or charge which is due and payable under the provisions of any prior ordinance, nor to bar the collection of same by any and all of the means provided for in said prior ordinance. This Ordinance shall not be so construed as to relieve any person from any penalty heretofore incurred by the violation of any prior ordinance nor to bar the prosecution of any such violation in the manner provided therein.

Section Twenty-Seven. Credit Policy.

Credits may be applied for, per the appeals process described in Section Twenty Two,

under the following conditions:

- (1) A property drains internally resulting in no stormwater runoff to the Stormwater System. In this case, a 50% credit will be applied.
- (2) A property drains directly to the Mississippi, Missouri, or Meramec Rivers without the use of the Stormwater System. In this case, a 50% credit will be applied.
- (3) All or portions of the Stormwater System, as agreed to and at the sole discretion of the District, are maintained by another entity under agreement with the District. In this case, the credit will be based on a calculation of the remaining Stormwater User being provided by the District.

Section Twenty-Eight. Effective Date. The provisions of this ordinance shall be effective from and after the date of its passage.

The foregoing Ordinance was adopted December 13, 2007.

**THE METROPOLITAN ST. LOUIS SEWER DISTRICT
STATEMENT OF POLICY
FOR
MAINTENANCE OF STORMWATER SEWER SYSTEMS AND FACILITIES**

The provisions for adequate drainage in the Metropolitan St. Louis area are necessary to preserve and promote the general health, welfare, and economic well being of the region. Stormwater drainage is a regional feature that affects all governmental jurisdictions and all parcels of property. This characteristic of drainage makes it necessary to formulate a program that includes public and private involvement both from the master planning of new improvements and the costs associated with operation, maintenance, and replacement of existing improvements.

The cost of operation, maintenance, and replacement of Stormwater System is directly affected by the impervious area on each customer's property. The user charge provides the funds needed to provide planning, regulation of new construction, and the operation, maintenance, and replacement of the stormwater system in accordance with the current policy on Stormwater System Maintenance (Base Service). It also provides funding for operation, maintenance, replacement, and improvement to those parts of the Stormwater System not included in the current policy on Stormwater System Maintenance (Enhanced Service).

Any stormwater sewer system or facility or part thereof located in a public right-of-way or easement which is encroached upon will not be maintained, repaired, or replaced until the encroachment is removed by the property owner at the property owner's expense or the property owner receives District approval of the encroachment.

The following summarizes the District's current policy on Stormwater System Maintenance.

A. Unimproved Channels

The District will remove debris, trees, brush, and weeds that significantly obstruct the flow in the channels. Priority will be given to blockages that are in evidence and/or reported causing major flooding.

B. Improved Channels

The District will remove debris, trees, brush, silt, and weeds that significantly obstruct the flow in the channel. The structural integrity of the channel bottoms and sides shall be maintained.

C. Storm Sewers (Enclosed Systems)

The District will clean and maintain all public storm sewers (enclosed systems) that have been dedicated to and accepted by the District for operation and maintenance.

D. Road Culverts and Bridges

The District will not maintain road culverts and/or bridges. This responsibility belongs to the agency or individual that has jurisdiction over the roadway. The District will maintain a road culvert which was installed by the District as an integral part of the storm sewer system.

E. Driveway Culverts

The District will not maintain any driveway culverts.

F. Missouri State Highway Department

The District will not maintain any storm sewers located on State Highway right-of-way, unless they are an integral part of an accepted storm system.

G. Road Inlets

The District does maintain road inlets on systems dedicated and accepted by the District.

H. Trench Drains

The District does not maintain trench drains.

I. Roadside Ditches or Gutters

The District will not maintain roadside ditches or gutters. This responsibility belongs to the agency or individual that has jurisdiction over the roadway.

J. Bars Over Inlets

The District does not allow bars, grating, screens, or any other obstructions to flow to be placed in front of inlets or pipe openings.

K. Weeds

The District only cuts weeds on property owned by the District. The District does not cut weeds on easements.

L. Swales

Yard swales will not be maintained by the District.

M. Fences

The District will maintain fences along improved stormwater channels that were installed in the concrete sides of the channel or installed by the District as an integral part of an improvement.

N. Retention and Detention Basins

The District does not maintain retention or detention basins.

O. Sink Holes

The District shall not maintain sink holes, but will maintain the structures over the sink hole if it is a public system.

In the event a dispute arises as to whether a particular stormwater sewer system or facility or any part thereof should be maintained, repaired, or replaced by the District pursuant to this policy, the decision of the Executive Director shall be final. Any person or persons jointly or severally aggrieved by such decision may appeal such decision in the manner provided for in Section 12.110 of the District's plan.

STORMWATER USER CHARGES

March 1, 2008
Charge

ALL PROPERTIES WITHIN MSD BOUNDARIES:
(per month/per User Account)

Monthly Charge
(per 100 square feet impervious area)

\$.12/100
square feet