

Resolution No. 10-006

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES, ESTABLISHING A STORMWATER UTILITY, ADOPTING A STORMWATER TARIFF AND SETTING FEES AND RATES FOR STORMWATER SERVICES WITHIN THE CITY OF LEWES.

WHEREAS, the Board of Public Works exists so that current and future customers have availability and accessibility to safe, reliable and affordable stormwater collection, management, and treatment services; and

WHEREAS, the Board of Public Works provides these services for life sustaining use while being environmental stewards; and

WHEREAS, pursuant to Sections 4.1 and 4.11 of the Charter of the Board of Public Works, being Chapter 10, Volume 77, Laws of Delaware as amended, the Board of Public Works has the authority to fix rates, assessments, and fees for the utility systems; and

WHEREAS, such rates shall be sufficient to provide for conducting and operating the said utility systems and for payment of debt services incurred by the Board of Public Works; and

WHEREAS, the information contained in the Stormwater Utility Analysis completed by David Athey, P.E. of URS Corp. was presented to the Board of Public Works and was the subject of a public hearing held April 28, 2010; and

WHEREAS, after review and analysis the Board of Public Works has determined that stormwater services shall be a separate division of the Board of Public Works and that rates, fees, assessments and other changes are necessary for stormwater services; and

NOW THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of Lewes, in session met, a quorum pertaining at all times thereto, that the Board of Public Works hereby establishes a Stormwater Utility and adopts the Stormwater Utility Tariff as follows:

STORMWATER UTILITY TARIFF

- 100 Purpose
- 200 Definition
- 300 Stormwater System District Established
- 400 Rates
- 500 Payment of Bills

100 PURPOSE.

The Board of Public Works of the City of Lewes (BPW) finds that the construction, operation and maintenance of the stormwater drainage system within the City of Lewes shall be funded by charging users of property that connects or discharges directly, or indirectly, into the stormwater drainage system. The purpose of this tariff is to establish a Stormwater Utility and to provide a means of funding the construction, operation and maintenance of stormwater management facilities on public property including, but not limited to, detention and retention basins, stormwater sewers, inlets, ditches and drains.

200 DEFINITIONS.

For use in this tariff, unless the context specifically indicates otherwise, the following terms are defined:

Connection

The physical act or process of tapping or discharging, either directly or indirectly, into the public stormwater drainage system for the purpose of draining lands, surfaces, or other private stormwater sources or systems. Connection to the stormwater system also includes the creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of stormwater runoff, and which drains, directly or indirectly, to the stormwater system.

Customer

Any person receiving stormwater service including the owner of the property served and tenants in common. Among such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

Equivalent Residential Unit (ERU)

A unit of stormwater service based on the median drainage load associated with residential property in the City of Lewes¹.

Stormwater System

Any combination of publicly owned stormwater quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of the stormwater system within the City, to which sanitary sewage flows are not intentionally admitted.

User

Any person who uses property that maintains connection to, discharges to, or otherwise receives services from the BPW for stormwater management. The

¹ Currently, the median load is based on 2,250 square feet of impervious surface or equivalent as estimated by the Lewes BPW's consulting engineer.

occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.

300 STORMWATER SYSTEM DISTRICT ESTABLISHED.

Pursuant to Sections 4.1 and 4.11 of the Charter of the Board of Public Works, being Chapter 10, Volume 77, Laws of Delaware as amended, the Board of Public Works has the authority to declare the entire City of Lewes a Stormwater System District for the purpose of establishing, imposing, adjusting and providing for the collection rates for the operation and maintenance of stormwater management facilities. The entire City, as increased from time to time by annexation, shall constitute a single Stormwater System District

400 RATES.

Each customer shall pay for stormwater system service provided by BPW. The rates for the operation and maintenance of the stormwater management facilities shall be collected by imposing a monthly rate on each residential, commercial, and industrial customer within the City Lewes. The Board of Public Works may adopt rules, charges, rates and fees for the use of the public stormwater system, and for services provided by BPW relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension, and replacement of the public system, the costs of bond repayment, regulation, administration, and services of the BPW.

500 PAYMENT OF BILLS.

All Stormwater System District charges are due and payable under the same terms and conditions provided for payment of Water and/or Sanitary Sewer bills.

AND NOW THEREFORE, BE IT FURTHER RESOLVED by the Board of Public Works of the City of Lewes, in session met, a quorum pertaining at all times thereto, that the Board of Public Works hereby adopts the stormwater rate structure and rates retroactive as of June 1, 2010 at 12:01am as follows:

Rate per Equivalent Residential Unit (ERU)

\$5.00 per month

ERUs per Current Rate Class

Residential	One ERU
Commercial	Two ERUs
Industrial	Four ERUs

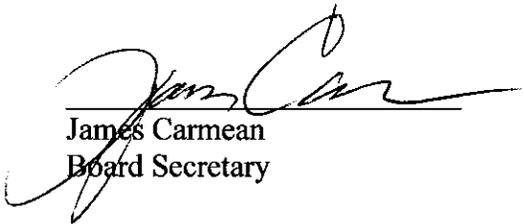
Credit shall be granted for stormwater facilities operated and maintained by others.

PASSED AND ADOPTED, by the Board of Public Works this 30th day of June 2010.



Gary Staley
Board President

ATTEST;



James Carmean
Board Secretary

APPROVED AS TO FORM



Glenn Mandalas
Board Attorney