

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 37.1, STORMWATER MANAGEMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., SERVICE CHARGE, SECTION 37.1-14, SERVICE CHARGE, BILLING, PAYMENT, INTEREST, FEE AND LIEN.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 37.1, Stormwater Management, of the Code of the City of Newport News, Virginia, Article II, Service Charge, Section 37.1-14, Service charge, billing, payment, interest, fee and lien, be, and the same hereby is, amended and reordained, as follows:

CHAPTER 37.1

STORMWATER MANAGEMENT

ARTICLE II. SERVICE CHARGE

Sec. 37.1-14. Service charge, billing, payment, interest, fee and lien.

(a) The levied service charge shall be billed, due and payable in two (2) equal installments. The first installment shall be due on or before the fifth (5th) day of December and the second installment shall be due on or before the fifth (5th) day of June. Any parcel or dwelling unit owner who has remitted payment of the service charges and believes that it is incorrect may submit an adjustment request as provided for in this article.

(b) The service charge is to be paid by the owner of each parcel or dwelling unit that is subject to the charge. The owner of each parcel or dwelling unit in the city, except undeveloped property, shall be mailed a statement for the stormwater service charges. The statements shall include a date by which payment shall be due. All statements shall be mailed at least thirty (30) days prior to the payment due date stated thereon. Payments received after the due date of the bill shall be subject to interest as established in this article.

(c) The service charge due the city from property owners for stormwater management shall be based on the ERU rate of ~~one hundred thirty-five~~ one hundred thirty-nine dollars and twenty cents (~~\$135.00~~139.20) per ERU per year. When applicable, the service charge shall be prorated at ~~eleven dollars and twenty-five cents~~ eleven dollars and sixty cents (~~\$11.25~~11.60) per ERU per month.

(d) Any bill which has not been paid by the due date shall be deemed delinquent. Unpaid service charges and accrued interest shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. All charges and interest due may be recovered by action at law and/or suit in equity. For delinquent charges, interest thereon shall commence on the first day of the month following the due date and shall accrue at the rate of ten (10) percent per annum until such time as the delinquent charges and accrued interest are paid.

(e) When previously undeveloped properties are brought into the system or in the event of alterations or additions to developed multifamily property or developed other property that alter the amount of impervious surface and/or the number of dwelling units, a service charge will accrue as determined by the director:

- (1) Upon substantial completion of the improvements; or
- (2) In the event completion of the improvements is not diligently pursued, upon establishment of the impervious area or dwelling units that affect stormwater runoff. A statement will be issued and said charges will be prorated for the number months for which the parcel is subject to the service charge.

(f) Prior to the adoption of any ordinance pursuant to this section related to the enlargement, improvement or maintenance of privately owned dams, notice consistent with Virginia Code §15.2-1427 shall be given and a public hearing held.

2. That this ordinance shall be in effect on and after July 1, 2017.