

**CITY OF WEST POINT, KY.**  
**ORDINANCE 2023-09**  
**Amending Ordinance 2011-04**

AN ORDINANCE AMENDING CHAPTER 54 OF THE CITY OF WEST POINT CODE OF ORDINANCES ESTABLISHING A STORM WATER UTILITY AND METHOD OF DETERMINING STORM WATER FEES AND RELATED ACTIVITIES.

WHEREAS, the City of West Point has reviewed and studied the issue of storm water runoff and the ability of the City to cope with this natural phenomenon, and

WHEREAS, the City of West Point is required by the state legislature to develop a stormwater runoff plan, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST POINT AS FOLLOWS:**

Section 1. Definitions. The following words, terms and phrases, when used in this chapter shall have meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Active Water Service Account means an account with or without water meter that is current with a service contract.

Charges are the amounts in money due and payable for storm water service rendered to customers of West Point Municipal Utilities in the ordinary and regular course of business according to the rates fixed by the appropriate ordinances.

Equivalent Rate Units (ERU) means the basic unit for the computation of storm water service fee. All single-family dwelling units are considered one (1) ERU regardless of the actual lot or structure size and are considered to have an average impervious area of three thousand square feet. Non-residential/commercial property shall be determined by square footage of impervious surface and by the City of West Point and the administrative, technical and operational personnel thereof and its designated agents or assigns.

Impervious Area shall mean the horizontal-projected plane of roof, paved areas, and other impervious surfaces, but does not include non-permanent structures such as temporary buildings and tents. Also excluded are all lawns; landscape areas; gardens or farming areas; swimming pools, ponds, lakes; and storm water retention and detention basins.

Multi-family residential properties shall include all duplex, tri-plex, four-plex, condominium, mobile home parks, apartments and other properties containing more than one (1) dwelling unit but less than five dwelling units. Any residential units consisting of five or more units shall be

considered commercial property. Also included are residential unit(s) in a multi- occupancy building of a predominately non-residential/commercial nature, such as multi-story building with retail, office, and residential uses. Common areas associated with such properties shall be included in the charge to the "multi-family" units on said properties.

Non-residential/commercial property shall include all property zoned or used for commercial, industrial, retail, governmental, or other non-residential purposes and shall include all developed real property in the City of West Point service area not classified as single-family or multi-family as defined in this section.

Public Entity shall include any federal, state, or local government agency and any instrumentality of such agency created by state or local statute, executive order, ordinance, resolution, or other legislative act, to perform a purely public purpose.

Single-family property shall include all single-family detached housing units. Attached single family dwellings served by individual water meters shall also be considered under this category. All other residential developments shall be classified as "multi-family".

#### Section 2. Storm water Fees

(a) All properties of record within the city of West Point shall pay a monthly storm water fee based on the contribution to storm water runoff which shall be based on the impervious areas of the properties. Impervious areas shall be expressed in Equivalent Rate Units.

(b) Each dwelling unit on single-family property shall be considered one (1) ERU for billing purposes.

(c) The monthly storm water fee for all multi-family properties shall be as follows:

Duplex, Tri-plex, or Four-plex units = 1 ERU per dwelling unit

Condominium units = 1 ERU per dwelling unit

Apartments = .5 ERU per dwelling unit

Mobile Homes = .5 ERU per lot space

(d) The monthly storm water fee for all non-residential/commercial property shall be determined by measuring the total square footage of all impervious surface area as follows:

The total impervious area shall be divided by three thousand square feet to determine the equivalent rate unit. Impervious area determinations shall be rounded to the nearest whole number ERU. A fee \$3.50 per ERU will be charged for the first 60,000 square feet of each property and \$1.42 per ERU for all impervious area over 60,000 square feet.

(e) The storm water fee shall be \$3.50 per ERU.

(f) Storm water fees set by this ordinance will revert to the fees established by Ordinance 2011-04 on June 30, 2027, unless amended by future ordinance.

Section 3. Public Property Exemption. All publicly owned paved streets, roadways, and sidewalks shall not be subject to any storm water fee.

Section 4. Billing of new accounts.

(a) In the event a property shall not have utility service but is deemed to be contributing runoff to the City's storm water management system, a new account shall be developed, and that property shall be billed for the storm water fees.

(6) For new developments and/or as other special circumstances may require all non-residential/commercial properties for which the actual impervious areas have not been determined shall pay a minimum monthly fee based on one (1) ERU until the actual impervious areas are determined.

Section 5. Storm Water Management Fund.

(a) Fees collected pursuant to this Division shall be used exclusively by the City of West Point for the purpose of paying for all components and activities of the storm water management and water quality program.

(b) Expenditures for purposes that are not related to the City of West Point management program shall not be permitted except as authorized by the city.

Section 6. Credit Based on Reduction of Impact.

(a) A twenty percent (20%) reduction shall be applied for developments that design detention or retention basins for a 50-year, 24-hour duration rain fall event.

(b) A thirty percent (30%) reduction shall be applied for developments that design detention or retain basins for a 100-year, 24-hour duration rain fall event.

(c) Developments that have provided detention or retention basins since July 1, 1999, that were approved by the City of West Point shall receive a twenty percent (20%) reduction.

(d) Public entities that have constructed stormwater detention or retention structures shall receive a 100% credit for the development in the year constructed. The credit can carry forward for a period of two (2) years if it exceeds the annual stormwater utility fee.

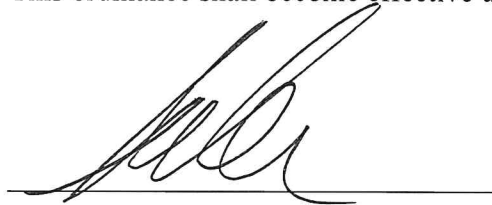
Section 7. Appeals.

(a) Any customer or property owner who believes that the storm water fee for his/her property has been assigned or computed incorrectly may petition in writing to the City of West Point for a review of said charges.

(b) The City of West Point shall be responsible for establishing an appeal process to review and adjudicate appeals. Any credits authorized by the appeal process shall only be effective against billings subsequent to the date of authorization.

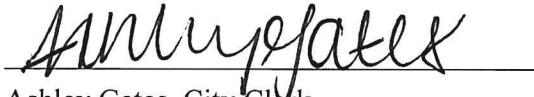
Section 8. Effective Date.

This ordinance shall become effective upon passage and publication on April 1, 2024

A handwritten signature in black ink, appearing to read 'R. Ciresi', written over a horizontal line.

Richard A. Ciresi, Mayor  
City of West Point

Attest:

A handwritten signature in black ink, appearing to read 'Ashley Gates', written over a horizontal line.

Ashley Gates, City Clerk  
City Of West Point.

Introduced by the City Council on January 8, 2024

The first reading of this ordinance was held on January 8, 2024

The second reading of this ordinance was held on February 12, 2024