

ORDINANCE NO. 2003- 0200

1
2
3 AN ORDINANCE OF THE CITY OF TAMPA MAKING COMPREHENSIVE CHANGES
4 TO CHAPTER 21, CITY OF TAMPA CODE RELATING TO STORMWATER
5 MANAGEMENT; AMENDING SECTION 21-2 BY ESTABLISHING LEGISLATIVE
6 FINDINGS; AMENDING SECTION 21-4 DEFINITIONS; AMENDING SECTION 21-5
7 PROVIDING ADMINISTRATIVE AUTHORITY; AMENDING SECTION 21-9 THE
8 PROTECTION OF PUBLIC DRAINAGE SYSTEMS; AMENDING SECTIONS 21-46
9 AND 21-47 PERTAINING TO FEES AND ASSESSMENTS; ENACTING ARTICLE IV,
10 SECTIONS 21-117-21-139; PROVIDING FOR THE CREATION OF A STORMWATER
11 UTILITY; PROVIDING FOR THE IMPOSITION AND COLLECTION OF
12 STORMWATER CHARGES, INCLUDING STORMWATER SERVICE ASSESSMENTS,
13 STORMWATER IMPROVEMENT ASSESSMENTS AND STORMWATER FEES;
14 PROVIDING FOR MITIGATION CREDITS; PROVIDING PROCEDURES FOR
15 ADOPTION, COLLECTION, AND CORRECTION AND REVISION FOR
16 STORMWATER CHARGES, AUTHORIZING LIENS AGAINST ASSESSED
17 PROPERTY, AUTHORIZING THE ISSUANCE OF OBLIGATIONS, CREATING A
18 STORMWATER UTILITY FUND, PROVIDING FOR THE REPEAL OF ALL
19 ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING AN
20 EFFECTIVE DATE.

21
22 WHEREAS, the City of Tampa (City) is responsible for the management and maintenance
23 of the City Stormwater Management System which has been developed for the purpose of collection,
24 storage, treatment, and conveyance of stormwater; and
25

26 WHEREAS, the City has, pursuant to Chapter 163, *Florida Statutes*, adopted the
27 Stormwater Management Element of the Tampa Comprehensive Plan which sets forth goals that
28 make it necessary and essential to construct improvements and extensions to the existing Stormwater
29 system so the collection, storage, treatment, and conveyance of Stormwater within the City
30 adequately protects the health, safety, and welfare of the citizens of the City; and
31

32 WHEREAS, the creation and maintenance of the Stormwater Utility is designed to
33 implement the Stormwater Management Element and other municipal, federal and state policies
34 mandating Stormwater management programs by local governments; and
35

36 WHEREAS, the Stormwater Management Element sets forth goals which make it
37 necessary and essential to construct improvements and extensions to the existing system so the
38 collection, storage, treatment, and conveyance of stormwater within the City adequately protects
39 the health, safety, and welfare of the citizens of the City of Tampa; and
40

41 WHEREAS, the Federal Clean Water Act (33 USC 1251 et seq.) requires political entities
42 having populations of 250,000 or more to implement stormwater management programs; and

1.

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and correct copy.

2003-NC421

1
2 **WHEREAS**, pursuant to the Federal Clean Water Act requirements, the United States
3 Environmental Protection Agency has adopted rules for stormwater outfall permits (40 CFR Part
4 122 et al); and
5

6 **WHEREAS**, the Florida Legislature has adopted these rules by reference (62-624, F.A.C.)
7 and the City has obtained a National Pollutant Discharge Elimination System (NPDES) permit
8 pursuant to those rules; and
9

10 **WHEREAS**, it is necessary and essential that the City address various environmental
11 issues that will further burden its infrastructure requirements; and
12

13 **WHEREAS**, pursuant to Article VIII, section 2(b), Florida Constitution, and sections
14 166.021 and 166.041, Florida Statutes, the City has all powers of local self-government to perform
15 municipal functions and render municipal services except when prohibited by law, and such power
16 may be exercised by the enactment of legislation in the form of City ordinances; and
17

18 **WHEREAS**, the Council may exercise any governmental, corporate, or proprietary power
19 for a municipal purpose except when expressly prohibited by law, and the Council may legislate on
20 any subject matter on which the Florida Legislature may act, except those subjects described in (a),
21 (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c),
22 and (d) of section 166.021(3), Florida Statutes, are not relevant to the imposition of Stormwater
23 Charges by the City; and
24

25 **WHEREAS**, the City has the authority pursuant to section 403.0893, Florida Statutes to
26 create a Stormwater Utility and fund the construction, operation, maintenance, and administration
27 of said utility. The Stormwater funding mechanism is consistent with that section. That statutory
28 provision is an additional and supplemental authority to the constitutional and statutory power of
29 self-government granted to a municipality; and
30

31 **WHEREAS**, the Hillsborough County-City Planning Commission conducted a public
32 hearing on a substantially similar Ordinance, and made a finding that it is consistent with the Tampa
33 Comprehensive Plan; and
34

35 **WHEREAS**, duly noticed public hearings as required by law were held by the City Council
36 of the City of Tampa, Florida; and
37

38 **WHEREAS**, all parties in interest and citizens were afforded notice and an opportunity to
39 be heard at said hearings.
40

41 NOW, THEREFORE,
42

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1 BE IT ORDAINED BY THE CITY COUNCIL
2 OF THE CITY OF TAMPA, FLORIDA:

3
4 **Section 1.** That Section 21-2, Purpose, shall be amended by adding the underlined language
5 and deleting the stricken language as follows:

6
7 **“Sec. 21-2. Legislative findings, intent, and Purpose.**

- 8
9 (a) The purposes of this chapter is are to
- 10 (1) protect the health, safety, and welfare of the general public through the administration
11 and regulation of earthwork and drainage;
 - 12 (2) provide procedures and standards for the imposition of Stormwater Charges under the
13 constitutional and statutory power of the City;
 - 14 (3) authorize a procedure for the funding of Stormwater Management Services and
15 Stormwater Charges within a Stormwater Service Area;
 - 16 (4) provide procedures and standards for the funding of Stormwater Improvements within
17 a Stormwater Improvement Area; and
 - 18 (5) provide procedures and standards to determine the fair, equitable, and reasonable
19 charge for the Stormwater Fees charged to Government Property to fund the regulation
20 of Stormwater Management Services provided to such property.
- 21
- 22 (b) The Stormwater Utility, the Stormwater Management Services and the Stormwater
23 Improvements provide a special benefit to Assessed Property or Government Property
24 based upon the following legislative findings:
- 25
26 (1) The Stormwater Utility possesses a logical relationship to the use and enjoyment of all
27 Developed Property by treating and controlling contaminated Stormwater generated by
28 improvements constructed on Developed Property, which resulted in the alteration of
29 such property from its natural state.
 - 30 (2) The special benefit received or burden created by Assessed Property or the reasonable
31 relationship to the benefit received or burden created by Government Property is the
32 collection, storage, control, management, treatment, and conveyance of the Stormwater
33 burden generated by the improvements on Developed Property.
 - 34 (3) Substantially all of the Stormwater burden managed, controlled and treated by the
35 Stormwater Utility is generated by Developed Property and the amount of Stormwater
36 generated by property in its natural state that is managed, controlled and treated by the
37 Stormwater Utility is inconsequential.
 - 38 (4) The Stormwater Fee as authorized to be calculated herein and charged to Government
39 Property bears a reasonable relationship to the cost of providing Stormwater

1 Management Services, including of Stormwater generated by Government Property as
2 Developed Property.

3 (5) The Whereas clauses are hereby incorporated herein by reference.”

4
5 **Section 2.** That Section 21-4, Definitions, shall be amended by adding the underlined language
6 and deleting the stricken language as follows:

7
8 **“Sec. 21-4. Definitions.**

9
10 For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives
11 shall have the following meanings:

12
13 Annual Stormwater Resolution means the resolution described in Sec. 21-129 hereof, approving a
14 Stormwater Roll for a specific Fiscal Year.

15
16 Assessed Property means all parcels of real property included on the Stormwater Roll that receive
17 a special benefit from the Stormwater Improvements and Stormwater Management Services
18 identified in a Final or Annual Stormwater Resolution.

19
20 Borrow pits means the excavation and off-site hauling (to the site of another property owner) of
21 sand, soil, peat, clay, stone, shell and the like in quantities of more than ten thousand (10,000)
22 cubic yards.

23
24 Capital Cost means the cost associated with the construction, acquisition, installation,
25 reconstruction, renewal or replacement of Stormwater Improvements including without limitation:
26 (a) the cost of physical construction, reconstruction, renewal, replacement or completion; (b) the
27 costs of acquisition and installation; (c) the cost of all labor, materials, machinery and equipment,
28 including costs associated with the acquisition thereof; (d) the cost of all lands and interest therein,
29 property rights, and easements of any nature whatsoever, including costs associated with the
30 acquisition thereof; (e) the cost of any indemnity or surety bonds and premiums for insurance during
31 construction; (f) the cost of construction plans and specifications, surveys and estimates of costs; (g)
32 the cost of engineering, legal and other consultant services; (h) reasonable contingencies for
33 construction cost increases and change orders; and (i) all other expenses that are properly attributable
34 to such acquisition or construction under generally accepted accounting principles; and including
35 reimbursement to the City or to a landowner or developer as authorized by any other City ordinance
36 for any moneys heretofore or hereafter advanced for Capital Cost and interest on any interfund loan
37 for such purposes.

38
39 Clerk means the City Clerk, or such other person as may be duly authorized to act on such person's
40 behalf.

41
42 Comprehensive Plan means the comprehensive plan adopted by the City pursuant to Chapter 163,

1 Part II, Florida Statutes.

2
3 *Department* means the Stormwater department ~~of sanitary sewers~~ having jurisdiction and
4 cognizance over the stormwater management division therein and its matters relating to the use,
5 management, operation and maintenance of the Stormwater Services and system.

6 *Department of Revenue (DOR) code* means those Florida Department of Revenue codes classifying
7 land use as defined by Rule 12D-8-008(2)(a) F.A.C., as may be amended from time to time.

8
9 *Detention pond* means a stormwater facility designed to capture and limit stormwater flow (by
10 releasing it at a reduced rate) in order to reduce downstream impacts or improve its quality.

11
12 ~~*Detention storage* means storm runoff collected and stored for a short period of time, then released~~
13 ~~at a rate much less than the inflow rate.~~

14
15 *Developed Property* means property that has been developed with Impervious Area.

16
17 ~~*Director* means the director of the city department of sanitary sewers, who shall be responsible for~~
18 ~~the management of the affairs of such department.~~

19
20 *Director* means the director of the city Stormwater Department, including the utility therein, who
21 shall be responsible for the management of the affairs of such department, or his designee.

22
23 *Drainage system* means the surface and subsurface system for the removal of water from or control
24 of water on the land, including both the natural elements of streams, marshes, swales and ponds,
25 whether of an intermittent or continuous nature, and manmade elements which include culverts,
26 ditches, channels, piping and storage facilities. The storm sewer system may be referred to as
27 stormwater management facilities, conveyance system, etc.

28
29 ~~*Dwelling unit* means a single unit or apartment providing complete, independent living facilities~~
30 ~~for one or more persons including permanent provisions for living, sleeping, eating, cooking, and~~
31 ~~sanitation room or group of rooms forming a single independent habitable unit used for or intended~~
32 ~~to be used for living, sleeping, sanitation, cooking and eating purposes by one (1) family only; for~~
33 ~~owner occupancy or for rental, lease or other occupancy on a weekly or longer basis; and~~
34 ~~containing independent kitchen, sanitary and sleeping facilities.~~

35
36 *ESFIA* means "equivalent square footage of impervious surface," (also known as an "ESU" or an
37 "Equivalent Stormwater Unit") the standard unit used to express the Stormwater burden expected
38 to be generated by each parcel of property, after taking into consideration any mitigation of the
39 Stormwater burden that results from privately maintained Stormwater Mitigation Facilities and other
40 factors affecting the quantity, quality, or rate of Stormwater runoff.

1 Excavation means the action or process of creating a depression or hole in the ground of two (2) feet
2 or greater in depth by moving and/or removing the soil.

3
4 Final Stormwater Resolution means the resolution described in Sec. 21-128 hereof, which shall
5 confirm, modify or repeal the Initial Stormwater Resolution and which shall be the final proceeding
6 for the imposition of the initial Stormwater Charges.

7
8 Fiscal Year means the period commencing on October 1 of each year and continuing through the
9 next succeeding September 30, or such other period as may be prescribed by law as the fiscal year
10 for the City.

11
12 Government Property means property owned by the United States of America, the State of Florida,
13 a sovereign state or nation, a county, a special district, a municipal corporation, or any of their
14 respective agencies or political subdivisions.

15
16 Grading means the action or process of changing the elevation contour of property.

17
18 Impervious Area means hard surfaced areas which either prevent or severely restrict the entry of
19 water into the soil mantle and/or cause water to run off the surface in greater quantities or at an
20 increased rate of flow from that present under natural conditions prior to development. Common
21 impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas,
22 driveways, parking lots, storage areas and other surfaces which similarly affect the natural infiltration
23 or runoff patterns which existed prior to development.

24
25 Initial Stormwater Resolution means the resolution described in Sec. 21-124 hereof, which shall be
26 the initial proceeding for the imposition of the Stormwater Charges.

27
28 Mine means a pit or excavation in the earth from which minerals or earthen products are taken for
29 use elsewhere.

30
31 Mitigation Credit means a credit applied to a Stormwater Charge for a Developed Property in
32 consideration of the on-site management of the Stormwater burden as a consequence of the location
33 of a Mitigation Facility or in consideration of discharge to an non-City stormwater system or for the
34 conveyance and/or treatment of City Stormwater.

35
36 Mitigation Facility means a manmade facility or structure on the site of a Developed Property which,
37 by its design and function, retains Stormwater on-site and thus generates less volume of Stormwater
38 from the site or produces Stormwater runoff at a lower rate or with less pollutants than would be the
39 case in the absence of such facilities or structure.

40
41 Obligations means a series of bonds or other evidence of indebtedness including but not limited to,
42 notes, commercial paper, capital leases or any other obligations of the City issued or incurred to

1 finance any portion of the Capital Cost of a Stormwater Improvement and secured, in whole or in
2 part, by proceeds of the Stormwater Improvement Assessments.

3
4 *Owner, tenant, occupant* shall include the heirs, personal representatives, successors and assigns
5 of the person referred to, and the covenants and agreements contained in any contract between the
6 department and its consumers should be binding upon and inure to the benefit of the heirs, personal
7 representatives, successors or assigns of the respective persons thereto.

8
9 *Pledged Revenue* means as to any series of Obligations, (a) the proceeds of such Obligations,
10 including investment earnings, (b) proceeds of the Stormwater Improvement Assessments pledged
11 to secure the payment of such Obligations, and (c) any other legally available non-ad valorem
12 revenue pledged to secure the payment of such Obligations, as specified by the resolution authorizing
13 such Obligations.

14
15 *Project Cost* means (a) the Capital Cost of a Stormwater Improvement which may or may not
16 include the following, (b) the Transaction Cost associated with the Obligations to finance the
17 Stormwater Improvement, (c) interest accruing on such Obligations for such period of time as the
18 City deems appropriate, (d) the debt service reserve fund or account, if any, established for the
19 Obligations which financed the Stormwater Improvement, and (e) any other costs or expenses related
20 thereto.

21
22 *Property Appraiser* means the Hillsborough County Property Appraiser.

23
24 *Public drainage system* means drainage systems located in and/or draining water from public
25 rights-of way or easements.

26
27 ~~*Retention/detention pond* means any excavation or contour of earth designated or intended for the~~
28 ~~retention or detention of stormwater or any natural contour which retains or detains stormwater.~~

29
30 *Retention Pond* means a stormwater facility that has no structural outfall and the discharge from
31 which is limited to percolation, evaporation, and evapo-transpiration.

32
33 *Retention storage* means storm runoff collected and stored with no release other than evaporation
34 or infiltration to the ground.

35
36 *Service area* means the corporate limits of the city.

37
38 *Stockpile, permanent* means the storage of soil or earthen products as a business function,
39 unrelated to any one (1) special site and with no foreseen end in accordance with a site earthwork
40 and drainage plan.

41
42 *Stockpile, temporary* means the short-term storage of soil or earthen products during construction

1 activities of a specific site in accordance with a site earthwork and drainage plan.

2
3 Stormwater means the flow of water which results from, and which occurs following, a rainfall
4 event.

5
6 Stormwater Assessment means either a Stormwater Improvement Assessment, a Stormwater Service
7 Assessment, or both.

8
9 Stormwater Basin means a part of the earth's surface that contributes Stormwater runoff to a drainage
10 system, which consists of diffuse surface waters, together with all natural or artificial tributary
11 surface streams and/or bodies of impounded surface water.

12
13 Stormwater Basin Plan means a policy document that is adopted by the Council for each Stormwater
14 Basin or hydrologic subarea thereof in which Stormwater Improvements are proposed and that
15 provides for implementation of the Stormwater Master Plan.

16
17 Stormwater Charge means the Stormwater Assessments and/or the Stormwater Fee.

18
19 Stormwater Fee means a fee reasonably related to service provided by the City to Government
20 Property to fund all or any portion of the Stormwater Service Cost for Government Property at a just,
21 fair, reasonable, and equitable rate based upon such property's Stormwater burden, the reasonable
22 relationship to benefits received, and the reasonable cost of providing Stormwater Management
23 Services to such property. The Stormwater Fee imposed against Government Property is not a special
24 assessment; it is a regulatory fee imposed for the Stormwater Management Service provided to
25 Government Property as Developed Property by the City's Stormwater Utility.

26
27 Stormwater Improvement means land, capital facilities and improvements acquired or provided to
28 detain, retain, convey or treat Stormwater.

29
30 Stormwater Improvement Area means one or more Stormwater Basins, or any portion or portions
31 thereof, as identified in the Initial Stormwater Resolution, encompassing those parcels of property
32 specially benefited by the construction, reconstruction or installation of all or any portion of a
33 Stormwater Improvement that removes, detains, retains or treats, in whole or in part, the Stormwater
34 burden expected to be generated by the physical characteristics and use of the Assessed Property.
35 Each Stormwater Improvement Area will include either (a) the property which is hydrologically
36 connected, directly or indirectly, to a Stormwater Improvement, or (b) all property located within a
37 hydrologically defined area in which the City constructs one or more Stormwater Improvements
38 pursuant to a Stormwater Basin Plan to correct existing deficiencies with respect to a specific level
39 of service and provide a consistent level of Stormwater management.

1 Stormwater Improvement Assessment means a special assessment imposed by the City within a
2 Stormwater Improvement Area to fund the Capital Cost or the debt service and related cost of
3 Obligations issued to finance the Project Cost of a Stormwater Improvement.
4

5 Stormwater Management Service means (a) management and administration of the City's
6 Stormwater Utility; (b) Stormwater program engineering; (c) Stormwater Basin planning; (d)
7 Stormwater Improvements to be acquired or constructed during a single Fiscal Year without the
8 issuance of any Obligations, except that budgeted and funded projects may overlap fiscal years; (e)
9 operating and maintaining the City's capital facilities for Stormwater management, including
10 extraordinary maintenance; (f) billing and collection of Stormwater Charges, including customer
11 information services and reserves for statutory discounts; (g) permitting, inspecting and reviewing
12 of plans; and (h) legal, engineering and other consultant services.
13

14 Stormwater Roll means the roll created that includes all parcels within the City and their assigned
15 Stormwater Charge relating to Stormwater Improvements or Stormwater Management Services
16 approved by a Final Stormwater Resolution or an Annual Stormwater Resolution pursuant to Secs.
17 21-128 and 21-129 hereof.
18

19 Stormwater Service Area means the geographic area described in the Initial Stormwater Resolution
20 that encompasses all parcels within the City which specially benefit from the Stormwater
21 Management Service and all parcels to which Stormwater Management Services are provided.
22

23 Stormwater Service Assessment means a special assessment imposed by the City within the
24 Stormwater Service Area to fund the Stormwater Service Cost.
25

26 Stormwater Service Cost means the estimated amount for any Fiscal Year of all expenditures and
27 reasonable reserves that are properly attributable to the Stormwater Management Service provided
28 within the Stormwater Service Area under generally accepted accounting principles.
29

30 Stormwater system means the appurtenances, facilities, equipment and services necessary for the
31 collection, treatment, storage and conveyance of storm and surface waters.
32

33 Stormwater Utility means the entity established by Sec. 21-117 hereof to implement the Stormwater
34 management program of the City.
35

36 Tax Collector means the Hillsborough County Tax Collector.
37

38 Tax Roll means the real property ad valorem tax assessment roll maintained by the Property
39 Appraiser for the purpose of the levy and collection of ad valorem taxes.
40

41 Transaction Cost means the costs, fees and expenses incurred by the City in connection with the
42 issuance and sale of any series of Obligations, including but not limited to (a) rating agency and other

1 financing fees; (b) the fees and disbursements of bond counsel; (c) the underwriters' discount; (4)
2 the fees and disbursements of the City's financial advisor; (d) the costs of preparing or printing the
3 Obligations and the documentation supporting issuance of the Obligations; (e) the fees payable in
4 respect of any municipal bond insurance policy; and (f) any other costs of a similar nature incurred
5 in connection with issuance of such Obligations.

6
7 Uniform Assessment Collection Act means sections 197.3632 and 197.3635, Florida Statutes, or any
8 successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad
9 valorem taxes, and any applicable regulations promulgated thereunder.

10
11 Year means calendar year from January 1, to December 31.”
12

13
14 **Section 3.** That Section 21-5, Administrative Authority, shall be amended by adding the
15 underlined language and deleting the stricken language as follows:

16
17 **“Section 21-5, Administrative Authority.**

18
19 The provisions of this chapter shall be administered and enforced by the official. For purposes of
20 administration of the provisions of this chapter, the official’s designee shall be the director of the
21 ~~sanitary sewer department~~ Stormwater Department. This Ordinance shall be deemed to provide
22 an additional and alternative method for the doing of the things authorized hereby and shall be
23 regarded as supplemental and additional to powers conferred by other laws, and shall not be
24 regarded as in derogation of any powers now existing or which may hereafter come into existence.
25 This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally
26 construed to effect the purposes hereof.”
27

28
29 **Section 4.** That Section 21-9, Protection of public drainage systems, shall be amended by
30 adding the underlined language and deleting the stricken language as follows:

31
32 **“Sec. 21-9. Protection of public drainage systems.**

33
34 It is unlawful to introduce any foreign matter (including, but not limited to, trash, leaves, grass
35 clippings, debris, garbage, fill, construction materials, organic or inorganic pollutants, acids, and
36 petroleum products), whether by action or inaction, to any public drainage system including but
37 not limited to streets. It is a public nuisance for any person to damage, obstruct or interfere with
38 the operation of any public drainage system, whether by action or inaction.”

39
40 **Section 5.** That Section 21-46, Fees – City Council to establish, shall be amended by adding
41 the underlined language and deleting the stricken language as follows:
42

1 **“Sec. 21-46. Fees and assessments – City council to establish.**
2

3 The city council shall have the authority to set fees and assessments by resolution. The city council
4 may follow the provisions set forth in Florida Statutes Chapter 197.3632, as may be amended from
5 time to time, to establish assessments by resolution.”
6

7 **Section 6.** That Section 21-47, Same – types enumerated, shall be amended by adding the
8 underlined language:
9

10 **“Sec. 21-47. Same--Types enumerated.**

11
12 (a) Fees may be charged for the following:
13

- 14 (1) Residential drainage and earthwork permit fee;
- 15 (2) Commercial drainage and earthwork permit fee;
- 16 (3) Miscellaneous drainage and earthwork permit fee;
- 17 (4) Special excavation and earthwork fee;
- 18 (5) Inspection fee;
- 19 (6) Re-inspection fee;
- 20 (7) Culvert design fee;
- 21 (8) Stormwater Fees for government property;

22
23 (b) Stormwater Assessments may be charged for the following:
24

- 25 (1) Non-government developed property.”
26

27 **Section 7.** That Article IV entitled "Creation of Stormwater Utility, Imposition and Collection
28 of Stormwater Charges," Sections 21-117 through Section 21-139 is hereby created as follows:
29

30 **"ARTICLE IV. CREATION OF STORMWATER UTILITY, IMPOSITION AND**
31 **COLLECTION OF STORMWATER CHARGES.**
32

33 DIVISION I. CREATION OF STORMWATER UTILITY
34

35 **Sec. 21-117. Creation of Stormwater Utility**
36

37 There is hereby established a Stormwater Utility, which shall be a portion of the operational means
38 of implementing and performing the functional requirements of the City’s Stormwater management
39 system to construct or acquire Stormwater Improvements and provide Stormwater Management
40 Services. The Stormwater Utility shall provide administration and management services in: the
41 operation and maintenance of Stormwater Management Services; the preparation of Stormwater
42 studies and the implementation of the Stormwater Utility; the regulation of Stormwater Basins; and

1 the repair, replacement, improvement and extension, of the City's capital facilities for Stormwater
2 management.

3
4 **Sec. 21-118. Stormwater Utility Fund.**

5
6 There shall be established a Stormwater Utility Fund as a "special revenue fund" because a periodic
7 determination of revenues earned and expenses incurred in connection with the provision of services
8 and capital facilities for Stormwater management will enhance accountability and management
9 control of the City's Stormwater Utility. Proceeds of the Stormwater Service Assessment and
10 Stormwater Fees shall be used for payment of Stormwater Management Services.

11
12
13 DIVISION II. IMPOSITION OF STORMWATER CHARGES

14
15 **Sec. 21-119. Stormwater Charges.**

16
17 Stormwater Charges are composed of Stormwater Assessments, (which includes Stormwater Service
18 Assessments and /or Stormwater Improvement Assessments) and Stormwater Fees.

19
20 **Sec. 21-120. Imposition of Stormwater Service Assessments.**

21
22 (a) The Stormwater Service Cost may be assessed against Developed Property located within
23 the Stormwater Service Area at a rate of assessment based upon the special benefit accruing to such
24 property from the Stormwater Management Service provided by the City, measured by the number
25 of ESFIAs attributable to each parcel or classification of property.

26
27 (b) Notwithstanding the foregoing, if the Council specifically determines that any portion of the
28 Stormwater Service Area receives a distinct special benefit from any component of the Stormwater
29 Management Service that is materially different in kind or degree from the special benefit received
30 by other portions of the Stormwater Service Area, the Stormwater Service Cost related to such
31 component shall be assessed against the portion of the Stormwater Service Area receiving the
32 distinct special benefit.

33
34 **Sec. 21-121. Imposition of Stormwater Improvement Assessments.**

35
36 (a) Stormwater Improvement Assessments may be imposed to fund all or any portion of the
37 Capital Cost or the debt service and related cost of Obligations issued to finance the Project Cost of
38 a Stormwater Improvement identified in any Stormwater Basin Plan. Stormwater Improvement
39 Assessments to fund the Capital Cost or the debt service and related cost of Obligations issued to
40 finance the Project Cost of each Stormwater Improvement may be imposed against all parcels of
41 property within the Stormwater Improvement Area at a rate of assessment based upon the special

1 benefit accruing to such property from the Stormwater Improvement, measured by the number of
2 ESFIAs attributable to each parcel or classification of property.

3
4 (b) If Stormwater Improvement Assessments are imposed to fund the debt service and related
5 cost of Obligations issued to finance the Project Cost of a Stormwater Improvement, the Stormwater
6 Improvement Assessment may include the amount required to fund any amounts withdrawn during
7 the prior Fiscal Year from any debt service reserve account established for Obligations and the
8 amount of any principal of and interest on Obligations that has become due and remains unpaid.

9
10 **Sec. 21-122. Imposition of Stormwater Fees.** A Stormwater Fee may be levied on and collected
11 from all Government Property that is Developed Property within the Stormwater Service Area to
12 fund all or any portion of the Stormwater Service Cost for Government Property at a just, fair,
13 reasonable, and equitable rate based upon such property's Stormwater burden and the reasonable cost
14 of providing Stormwater Management Services to such property. The rate of the Stormwater Fee
15 for each classification of Government Property shall be determined based upon each property's
16 individual number of ESFIAs based upon that property's amount of Impervious Area.

17
18 **Sec. 21-123. Mitigation Credit.** The Council may, by separate resolution, or in any Initial
19 Stormwater Resolution or any Annual Stormwater Resolution, establish a Mitigation Credit for a
20 Stormwater Charge. The calculation of a mitigation credit may be based upon, but not limited to, the
21 following factors: onsite Mitigation Facilities; discharge to a system other than the City's; and the
22 receipt, treatment and collection of City Stormwater. In order to qualify for a mitigation credit the
23 property owner shall provide the City with an engineering study that demonstrates the extent of the
24 mitigation within 60 days of when the property owner receives notice of the proposed assessment
25 or fee. Any reduction which may be necessary after the Stormwater Roll has been adopted will be
26 refunded to the property owner.

27
28
29 DIVISION II. PROCEDURES FOR ADOPTION AND COLLECTION
30 OF STORMWATER CHARGES
31

32 **Sec. 21-124. Initial Stormwater Resolution.** The initial proceeding for imposition of the
33 Stormwater Charges may be the Council's adoption of an Initial Stormwater Resolution. The Initial
34 Stormwater Resolution shall (a) describe the Stormwater Improvement or Stormwater Management
35 Service proposed for funding from the proceeds of the Stormwater Assessments and Stormwater
36 Fees; (b) estimate the Capital Cost or Stormwater Service Cost; (c) describe with particularity the
37 proposed method of apportioning the Capital Cost or Stormwater Service Cost among the parcels
38 of property located within the Stormwater Improvement Area or Stormwater Service Area, as
39 applicable, such that the owner of any parcel of property can objectively determine the amount of
40 the Stormwater Assessments, based upon its value, use or physical characteristics; (d) include
41 specific legislative findings that recognize the equity provided by the apportionment methodology
42 and specific legislative findings that recognize the special benefit provided by the Stormwater

1 Improvement or Stormwater Management Service;(e) describe with particularity the proposed
2 method of determining the amount each parcel of Government Property located within the
3 Stormwater Service Area should be charged as a Stormwater Fee based upon such property's
4 Stormwater burden and the reasonable cost of providing Stormwater Management Services to such
5 property; and (f) include specific legislative findings that recognize the fairness, equity and
6 reasonableness of the Stormwater Fee. At its option, the Council may adopt separate Initial
7 Stormwater Resolutions for the Stormwater Service Assessment, each Stormwater Improvement
8 Assessment, and the Stormwater Fee.

9
10
11 **Sec. 21-125. Stormwater Roll.**

12
13 (a) The Director of the Stormwater Department shall prepare, or direct the preparation of, a
14 preliminary Stormwater Roll that contains the following information:

15
16 (1) a summary description of each parcel of property (conforming to the description
17 contained on the Tax Roll) subject to the Stormwater Assessment and a summary description of each
18 parcel of Government Property to be charged a Stormwater Fee for service;

19
20 (2) the name of the owner of record of each parcel as shown on the Tax Roll;

21
22 (3) the number of ESFIAs attributable to each parcel ;

23
24 (4) the estimated maximum Stormwater Improvement Assessment to become due in the
25 ensuing Fiscal Year for each ESFIA;

26
27 (5) the estimated maximum Stormwater Improvement Assessment to become due in any
28 Fiscal Year for each parcel;

29
30 (6) the estimated maximum Stormwater Fee to become due in the ensuing Fiscal Year
31 for each parcel of Government Property; and

32
33
34 (b) Copies of the Initial Stormwater Resolution and the preliminary Stormwater Roll shall be on
35 file in the office of the Director of the Stormwater Department and open to public inspection and
36 copying pursuant to the Public Records Act.

37
38 **Sec. 21-126. Notice By Publication.** After filing the Stormwater Roll in the office of the Director
39 of the Stormwater Department, as required by Sec. 21-125 hereof, the Director shall publish once
40 in a newspaper of general circulation within the County a notice stating that a public hearing of the
41 Council will be held on a certain day and hour, not earlier than 20 calendar days from such
42 publication, at which hearing the Council will receive written comments and hear testimony from

1 all interested persons regarding adoption of the Final Stormwater Resolution and approval of the
2 Stormwater Roll. The published notice shall conform to the requirements set forth in the Uniform
3 Assessment Collection Act for purposes of the Stormwater Assessments.
4

5 **Sec. 21-127. Notice By Mail.** In addition to the published notice required by Sec. 21-126, the
6 Director of the Stormwater Department shall provide notice of the proposed Stormwater Charges by
7 first class mail to the owner of each parcel of property subject to the Stormwater Charges. For
8 purposes of the Stormwater Assessments, the mailed notice shall conform to the requirements set
9 forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days
10 prior to the hearing to each property owner at such address as is shown on the Tax Roll on the
11 twentieth calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery
12 thereof to the possession of the U.S. Postal Service. The Director of the Stormwater Department
13 shall provide proof of such notice by affidavit. Failure of the owner to receive such notice due to
14 mistake or inadvertence shall not affect the validity of the Stormwater Roll nor release or discharge
15 any obligation for the payment of a Stormwater Charge imposed by the Council pursuant to this
16 Ordinance.
17

18 **Sec. 21-128. Final Stormwater Resolution.** At the time named in such notice, or such time to
19 which an adjournment or continuance may be taken, the Council shall receive written objections and
20 hear testimony of interested persons and may then adopt the Final Stormwater Resolution prior to
21 the adjournment of said hearing which shall (a) confirm, modify or repeal the Initial Stormwater
22 Resolution with such amendments, if any, as may be deemed appropriate by the Council; (b) approve
23 the Stormwater Roll, with such amendments as it deems just and right; and (c) determine the method
24 of collection. All objections to adoption of the Final Stormwater Resolution shall be made in writing,
25 and filed with the Clerk at or before the time or adjourned time of such hearing.
26

27 **Sec. 21-129. Annual Stormwater Resolution.** During its budget adoption process, the Council
28 may adopt an Annual Stormwater Resolution for each Fiscal Year following adoption of the Final
29 Stormwater Resolution. The Final Stormwater Resolution shall constitute the Annual Stormwater
30 Resolution for the initial Fiscal Year. The Annual Stormwater Resolution, if adopted, shall approve
31 the Stormwater Roll for such Fiscal Year. The Stormwater Roll shall be prepared in accordance with
32 the Initial Assessment Resolution, if adopted, as confirmed or amended by the Final Stormwater
33 Resolution. If the proposed Stormwater Charge for any parcel of Developed Property exceeds the
34 maximum amount established in the Final Stormwater Resolution or if a Stormwater Charge is
35 imposed against property not previously subject thereto, the Council shall provide notice to the
36 owner of such property in accordance with Secs. 21-126 and 21-127 hereof and conduct a public
37 hearing prior to adoption of the Annual Stormwater Resolution. Failure to adopt an Annual
38 Stormwater Resolution during the budget adoption process for a Fiscal Year may be cured at any
39 time.
40

41 **Sec. 21-130. Effect Of Stormwater Resolutions.** The adoption of the Final Stormwater
42 Resolution or Annual Stormwater Resolution shall be the final adjudication of the issues presented

1 (including, but not limited to, the apportionment methodology, the rate of the fee for service to
2 Government Property, the rate of assessment, the adoption of the Stormwater Roll and the levy and
3 lien of the Stormwater Charges), unless proper steps are initiated in a court of competent jurisdiction
4 to secure relief within 20 days from the date of Council adoption of the Final Stormwater Resolution.
5 The Stormwater Charges for each Fiscal Year shall be established upon adoption of the Annual
6 Stormwater Resolution. The Stormwater Roll, as approved by the Final Stormwater Resolution or
7 Annual Stormwater Resolution, shall be delivered to the Tax Collector, or such other official as the
8 Council, by resolution, deems appropriate.
9

10 **Sec. 21-131. Lien of Stormwater Assessments.** Upon adoption of the Annual Stormwater
11 Resolution for each Fiscal Year, Stormwater Assessments to be collected under the Uniform
12 Assessment Collection Act shall constitute a lien against Assessed Property equal in rank and dignity
13 with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.
14 Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens,
15 titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Council of the
16 Annual Stormwater Resolution and shall attach to the property included on the Stormwater Roll as
17 of the prior January 1, the lien date for ad valorem taxes.
18

19 **Sec. 21-132. Method of Collection of Stormwater Assessments.** Unless directed otherwise by
20 the Council, Stormwater Assessments shall be collected pursuant to the Uniform Assessment
21 Collection Act, and the City shall comply with all applicable provisions thereof. Any hearing or
22 notice required by this Ordinance may be combined with any other hearing or notice required by the
23 Uniform Assessment Collection Act.
24

25
26 **Sec. 21-133. Method of Collection of Stormwater Fees.**
27

28 (a) Unless directed otherwise by the Council, Stormwater Fee bills will be mailed by first class
29 mail to the owner of each affected parcel of Government Property. The bill or accompanying
30 explanatory material shall include (1) a brief explanation of the Stormwater Fee, (2) a description
31 of the ESFIAs used to determine the amount of the Stormwater Fee, (3) the number of ESFIAs
32 attributed to the parcel, (4) the total amount of the parcel's Stormwater Fee for the appropriate period,
33 (5) the location at which payment will be accepted, and (6) the date on which the Stormwater Fee
34 is due.
35

36 (b) A Stormwater Fee shall become delinquent if it is not paid within 30 days from the date any
37 installment is due. The City shall notify the owner of any Government Property that is delinquent
38 in payment of its Stormwater Fee within 60 days from the date the Stormwater Fee was due. Such
39 notice shall state in effect that the City will initiate a mandamus or other appropriate judicial action
40 to compel payment.
41

1 (c) All costs, fees and expenses, including reasonable attorney fees and title search expenses,
2 related to any mandamus or other action as described herein shall be included in any judgment or
3 decree rendered therein. All delinquent owners of Government Property against which a mandamus
4 or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and
5 expenses incurred by the City, including reasonable attorney fees, in collection of such delinquent
6 Stormwater Fees and any other costs incurred by the City as a result of such delinquent Stormwater
7 Fees including, but not limited to, costs paid for draws on a credit facility and the same shall be
8 collectible as a part of or in addition to, the costs of the action.
9

10 **Sec. 21-134. Responsibility for Enforcement.** The City and its agent, if any, shall maintain the
11 duty to enforce the prompt collection of Stormwater Charges by any and all legal means. The duties
12 related to collection of Stormwater Assessments may be enforced at the suit of any holder of
13 Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or
14 actions.
15

16 **Sec. 21-135. Revisions to Stormwater Charges.** If any Stormwater Charge made under the
17 provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the
18 judgment of any court, or if the Council is satisfied that any such Stormwater Charge is so irregular
19 or defective that the same cannot be enforced or collected, or if the Council has failed to include any
20 property on the Stormwater Roll that should have been so included, the Council may take all
21 necessary steps to impose a new Stormwater Charge against any such property, following as nearly
22 as may be practicable, the provisions of this Ordinance and in case such second Stormwater Charge
23 is annulled, the Council may obtain and impose other Stormwater Charges until a valid Stormwater
24 Charge is imposed.
25

26 **Sec. 21-136. Procedural Irregularities.** Any irregularity in the proceedings in connection with
27 the levy of any Stormwater Charge under the provisions of this Ordinance shall not affect the validity
28 of the same after the approval thereof, and any Stormwater Charge as finally approved shall be
29 competent and sufficient evidence that such Stormwater Charge was duly levied, that the Stormwater
30 Charge was duly made and adopted, and that all other proceedings adequate to such Stormwater
31 Charge were duly had, taken and performed as required by this Ordinance; and no variance from the
32 directions hereunder shall be held material unless it be clearly shown that the party objecting was
33 materially injured thereby. Notwithstanding the provisions of this Sec. 21-136, any party objecting
34 to a Stormwater Charge imposed pursuant to this Ordinance must file an objection with a court of
35 competent jurisdiction within the time periods prescribed in Sec. 21-130 of this Ordinance.
36

37 **Sec. 21-137. Correction of Errors and Omissions.**
38

39 (a) No act of error or omission on the part of the Council, Director of the Stormwater
40 Department, Property Appraiser, Tax Collector, Clerk, or their respective deputies, employees or
41 designees, shall operate to release or discharge any obligation for payment of any Stormwater Charge
42 imposed by the Council under the provisions of this Ordinance.

1
2 (b) The Director of the Stormwater Department may correct the number of ESFIAs or Mitigation
3 Credit attributed to a parcel of property at any time. Any such correction which reduces a Stormwater
4 Charge shall be considered valid from the date on which the Stormwater Charge was imposed and
5 shall in no way affect the enforcement of the Stormwater Charge imposed under the provisions of
6 this Ordinance. Any such correction which increases a Stormwater Charge or imposes a Stormwater
7 Charge on omitted property shall first require notice to the affected owner in the manner described
8 in Sec. 21-127 hereof, providing the date, time and place that the Council will consider confirming
9 the correction and offering the owner an opportunity to be heard.

10
11 (c) After the Stormwater Roll has been delivered to the Tax Collector in the case of Stormwater
12 Assessments, any changes, modifications or corrections thereto shall be made in accordance with
13 the procedures applicable to errors and insolvencies for ad valorem taxes.
14
15

16 DIVISION III. ISSUANCE OF OBLIGATIONS

17
18 **Sec. 21-138. General Authority.** Upon adoption of the Final Stormwater Resolution imposing
19 Stormwater Improvement Assessments or at any time thereafter, the Council shall have the power
20 and is hereby authorized to provide by ordinance or resolution, at one time or from time to time in
21 series, for the issuance of Obligations of the City to fund the Project Cost thereof and any amounts
22 to be paid or accrued in connection with issuance of such Obligations, including, but not limited to
23 capitalized interest, Transaction Costs and reserve account deposits.
24
25

26 **Sec. 21-139. Taxing Power Not Pledged.** Obligations issued under the provisions of this
27 Ordinance shall not be deemed to constitute a pledge of the faith and credit of the City, but such
28 Obligations shall be payable only from Pledged Revenue and, if applicable, proceeds of the
29 Stormwater Assessments, in the manner provided herein and by the ordinance or resolution
30 authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall
31 not directly or indirectly obligate the City to levy or to pledge any form of ad valorem taxation
32 whatever therefor. No holder of any such Obligations shall ever have the right to compel any
33 exercise of the ad valorem taxing power on the part of the City to pay any such Obligations or the
34 interest thereon or to enforce payment of such Obligations or the interest thereon against any
35 property of the City, nor shall such Obligations constitute a charge, lien or encumbrance, legal or
36 equitable, upon any property of the City, except the Pledged Revenue.
37
38

39 **Section 8. Severability.** The provisions of this Ordinance are severable; and if any section,
40 subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the
41 remaining provisions of this Ordinance shall not be affected thereby.
42

Certified as true
and correct copy.

1
2 **Section 9. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby
3 repealed to the extent of such conflict.
4


5
6 **Section 10. Effective Date.** This Ordinance shall take effect immediately upon its passage and
7 adoption on second reading by the City Council.
8

9 **PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,**
10 **FLORIDA ON AUG 07 2003, 2003.**

11
12 
13 _____
14 LINDA SAUL-SENA
15 CHAIRMAN, CITY COUNCIL
16

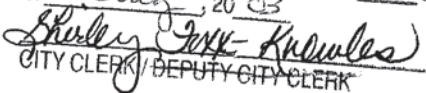
17
18 ATTEST:

19 
20 _____
21 SHIRLEY FOXX-KNOWLES
22 CITY CLERK
23

24 APPROVED BY ME ON AUG 11 2003
25 
26 _____
27 PAM IORIO, MAYOR
28

29
30 APPROVED AS TO FORM:

31 
32 _____
33 ASSISTANT CITY ATTORNEY
34

35 State of Florida
36 County of Hillsborough
37 This is to certify that the foregoing is a
38 true and correct copy of Ordinance 2003-0200
39 on file on my office
40 Witness my hand and official seal this 25th day
41 of Aug, 20 03
42 
CITY CLERK / DEPUTY CITY CLERK

Certified as true
and correct copy.