

**SUBSTITUTE NO. 1 TO ORDINANCE 17-009**

Rev. 1  
#4339

Sponsor:

Council  
Member  
Freel

Co-Sponsor:

Council  
President  
Shabazz

**AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE REGARDING SEWER SYSTEM RATES AND CHARGES AND WATER RATES AND CHARGES FOR FISCAL YEAR 2018 AND MONTHLY BILLING FOR WATER, SEWER, AND STORMWATER CHARGES**

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**WHEREAS**, the Council of the City of Wilmington (the "Council") has enacted Chapter 45 of the Wilmington City Code, Article II of which includes provisions establishing a system of storm water rates and charges, such provisions being most recently amended by Substitute No. 1 to Ordinance No. 14-013; and

**WHEREAS**, the Council has enacted Chapter 45 of the Wilmington City Code, Article II of which includes provisions regarding sewer systems and sewage disposal and the rates and charges for same, the most recent being Ordinance No. 13-009; and

**WHEREAS**, the Council has enacted various ordinances establishing a system of drinking water user charges, the most recent being Ordinance No. 13-009; and

**WHEREAS**, the Council deems it necessary and proper to increase the water, sewer, and storm water user rates and charges;

**WHEREAS**, the Council deems it necessary and proper to transition water, sewer, and storm water billing from a quarterly to a monthly basis;

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Section 45-53 of the City Code is hereby amended by adding the underlined language and deleting the stricken language to read as follows

**Sec. 45-53: Sanitary and storm water rates and charges.**

(a) *Definitions.*

[ \* \* \* ]

*Equivalent storm water ~~monthly~~ quarterly unit rate or ESU rate* means the storm water charge rate imposed ~~monthly~~ quarterly on the non-vacant, non-exempt parcels of the first tier impervious area, of the single-family residential storm water class.

[ \* \* \* ]

*Storm water charge* means the monthly ~~quarterly~~ charge for storm water management assessed to a parcel within the city based on the use of the parcel on the last ~~day~~ of the month ~~quarter~~ of the billing period.

(d) *Storm water charge.* The storm water charge represents an equitable system for recovering costs related to all aspects of storm water management, including but not limited to: capital improvements including debt service; operation and maintenance costs including routine replacements; combined sewer overflow mitigation and long term control plan creation and implementation; compliance with all current and future storm water and surface water regulatory requirements; surface water quality monitoring, inspection, management and improvement projects; flooding mitigation; inspections of storm water management facilities; billing and administration; plan review and inspection of sediment control and storm water management plans and practices; acquisition of interests in land including easements; and watershed planning and protection initiatives. All parcels that are within the city's corporate boundaries, shall be assessed a monthly ~~quarterly~~ storm water charge as per the provisions of this article. In the event that the owner of a parcel and the user of a parcel are not the same, the owner shall be liable for the storm water charge.

The storm water charge shall be determined as per the provisions of this article, based on the equivalent storm water unit "ESU" and ESU rate. The ESU, the ESU rate and the single family residential tiers may be amended by city council from time to time as necessary. The storm water charge for the various storm water classes shall be determined as follows:

- (1) *Single-family residential storm water classes.* For the single-family residential storm water classes, a four-tiered storm water charge is established to accommodate the wide range of impervious area square footage that exists among the single-family residential parcels in the city. The four tiers of impervious area and the storm water charge for each tier are as shown in Table 1:

**Table 1: Single-Family Residential Parcels**

Tier	Impervious Area (square feet)	Equivalent Storm Water Unit Ratio (ESU ratio)	<u>Monthly quarterly Storm Water Charge*</u>
Tier 1	0 to 799	1.00	<del>\$14.85</del> <u>\$4.95</u>
Tier 2	800 to 1,299	1.45	<del>\$21.53</del> <u>\$7.18</u>
Tier 3	1,300 to 2,399	2.48	<del>\$36.82</del> <u>\$12.27</u>
Tier 4	2,400 and over	4.40	<del>\$65.33</del> <u>\$21.78</u>

\*The monthly quarterly storm water charge is calculated by multiplying the assigned ESU ratio, by the ESU rate.

The impervious area for each residential parcel is determined based on the actual mainfloor, attached area, and detached structure square footage data provided by New Castle County's tax assessment system. Based on the impervious area determined, the residential parcels are assigned to one of the four tiers of impervious area. The Department of Public Works shall assign a tier and apply the associated ESU ratio to each single-family residential parcel. A storm water charge will be assessed monthly quarterly based on the assigned ESU ratio and ESU rate. In the event of a newly constructed single-family residential dwelling, the department of public works shall assign a tier and ESU ratio upon issuance of the certificate of occupancy for that dwelling and upon recording of the parcel attributes in the New Castle County's tax assessment system.

[ \* \* \* ]

(6) *Credit.* A system of credits, which may reduce a parcel's monthly quarterly storm water charge, shall be established for all the all other storm water classes. A storm water charge credit shall be issued to a parcel at the discretion of the commissioner of the department of public works and upon written application by the parcel owner for employing structural or non-structural best management practices or other storm water management practices on-site, which significantly reduces the quantity of storm water run-off or significantly improves the quality of storm waterrun-off from the parcel.

[ \* \* \* ]

(9) *Equivalent storm water monthly quarterly unit rate.* The equivalent storm water monthly quarterly unit rate (ESU rate) is ~~\$14.847~~ \$4.949.

**SECTION 2.** Sections 45-51, 45-55, 45-86 and 45-175 of Chapter 45 of the City Code are amended by adding the underlined language and deleting the stricken languageto read as follows:

**Sec. 45-51. Purpose.**

[ \* \* \* ]

Bills shall be rendered no more often than quarterly.

**Sec. 45-55. Users located in the city and discharging into a sewer system through a meter.**

[ \* \* \* ]

- (3) For properties with a sewage flow of ~~50,000,000 gallons per quarter~~ 16,666,667 gallons per month as recorded by a meter, the charges shall be computed using the formula as stated in section 45-54.

[ \* \* \* ]

**Sec. 45-86. Discontinuance by city.**

[ \* \* \* ]

- (5) For refusal of reasonable access to the property for purpose of inspecting, reading or removal of meter, and for failure to make provisions to afford the department access to the meter at least once per ~~every three~~ months during the department's regular working hours, Monday through Friday.

[ \* \* \* ]

- (7) For the nonpayment of water service and repairs, charges, penalties and fines if the whole or any portion of the charges remains unpaid after the due date on the bill and no agreement is in effect.

~~One year~~ Six months or more of continual non-payment. Water service shall be discontinued to any customer who remains in a non-payment status for a continuous period of six months ~~one year~~ or more.

[ \* \* \* ]

**Sec. 45-175. Monthly quarterly water rates and fire service charges.**

(a) *General water rates, excluding residential.* Charges for water service shall be composed of a monthly quarterly facilities charge for each meter and usage charges based on rates per 1,000 gallons of actual consumption. The monthly quarterly facilities charge for five-eighths-inch, three-fourths-inch and one-inch meters shall include a monthly quarterly allowance of ~~40,000~~ 3,333 gallons of water. Facilities and usage charges for all accounts in each classification of customers shall be payable monthly quarterly based on monthly quarterly meter readings. The classification of customers, monthly quarterly facilities charges, and usage charges shall be as follows:

Meter Size (Inches)	Monthly quarterly Facilities Charge \$	Inside City Usage Charges (\$ per 1,000 gallons)		
		Commercial	Industrial	Apartment
5/8	65.86 22.83	8.235 8.564	6.586 6.849	7.774 8.082
3/4	74.19 25.72	8.235 8.564	6.586 6.849	7.774 8.082
1	82.35 28.55	8.235 8.564	6.586 6.849	7.774 8.082
1½	82.35 28.55	8.235 8.564	6.586 6.849	7.774 8.082
2	107.13 37.14	8.235 8.564	6.586 6.849	7.774 8.082
3	345.93 119.92	8.235 8.564	6.586 6.849	7.774 8.082
4	658.78 228.38	8.235 8.564	6.586 6.849	7.774 8.082
6	889.37 308.31	8.235 8.564	6.586 6.849	7.774 8.082
8	1235.27 428.23	8.235 8.564	6.586 6.849	7.774 8.082
10	1235.27 428.23	8.235 8.564	6.586 6.849	7.774 8.082
12	1235.27 428.23	8.235 8.564	6.586 6.849	7.774 8.082
14	1235.27 428.23	8.235 8.564	6.586 6.849	7.774 8.082
16	1235.27 428.23	8.235 8.564	6.586 6.849	7.774 8.082

Meter Size (Inches)	Monthly quarterly Facilities Charge \$	Outside City Usage Charges (\$ per 1,000 gallons)		
		Commercial	Industrial	Apartment
5/8	105.44 36.55	11.299 11.751	9.547 9.929	12.194 12.679
3/4	115.36 39.99	11.299 11.751	9.547 9.929	12.194 12.679
1	128.49 44.54	11.299 11.751	9.547 9.929	12.194 12.679
1½	121.91 42.26	11.299 11.751	9.547 9.929	12.194 12.679
2	164.70 57.10	11.299 11.751	9.547 9.929	12.194 12.679
3	560.05 194.15	11.299 11.751	9.547 9.929	12.194 12.679
4	1087.09 376.86	11.299 11.751	9.547 9.929	12.194 12.679
6	1449.36 502.44	11.299 11.751	9.547 9.929	12.194 12.679
8	2059.97 714.12	11.299 11.751	9.547 9.929	12.194 12.679
10	2059.97 714.12	11.299 11.751	9.547 9.929	12.194 12.679
12	2059.97 714.12	11.299 11.751	9.547 9.929	12.194 12.679
14	2059.97 714.12	11.299 11.751	9.547 9.929	12.194 12.679
16	2059.97 714.12	11.299 11.751	9.547 9.929	12.194 12.679

(b) *General water rates, residential only.* Charges for water service shall be composed of a monthly quarterly facilities charge for each meter and usage charges based on rates per 1,000 gallons of actual consumption. The monthly quarterly facilities charge for five-eighths-inch, three-fourths-inch, and one-inch meters shall include a monthly quarterly allowance of 8,000 2,667 gallons of water. Facilities and usage charges for all accounts in each classification of customers shall be payable monthly quarterly based on monthly quarterly meter readings. The classification of customers, monthly quarterly facilities charges, and usage charges shall be as follows:

Meter Size (Inches)	Monthly quarterly Facilities Charge (i)	Inside City Residential Customers Usage Charges (per 1,000 gallons)	
		1 <sup>st</sup> Block (ii)	2 <sup>nd</sup> Block (iii)
5/8	55.97 19.40	5.412 5.628	6.763 7.034
3/4	63.11 21.88	5.412 5.628	6.763 7.034
1	69.97 24.26	5.412 5.628	6.763 7.034
1½	82.35 28.55	5.412 5.628	6.763 7.034
2	107.13 37.14	5.412 5.628	6.763 7.034
3	345.93 119.92	5.412 5.628	6.763 7.034
4	658.78 228.38	5.412 5.628	6.763 7.034
6	889.37 308.31	5.412 5.628	6.763 7.034
8	1235.27 428.23	5.412 5.628	6.763 7.034

- (1) Includes a monthly quarterly allowance of 8,000 2,667 gallons for 5/8", 3/4", and 1" metered customers.
- (2) All usage between 8,004 2,668 gallons and 15,000 5,000 gallons per month quarter for 5/8", 3/4", and 1" metered customers. All usage up to 15,000 5,000 gallons per month quarter for all other meter sizes.
- (3) All usage over 15,000 5,000 gallons per month quarter.

Meter Size (Inches)	Monthly quarterly Facilities Charge \$ (i)	Outside City Residential Customers Usage Charges (\$ per 1,000 gallons)	
		1 <sup>st</sup> Block (ii)	2 <sup>nd</sup> Block (iii)
5/8	89.59 31.06	9.797 10.189	12.240 12.730
3/4	98.04 33.98	9.797 10.189	12.240 12.730
1	109.23 37.87	9.797 10.189	12.240 12.730
1½	121.91 42.26	9.797 10.189	12.240 12.730
2	164.70 57.10	9.797 10.189	12.240 12.730
3	560.05 194.15	9.797 10.189	12.240 12.730
4	1087.09 376.86	9.797 10.189	12.240 12.730
6	1449.36 502.44	9.797 10.189	12.240 12.730
8	2059.97 714.12	9.797 10.189	12.240 12.730

- (1) Includes a monthly quarterly allowance of 8,000 2,667 gallons for 5/8", 3/4", and 1" metered customers.
- (2) All usage between 8,004 2,668 gallons and 15,000 5,000 gallons per month quarter for 5/8", 3/4", and 1" metered customers. All usage up to 15,000 5,000 gallons per month quarter for all other meter sizes.
- (3) All usage over 15,000 5,000 gallons per month quarter.

(c) *Charges for certain elderly homeowners.* All property owners including the disabled who are eligible for and have been granted exemptions from municipal taxation of real property in the City pursuant to the provisions of Section 44-64 of this Code shall be charged monthly quarterly for all meters servicing exempt properties and shall pay the monthly quarterly facilities charge of \$38.45 \$13.33 for the monthly quarterly allowance of 8,000 2,667 gallons. All usage between 8,004 2,668 gallons and 15,000 5,000 gallons per month quarter shall be

charged at ~~\$2.032~~ \$2.113 per 1,000 gallons. All usage above ~~15,000~~ 5,000 gallons per ~~month~~ quarter shall be charged at ~~\$2.539~~ \$2.641 per 1,000 gallons.


[ \* \* \* ]

**SECTION 3.** This Ordinance shall become effective as of July 1, 2017.


First Reading.....March 16, 2017  
Second Reading.....March 16, 2017  
Third Reading.....May 18, 2017

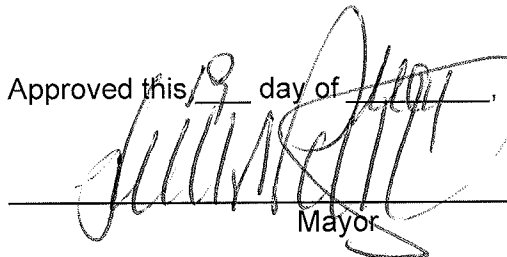
Passed by City Council, May 18, 2017

  
\_\_\_\_\_  
President of City Council

ATTEST:   
\_\_\_\_\_  
City Clerk

Approved as to form this 18th  
day of May 2017

  
\_\_\_\_\_  
City Solicitor

Approved this 19 day of May, 2017  
  
\_\_\_\_\_  
Mayor

**SYNOPSIS & FISCAL IMPACT:** This Ordinance enacts Water, Sewer, and Stormwater charges and rates for Fiscal Year (FY) 2018. The charges and rates for Water and Sewer services will increase by 4.0% from what they are in FY 2017, while Stormwater charges and rates will remain the same as they are in FY 2017. This ordinance also does not amend the sewer service unit charges stated in **Sec. 45-58**.

The projected fiscal impact of this ordinance is an annual increase of \$1.7 million in revenue (net of bad debt) to the Water/Sewer Fund. Below is a table showing the fiscal impact on a typical residential customer living in the City.

This Ordinance also increases the frequency of the City's water/sewer/stormwater billing cycles from once every quarter to once a month, beginning in FY 2018.

**FY 2018 Rate Increase Impact on Typical Residential Customer**

**Water, Sewer & Stormwater Typical Monthly Bill Impact**  
 (Inside City Residential 5/8 inch meter @ 4,000 gallons monthly consumption)

Services	Monthly Charge FY 2017	Monthly Charge FY 2018	Monthly Increase
Water	25.87	26.90	1.03
Sewer	19.40	20.18	0.78
Stormwater	4.95	4.95	0.00
<b>Total Bill</b>	<b>\$50.22</b>	<b>\$52.03</b>	<b>\$1.81</b>