

**TITLE 15
TOWN OF BRIDGEWATER
EROSION & STORMWATER**

§ 15-1 – 15.13.10 Not set out. (Of no practical application in the absence of a real estate tax.)

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Erosion and Sedimentation Controls

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CHAPTER 1

Erosion and Sedimentation Controls

§ 15-100.1. Adoption of Rockingham County Ordinance. For its Erosion and Sediment Control Ordinance, the Town incorporates the provisions of Rockingham County's Erosion and Sediment Control Ordinance: Rockingham County, Va. Code, § 6B-1, *et seq.* The County ordinance shall be enforced by the County and shall be fully effective within the Town, *mutatis mutandis*. To the fullest extent allowed by law, this incorporation shall extend to future revisions of the County ordinance.

(Enacted January 12, 2021; Effective February 1, 2021.)

CHAPTER 2

Stormwater Management Utility

(Enacted May 8, 2012. Effective June 30, 2013, except as noted.)

§ 15-201. Findings and determinations.

This Council finds that

- (i) The Town is required to maintain a system of manmade and natural components to both limit and manage the volume of stormwater, to control flood events, and to prevent degradation of downstream water quality.
- (ii) Stormwater runoff is associated with all improved properties in the Town, whether residential or nonresidential, and the individual property impacts of runoff are correlated to the amount of impervious surface on the property and land-disturbing activities on property.
- (iii) The Town's stormwater management infrastructure provides benefit and service to properties within the Town, (i) through direct protection of property, (ii) through control of flooding of critical components of the infrastructure, and (iii) through protection of the Town's natural environment.
- (iv) The costs of monitoring, operating, maintaining, and constructing the stormwater system required in the Town, both to meet new regulations, such as the Chesapeake Bay TMDL, and to address identified flood event needs, should therefore be allocated, to the extent practicable, to all property owners based on their impact on the Stormwater Management System.

§ 15-202. Definitions.

For purposes of this Chapter, the following words and terms used in this section shall have the following meanings:

- (a) **“Agricultural Property”** means land carrying the Town’s A-1 zoning designation and used for the tilling, planting or harvesting of agricultural, horticultural or forest crops or land used for raising livestock.
- (b) **“Developed Multifamily Residential Property”** means a parcel of Developed Property containing more than a single residence or dwelling unit. Mixed-use property where the residential component is predominant falls within this classification. However, dormitories and other housing units owned by a college and located within a college campus enclave are considered “Developed Nonresidential Property.”
- (c) **“Developed Nonresidential Property”** means a parcel of Developed Property which does not serve a primary purpose of providing permanent dwelling units. Such property shall include, but not be limited to, commercial properties, schools, colleges, industrial properties, parking lots, recreational and cultural facilities, hotels, offices and churches. Mixed-use property where the residential component is not predominant falls within this classification.
- (d) **“Developed Property”** means real property which has been altered from its natural state by the addition of any improvements such as buildings, structures, or other impervious surfaces.
- (e) **“Developed Residential Property”** means a parcel of Developed Property containing a single residence or dwelling unit (with accessory uses related to but subordinate to residential use). Dormitories and other housing units owned by a college and located within a college campus enclave are considered “Developed Nonresidential Property.”
- (f) **“Equivalent Residential Unit”** or “ERU” means two thousand (2,000) square feet of Impervious Surface Area. The ERU is intended to approximate the amount of Impervious Surface Area in a typical single-family dwelling lot.
- (g) **“ERU Rate”** means the Utility Fee charged on an Equivalent Residential Unit, which shall be established by Council from time to time. (Amended May 10, 2016, Effective July 1, 2016.)
- (h) **“Impervious Surface Area”** means a surface which is compacted or covered with material that is highly resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, paved parking lots, and other similar structures.

- (i) **“Revenues”** means all Utility Fees and other income collected, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the Town.
- (j) **“Storm Drainage”** means any manmade system of pipes, swales, channels or other facilities which carries water off of a property.
- (k) **“Stormwater Management System”** or **“SMS”** means the stormwater management infrastructure and equipment of the Town and all improvements thereto. Without limiting the foregoing, such **“infrastructure”** and **“equipment”** include structural and natural stormwater control systems of all types, including retention basins, sewers, conduits, pipelines, pumping stations, levees, dams, and other plants, structures, and real and personal property used for support of the system. The system, however, does not include privately owned ditches or facilities.
- (l) **“Stormwater Management Utility”** or **“Utility”** means the enterprise fund created by this section to operate, maintain and improve the Town's Stormwater Management System.
- (m) **“Authorized Utility Activities”** means (i) the acquisition of real and personal property, or any interests therein, to construct, operate, and maintain the Stormwater Management System, (ii) planning, design, and engineering of the Stormwater Management System, (iii) operation and maintenance of the Stormwater Management System, (iv) inspection and monitoring of the Stormwater Management System and of water quality, (v) public education related to stormwater management, (vi) watershed planning, (vii) enforcement of applicable laws and regulations pertaining to stormwater management or the Stormwater Management System, (viii) water pollution prevention, planning, and implementation (including street sweeping), and (ix) the cost of administering the activities listed above.
- (n) **“Stormwater Quality Controls”** means a system engineered, constructed and maintained to limit harmful materials in stormwater runoff and fully compliant with 4 VAC 50-60-63 and 65.
- (o) **“Stormwater Quantity Controls”** means any system—typically consisting of water detention and controlled outfall—fully compliant with 4 VAC 50-60-66(B)(3) (irrespective of whether the stormwater is discharged into a **“natural stormwater conveyance system,”** a **“manmade stormwater conveyance system,”** a **“restored stormwater conveyance system,”** or otherwise).
- (p) **“Undeveloped Property”** means any parcel which has not been altered from its natural state to disturb or alter the topography or soils on the property in a manner which substantially reduces the rate of infiltration of stormwater into the earth.

- (q) **“Utility Fees”** means the monthly service charges based upon the ERU rate applied to property owners or occupants, including condominium unit owners or tenants (when the tenant or occupant is the party to whom water and sewer service is billed), of Developed Property, all as more fully described in § 15-204.

[Ed. Note: The enacted version of this ordinance refers to “Chapter 1,” rather than merely “Chapter” in the opening clause.]

§ 15-203. Establishment of Stormwater Management Utility.

- (a) The Stormwater Management Utility is established to provide for the general welfare, health, and safety of the Town and its residents.
- (b) The Utility may engage in Authorized Utility Activities.
- (c) All Revenues collected by the Utility shall be held in a separate ledger account.
- (d) Revenues may only be used for Authorized Utility Activities.

§ 15-204. Imposition of Utility Fees.

Adequate Revenues shall be generated to provide for a balanced operating and capital improvement budget of the Stormwater Management System by setting sufficient Utility Fees. Income from Utility Fees shall not exceed actual costs incurred in providing Authorized Utility Activities. Utility Fees shall be charged to owners of all Developed Property in the Town.

- (a) For purposes of determining the Utility Fee, all parcels in the Town are classified into one of the following:
 - (1) Developed Residential Property;
 - (2) Developed Multifamily Residential Property;
 - (3) Developed Nonresidential Property;
 - (4) Undeveloped Property; or
 - (5) Agricultural Property.
- (b) The monthly Utility Fee for Developed Residential Property shall equal the ERU Rate.

Technical Note: The ERU Rate was 3.3¢ per day. Therefore, a single family dwelling paid 3.3¢ per day under this Chapter, or roughly one dollar per month, regardless of the actual amount of impervious surface on the parcel. This same logic applies today, even though the rates have been increased. (Amended May 10, 2016, Effective July 1, 2016.)

- (c) The monthly Utility Fee for Developed Multifamily Residential Property shall be the ERU Rate multiplied by the ratio of the total Impervious Surface Area on the lot to one ERU (2,000 square feet). The minimum Utility Fee shall be the ERU Rate multiplied by the number of dwelling units on the lot.
- (d) The monthly Utility Fee for Developed Nonresidential Property shall be the ERU Rate multiplied by the ratio of the total Impervious Surface Area on the lot to one ERU (2,000 square feet). The minimum Utility Fee for any Developed Nonresidential Property shall equal the ERU Rate.

Technical Note: Paragraphs (c) and (d) are similar and apply the concept of “residential equivalents” to multi-family properties and nonresidential properties. If a nonresidential lot has 2.7 times the amount of impervious surface as a typical single-family lot (an ERU), its required payment is 2.7 times higher. The same is true for multifamily lots, with a small proviso: If a multifamily dwelling lot has 2.7 ERU’s, but it houses four dwelling units, its rate is four times the base rate. In no case will the fee ever be lower than that set for single-family dwellings.

- (e) The Utility Fee for vacant Developed Property, both residential and nonresidential, shall be the same as that for occupied property of the same class.
- (f) Undeveloped Property shall be exempt from the Utility Fee.
- (g) Agricultural Property shall be exempt from the Utility Fee, provided however, each dwelling unit situated on a parcel devoted to agricultural use shall be charged a fee equal to the ERU Rate.

§ 15-205. Billing and Payment, Interest, Liens.

- (a) The Utility Fee is to be paid by the owner of each lot subject to the Utility Fee; provided, however, where a tenant or occupant is the person to whom water or sewer service is billed, the Utility Fee, in the discretion of the Treasurer, may be charged to such tenant or occupant. In any case in which a tenant or occupant fails to pay Utility Fees, the delinquent Utility Fees shall be collected from the owner of the property. All properties, except Undeveloped Property, shall be rendered bills or statements for stormwater services. Such bills or statements may be combined with water, sewer, refuse, and recycling bills levied, provided that all charges shall be separately stated. The combined bill shall be issued for one total amount. The Treasurer is hereby authorized and directed to create policies and procedures for the efficient billing and collection of the combined bill.
- (b) The bills or statements shall include a date, by which payment shall be due, which shall be not less than 15 days after the bill is sent.

- (c) Billing for the Utility Fee shall be rendered monthly, in arrears, to all chargeable persons. If a landowner so requests, the Treasurer may agree to render annual bills (in arrears) rather than monthly bills, if she finds doing so would result in cost savings sufficient to offset any risk to the Town.
- (d) Any bill which has not been paid by the due date shall be deemed delinquent, and the account shall be collected by any means available to the Town. Notice to the owner shall be provided in every case when Utility Fees incurred by a tenant or occupant become more than ninety days' delinquent. All payments and interest due may be recovered by action at law or suit in equity. Unpaid fees and interest accrued shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. Records of all unpaid fees and interest, indexed by the name of the record owner of the real estate, shall be maintained in the Town treasurer's office.
- (e) If Utility Fees are not paid when due, interest thereon shall commence on the due date and accrue at the rate of ten percent per annum until paid.
- (f) When newly developed properties are brought into the Utility fees will accrue commencing upon the occupancy of the property or its use for its intended purpose, whichever is earlier.
- (g) In the event of alterations or additions to Developed Multifamily Property or Developed Nonresidential Property which alter the amount of impervious surface area, the Utility Fees will be adjusted upon the substantial completion of the alteration or addition.

§ 15-206. Adjustment of Fees, Exemptions.

- (a) Full waivers of the Utility Fee shall be provided for
 - (i) A federal, state, or local government, or other public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system, except that this waiver shall apply only to property covered by any such permit.

Legislative Intent: This full waiver applies when a public entity manages its own [utility] and bypasses the Towns' entirely.

- (ii) Public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisitions process, and
- (iii) Any other property belonging to the Town of Bridgewater, Virginia.

In order to encourage landowners to reduce the taxpayers' stormwater burden, partial waivers of the Utility Fee may be applied for as follows:

On property where a landowner owns, maintains, and operates a permanent private stormwater system, the Utility Fee shall be reduced in accord with the following table:

Type of System	Reduction
Storm Drainage and Stormwater Quantity Controls (see definitions)	20%
Storm Drainage, Stormwater Quantity Controls, and Stormwater Quality Controls (see definitions)	60%

Where only a portion of a property is served by a private Stormwater Management System, as described above, the waiver shall be adjusted according to the percentage of the total acreage of the property served by the private system. Any application pertinent to less than an entire parcel shall state the percentage of the parcel affected.

Legislative Intent: Often stormwater management systems are dedicated to the Town—and accepted by the Town for maintenance. In some situations, however, the systems remain privately held. Where the operative portions of the system—those which [affect] quantity control or quality control—remain private, the partial waiver applies.

- (b) In order to qualify for this waiver, every landowner shall supply to the Town Manager a statement that the private system has been maintained properly and is operating in conformity with (i) its design (ii) any plans approved by the Town, and (iii) the requirements of this Chapter. The statement shall be sealed and signed under oath by a licensed professional engineer, based on his personal inspection. The engineer's certification shall be less than 6 months old at the time of the application.

No waivers will be granted in the absence of all necessary permits from the Commonwealth of Virginia for the private system.

If granted, waivers are valid for 24 months. Waivers may be applied for only in the months of November and May, to take effect in January or July, respectively. (*Effective May 1, 2013.*)

Legislative Intent: These deadlines are a reasonable balancing of the landowners' ability to receive timely waivers and the Town's administrative capabilities. Having all waivers expire in December or June allows the Town to monitor the program efficiently.

§ 15-207. Appeals.

Any person who deems himself aggrieved by any action or inaction of the Town under this Chapter may file an appeal with the Town Manager. Without limiting the foregoing, this right of appeal shall apply to classifications of property, calculations of impervious-surface areas and rulings on waiver requests. Any appeal shall be filed within 30 days of the action or inaction complained of. Upon receipt of any such appeal, the Town Manager will conduct a hearing at which the appellant will be permitted to introduce relevant evidence. After the hearing, the Town Manager will render a written decision, which will be final.

§ 15-208. Interpretive Matters.

Section captions are for convenience only and have no significance. "Technical Notes" and "Legislative Intent" statements may be used to infer the intent of the Town Council and explain the provisions of this Chapter. Where references are made to state laws or regulations, those references shall be deemed to include future amendments or recodifications. Defined terms are typically capitalized, but no significance shall be placed on capitalization or the lack thereof. The provisions of this Chapter shall be deemed severable; and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this Chapter shall remain in full force and effect and their validity unimpaired.

**CHAPTER 3
STORMWATER**

Article 1

Stormwater Management Ordinance

§ 15-300.1. Adoption of Rockingham County Ordinance. For its Stormwater Control Ordinance, the Town incorporates the provisions of Rockingham County's Post Construction Stormwater Runoff Ordinance: Rockingham County, Va. Code, § 6C-1, *et seq.* The County ordinance shall be enforced by the County and shall be fully effective within the Town, *mutatis mutandis*. To the fullest extent allowed by law, this incorporation shall extend to future revisions of the County ordinance.

(Enacted January 12, 2021; Effective February 1, 2021.)

Article 2
Storm Sewer Protection
(Adopted May 14, 2013)

Editor's Note: This Storm Sewer Protection Article is likely to be revised when the formal Stormwater Management Ordinance, referred to above, is adopted. Until that time, however, Article 2 sets out a simple prohibition that substances other than Stormwater—be they liquid or solid—may not be introduced into the Storm Sewer system.

§ 15-317. Definitions. For purposes of this Article, the following terms shall carry the following meanings:

- (i) Person An individual, firm, company, corporation, or association.
- (ii) Storm Sewer Real or personal property—including easements—owned by the Town designed or used for collection or conveyance of Stormwater. (See 40 CFR § 122.6.)
- (iii) Stormwater..... Water, in the form of stormwater runoff, snow melt runoff, and surface runoff.
- (iv) Substance Any liquid or solid matter.

§ 15-318. Prohibition. No Person shall introduce, discharge, or deposit into any Storm Sewer, any substance other than Stormwater. This prohibition includes, without limitation, Substances which change the character of the Stormwater in the Storm Sewer, and Substances which potentially impede its flow.

Legislative Intent: § 15-318 is the core of this Article. It reflects the Council's intent that Stormwater should remain free of contaminants and that Storm Sewers should remain unobstructed.

§ 15-319. Penalties. The violation of this Article shall constitute a Class 3 misdemeanor, punishable in accord with § 1-4 of the Town Code. Without regard to any criminal prosecution or conviction, the Town may seek injunctive relief to prevent the violation hereof

§ 15-320. Monitoring. The Town Manager shall direct appropriate personnel to monitor the Town's Storm Sewers and enforce this Article.