

STATE OF COLORADO            )  
COUNTY OF ADAMS            )

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 26<sup>th</sup> day of November 2012, there were present:

W.R. "Skip" Fischer \_\_\_\_\_ Chairman  
Alice J. Nichol \_\_\_\_\_ Commissioner  
Erik Hansen \_\_\_\_\_ Excused \_\_\_\_\_ Commissioner  
Jen Wascak \_\_\_\_\_ County Attorney  
Keisha Hirsch, Deputy \_\_\_\_\_ Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

### RESOLUTION APPROVING STORMWATER UTILITY POLICY MANUAL

WHEREAS, on September 19, 2012, the Adams County Board of County Commissioners passed resolutions establishing a Stormwater Utility for unincorporated Adams County and establishing a fee structure for the Stormwater Utility; and,

WHEREAS, the resolution establishing a fee structure required the Public Works Director to develop policies addressing appeals, exemptions, late and non-payment of fees, and billing procedures; and,

WHEREAS, by means of the attached Stormwater Policy Manual the Public Works Director is submitting the required policies for adoption by the Adams County Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Stormwater Utility Policy Manual, a copy of which is attached hereto, is hereby approved and adopted.

BE IT FURTHER RESOLVED THAT the Director of Public Works is empowered to update and revise the Stormwater Utility Policy Manual.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Fischer \_\_\_\_\_ Aye  
Nichol \_\_\_\_\_ Aye  
Hansen \_\_\_\_\_ Excused  
Commissioners

STATE OF COLORADO     )  
County of Adams         )

I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 26<sup>th</sup> day of November, A.D. 2012.

County Clerk and ex-officio Clerk of the Board of County Commissioners  
Karen Long:



By:



Deputy

**STORMWATER UTILITY  
POLICY MANUAL**

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**ADAMS COUNTY, COLORADO**  
**January 1, 2013**



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**ADAMS COUNTY**

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**COLORADO**

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**Public Works Department**

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## 1.0 Introduction

In an effort to establish an equitable approach to funding required federal and state stormwater management services the Board of County Commissioners (BOCC) approved a Resolution Establishing a Stormwater Utility To Be Accounted For and Administered as a Water Activity Enterprise and Defining a Service Area Within the Western Portion of Unincorporated Adams County and a Resolution Establishing Rates, Fees, and Addressing Credit and Appeals Policies and Additional Details of the Stormwater Utility Adams County, Colorado Acting By and Through Adams County Water Activity Enterprise on September 9, 2012. This stormwater utility will be administered by the Public Works Department.

### 1.1 Purpose

The purposes of the Stormwater Utility Policy contained in this manual are:

1. To provide for effective management and financing of regulations, maintenance and construction of the Storm Sewer System within the County; and
2. To provide a mechanism for mitigating the damaging effects of uncontrolled and unplanned stormwater runoff; and
3. To improve the public health, safety and welfare of Adams County citizens by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems; and
4. To authorize the establishment and implementation of a master plan for storm drainage including design, coordination, construction, management, operation, maintenance, inspection and enforcement; and

5. To establish reasonable stormwater service charges based on each property's contribution of stormwater runoff to the system and use and benefit of services and facilities; and
6. To encourage and facilitate urban water resources management techniques, including but not limited to the retention and detention of stormwater runoff, minimization of the need to construct storm sewers, and the enhancement of the environment.

In order to accomplish the purposes of this policy, the Director may introduce and enforce rules and regulations that are approved by the Board of County Commissioners, and are necessary and reasonable to protect the drainage facilities, improvements, and properties controlled by the County, and to prescribe the manner of their use by any public or private person, corporation, or other entity. A Stormwater Utility Fee shall be charged to each developed parcel within the Stormwater Utility service area in the County.

## **1.2 Definitions**

For the purpose of this policy manual, the words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning:

1. Abatement - any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.
2. County Administrator - a person whose duties include general supervision and direction of the operation and administration of all departments of the County, with the exception of the Office of the Administrator and the Offices of the Board of County Commissioners.
3. Commission - the Board of County Commissioners of Adams County, Colorado.
4. County – Adams County, Colorado.
5. Customer – a person or user that pays a Stormwater Utility Fee for a service provided by Adams County Public Works under the Stormwater Enterprise Fund.
6. Director - the Director of Public Works or his designee.

7. Developer - a person, firm, partnership, corporation, or other business entity that excavates, fills, or builds structures, or otherwise improves or develops a specific parcel or tract of land.
8. Developed Property – a property that has a structure(s) within the parcel boundary such as but not limited to roof tops, asphalt or concrete paving, driveways, parking lots, walkways, sidewalks, patio areas, storage areas, or other surfaces which prohibit the natural stormwater infiltration.
9. Engineer, professional - a person holding a license under the appropriate Colorado Statutes.
10. Enterprise Fund – a fund that provides goods or services to the public for a fee that makes the entity self-supporting.
11. Existing - present or in effect as of the time of the adoption of this manual.
12. Impervious area surfaces - impervious areas on or in a parcel of real property, which prevents or severely restricts infiltration of stormwater into the earth; they are impermeable (impervious) to water.
13. Infrastructure - various drainage works, including but not limited to inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components of this nature.
14. Natural Outlet - Any outlet into a watercourse, pond, ditch, lake or other body of impervious or ground water.
15. Notice - a written or printed communication conveying information or warning.
16. Notice of Violation – a written or printed communication conveying an enforcement action.
17. Person - any human being, firm, partner-ship, corporation, organization, entity or association of any kind.
18. Pollution - the contamination or other alteration of the physical, chemical, or biological properties of any natural waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental,

or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

19. Premises - the parcel or lot, including any buildings and appurtenances situated thereon.
20. Private - that parcel or facilities owned by a person other than a quasi-governmental agency, city, county, state, or federal government agency.
21. Public - that parcel or facilities owned by a city, county, state or federal government or agency thereof.
22. Runoff - as used in this manual, these terms are interchangeable and include rainwater as it falls to the earth, impervious runoff and drainage, and paths taken by such water.
23. Storm Sewer System - all facilities, man-made structures, and natural watercourses used for collecting and carrying stormwater runoff to, through, and from drainage areas to and including points of final outlet. A Storm Sewer System may include any and all of the following: inlets, conduits and appurtenant features, canals, creeks, lakes, channels, catch basins, ditches, streams, drainage wells, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, and pumping stations. This
24. Stormwater Utility - a service for stormwater management administration, regulatory compliance, operation, maintenance, mitigation and construction provided by Adams County Public Works.
25. Stormwater Utility Fee (SWU Fee) – the fee assessed on development properties with impervious areas within the service area for stormwater management administration, operation, maintenance, mitigation and construction provided by Adams County Public Works.
26. Total Square Footage of Impervious Area of Lot or Parcel of Real Property - the square footage of a parcel measured or estimated by using the outside boundary dimensions (in feet) to obtain the total enclosed square footage, without regard to topographic features of the enclosed impervious. The boundary dimensions in feet of the enclosed impervious area may be established by any of the following methods:



- a. On-site or photogrammetric measurements of the apparent outside boundary dimensions of the parcel of real property made by the County or on its behalf, or
  - b. Computation of the area using dimensions of the parcel of real property, or existing area measurements which are set forth and contained in the Adams County public records, or either of these things.
27. Vacant land - a piece or parcel of land that is without any building, structure, appurtenance, or improvement. It does not mean recreation, green, or open space created around private or municipal facilities, or parcels connected thereto or contiguous with such facilities for such reason.

## 2.0 Benefits to the Community

The stormwater utility benefits the community by providing a dedicated fund for stormwater management services. Benefits associated with stormwater management include:

- Flood protection
- Water quality improvements
- Wetland and stream bank protection
- Erosion and sediment control
- Drainage system maintenance
- Community education, and
- Improved fish and wildlife habitat, and recreational opportunities.

It is recognized that in some instances a developed property may hold runoff from entering into the storm sewer system. Such a property may place demand on the stormwater system in some other way, however. There is no way for the County to measure the amount of runoff or pollutants that each property produces during a storm event, or to quantify the exact impact to or benefit from the stormwater system. Whether a developed property is directly or indirectly contributing to the need for stormwater facilities and infrastructure, the owner and/or occupant benefits from the stormwater utility's improvements throughout the community.

## 3.0 Organization of a Stormwater Enterprise

On September 19, 2012 Adams County, in an adopted resolution by the Board of County Commissioners, established the Adams County Water Activity Enterprise within its service area of the County to carry out those Purposes.

A Stormwater Enterprise was created in the Department of Public Works of Adams County which, in coordination with the Director, Finance Director and the County Treasurer, has the responsibility for planning, developing, and implementing the Stormwater Enterprise; financing, constructing, maintaining, rehabilitating, inspecting, and managing existing and new

stormwater infrastructure; collecting fees and charges for the Stormwater Enterprise; implementing and enforcing the provisions of this Policy; and other related duties as directed by the Director. The Stormwater Enterprise shall be administered by the Director.

## **4.0 Service Area**

The service area for the Stormwater Enterprise is from the western county boundary east to Schumaker Road. This service area is subject to change as the County development increases east of Schumaker Road.

## **5.0 Authority**

Adams County Board of County Commissioners approved the formation of a Stormwater Enterprise by charging Stormwater Utility fees for services on September 19, 2012 and became effective January 1, 2013.

The Public Works Department (Department) shall monitor the Stormwater Enterprise and conduct the design, operation, maintenance, inspection, construction, and use of all public Storm Sewer Systems in the County. The Director (Director) shall be responsible for the design and construction of public stormwater facilities owned by the County and shall inspect, operate, and maintain them as prescribed herein.

### **5.1 Public Facilities**

The Director shall be responsible for plan approval, construction and inspection of both private stormwater facilities and public stormwater facilities not owned by the County. Additionally, the Department may accept the responsibility for the operation and maintenance of private stormwater facilities only when such services have been agreed to, contracted for, and approved by the Board of County Commissioners (BOCC). These private storm sewer systems are also subject to the final review of the County Attorney Office.

### **5.2 Private Facilities**

The parcel owner shall be responsible for stormwater drainage facilities located on private property where runoff will principally be collected within that parcel. The owner shall clean and maintain the facility or channel, as required, to ensure efficient and proper operation of the facility. The owner shall obtain written approval and a permit from the Director prior to any proposed changes or alterations to any public or private stormwater drainage facilities that, in the County's sole discretion, may substantially or adversely affect stormwater drainage in the property owner's area.

The Director shall provide for inspection of private facilities in accordance with the Adams County Stormwater Program to ascertain that the stormwater facilities are functioning as designed and approved. The Director shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public health, safety, and welfare.

### **5.3 Remedial Compensation**

Any work the County provides on behalf of a customer on a parcel with escalating stormwater problems that pose a hazard to public health, safety, and welfare shall be compensated.

#### **5.3.a Abatement**

1. Upon notice to and failure of the property owner of a parcel to abate stormwater problems that pose a hazard to public health, safety, and welfare, the County may perform the work needed. The whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, shall become an assessment upon the property from which such condition has been abated or remediated. The County shall keep a written record of all such costs which shall be part of the file for the County's stormwater quality program kept by the County.
2. Any assessment pursuant to this Stormwater Utility Policy Manual shall, once recorded, be a lien against such property until paid and shall have priority based upon its date of recording.
3. In case such assessment is not paid within 60 days after notice is mailed to the property owner, it may be certified by the County Clerk and Recorder to the County Treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of this State for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collections of assessments pursuant to this Ordinance.
4. Pursuant to 30-15-402, C.R.S., there shall be a graduated fine schedule for repeat offenses by the same individual, as follows:
  - a. Second offense: In the event that the County performs the work needed to abate or mitigate the discharge of pollutants upon notice to and failure of the person responsible for the property or premise to remove or eliminate such pollutants, the whole cost thereof, including five percent for inspection and other incidental costs in

connection therewith multiplied by two shall become an assessment upon the property from which such causes of illicit discharges have been removed.

- b. Third and subsequent offenses: In the event that the County performs the work needed to abate or mitigate the discharge of pollutants upon notice to and failure of the person responsible for the property or premise to remove or eliminate such pollutants, the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith multiplied by three shall become an assessment upon the property from which such causes of illicit discharges have been removed.

## 6.0 Stormwater Utility Fee Determination Methods

Adams County chose an impervious area rate methodology to assess SWU Fees to developed parcel owners. This method is commonly used in Colorado, and nationally. The impervious rate methodology was chosen because there is a direct proportional correlation between the amount of impervious area within a parcel and the demand on the stormwater system generated from the parcel.

### 6.1 Billing Policy

Standard Properties: Fees for all developed parcels, including but not limited to mobile home lots, single family homes, green houses, commercial businesses, non-taxed parcels will be billed to the property owner on file in the County's Property Tax Database.

Rental or HOA Properties: Distribution of Fees to renters or HOA members will be the responsibility of the property owners of the parcel(s).

Special Billing Properties: Known as "Pro-Rated Groups" or "Non-Standard Groups", where there is split-ownership of a single parcel, commonly-owned property, or schematic (not-to-scale) parcels, the SWU Fee will be distributed equally amongst the owners.

#### 6.1.a Billable Impervious Area

Billable impervious areas are surfaces that prohibit or restrict the passage of water into the soils beneath. Impervious areas include the roof area of all man-made structures such as roof tops, asphalt or concrete paving, driveways, parking lots, walkways, sidewalks, patio areas, storage areas, or other surfaces which prohibit the natural stormwater infiltration.

### 6.1.b Exemptions

All billable impervious areas that are not part of the public right-of-way or public airport runways will be eligible for inclusion of the SWU Fee calculation; any facilities or infrastructure within the public right-of-way and County drainage facilities will be exempted from the SWU Fee.

### 6.1.c Rate Structure

The impervious area on a typical residential parcel is used as the basis for the calculation. Billable impervious of developed parcels will have at least 100 square feet of billable impervious area.

The rate structure for the SWU Fee is a flat rate charge per square foot of billable impervious area on each developed parcel within the service area. All developed properties with at least 100 square feet (sf) will be charged a minimum Fee of \$1.67 per month for up to 1,000 sf of billable impervious area.

### 6.1.d Billable Area Calculation

For developed properties with more than 1,000 square Feet of billable impervious area the rate per square foot is \$0.00167 per month.

#### Examples:

- 1,000 sf = \$1.67 per month
- 3,125 sf = \$5.22 per month
- 10,000 sf = \$16.70 per month
- 100,000 sf = \$167.00 per month

### 6.1.d Credit Study

## 7.0 Stormwater Utility Funding

All revenues generated by or on behalf of Adams County, including stormwater service charges, permit and inspection fees, and direct charges (the cost of designing and constructing stormwater facilities, administrative costs and related expenses where the Public Works Department designs, constructs, or contracts for the construction of such facilities) and interest earnings on those revenues, shall be deposited in a stormwater enterprise fund and used exclusively for Stormwater Utility purposes.

## 7.1 Collection of Stormwater Utility Fees

The frequency of billing is established by C.R.S. 39-10-101 Collection of Taxes, as amended for the Adams County Treasurer based on an assessment of the most efficient, effective and equitable method of billing and collections available to the Utility. The SWU Fee shall be billed on the property tax statement at least annually, by Adams County. Developed properties that are subject to the SWU Fee but not ordinarily receiving a property tax Statement may be billed directly by Adams County. The Director is to assure that the most efficient and effective billing and collection techniques are being used. The Utility may pursue billing and collections of SWU Fees through an independent billing company consistent with all applicable state statutes.

### 7.1.a Stormwater Utility Fee Notification

Stormwater Utility Fees are mailed by the end of January to the parcel owner of record. Failure to receive the statement does not exempt the customer from timely payment of SWU Fees due. If the parcel owner of record has not received a statement with the SWU Fee by January 31st, the Treasurer's Office must be contacted at 720-523-6160 for a duplicate notice to be sent.

## 7.2 Delinquent Charges

Only half or full property tax payments are accepted by the Treasurer's Office; partial property tax payments are not accepted. The delinquent property tax notices are mailed in July.

- The first half of the property tax payment is due and must be post marked by February 28<sup>th</sup>. Charges become delinquent May 1 after the bill is due.
- Full tax payment is due and must be post marked by April 30<sup>th</sup>. Charges become delinquent May 1<sup>st</sup> after the bill is due.
- The second half of the property tax payment is due and must be post marked by June 15<sup>th</sup>. Charges become delinquent June 16<sup>th</sup> after the bill is due.

## 7.3 Delinquent Payments

All charges delinquent hereunder shall be subject to, 1) an interest charge at the Colorado statutory rate, 2) a rebilling charge covering administrative costs in accordance with this Policy, and 3) shall constitute a lien upon the real property affected, from the date charges are incurred. Charges which remain unpaid for a period of sixty (60) days may be reported to the BOCC for assessment against the real property. In the alternative, the BOCC may direct the County Attorney to file suit thereon, and to collect all such unpaid charges and fees, including reasonable attorney's fees and charges.

## 8.0 Appeals Process and Hearings

The appeals process described herein is to be used by any customer to dispute the fee charged, not to contest the rate structure or the fee itself. In the event a customer does not agree with the stormwater utility fee charged, the customer should first contact the Adams County Stormwater Quality Hotline at 720-523-6400. Adams County Stormwater Utility staff can answer questions regarding the stormwater utility fee. If, after speaking with stormwater utility staff, a customer still feels the stormwater utility fee is incorrect, the fee may be appealed. A meeting with stormwater utility staff may be scheduled at any time during the appeals process to resolve any issues. Described below are reasons that may qualify for an appeal, the process to file an appeal and the process that will be followed to make a final determination of an appeal.

### 8.1 Basis for an Appeal

A customer who wishes to appeal the stormwater utility fee that has a minimum error of 500 sf may do so to dispute the following:

1. Incorrect Property Ownership
  - a. Property ownership is determined by the information obtained from the Adams County Property Tax Database.
  - b. A property may no longer be owned by the name listed in the database.
2. Amount of calculated impervious area
  - a. The amount of impervious area is calculated using high resolution aerial imagery and an automated system to detect impervious surfaces. The mapping method used to measure impervious surfaces per parcel was designed to accurately estimate impervious surfaces at the lowest possible cost to the County. Due to image quality and spectral-classification limitations, the tolerance for error on a parcel should be within approximately 500 sf.
  - b. It is possible that surfaces have been captured that do not meet billable impervious criteria.
3. Identification of impervious area
  - a. A definition of what is considered impervious was established in advance of the measurement of that area for a property.
  - b. A customer may feel this definition was incorrectly applied and resulted in an incorrect fee.

4. Update of impervious area measurements
  - a. Per the Appeals Process described in section 8.2, a customer may request to have the impervious recorded recoded for property reviewed for accuracy. The mapped impervious will be visually verified and/or manually corrected using the County's most current imagery. Surfaces in question found to not meet billable criteria will be manually removed and the fee for the property will be adjusted accordingly.
  - b. If an impervious area is no longer on a property, the fee may be reduced the calculated amount or that area. The threshold for change based on a customer-initiated dispute will be 500 square feet of impervious area (\$10/year).

## **8.2 Process to File an Appeal**

A customer may initiate an appeal by filling out the Adams County Stormwater Utility Fee Appeal Form (Form). This Form can be found online at [www.adcogov.org/stormwater](http://www.adcogov.org/stormwater) or contact the stormwater quality hotline (720-523-6400) and the Form can be mailed or faxed to the customer. The Form, along with documentation in support of the appeal, must be submitted to the Public Works Department prior to April 1 of each year. The Form and supporting documentation will, initially, be reviewed for administrative completeness. An incomplete Form or an appeal lacking supporting documentation will be returned to the customer. Failure to submit a complete Form with supporting documentation within the time allowed shall be deemed a waiver of any further right to administrative consideration or review. The Director of Public Works may grant an extension in the case of extenuating circumstances. The customer requesting the appeal may be required, at the customer's expense, to provide supplemental information to the County. Supplemental information may include, but is not limited to, a survey prepared by a professional land surveyor or professional engineer showing the impervious area of the property. Failure to provide the requested information or documentation in a timely manner may result in the denial of the requested appeal.

## **8.3 Appeals Determination Process**

Once a completed Adams County Stormwater Utility Fee Appeal Form and all supporting documentation have been received by the Public Works Department, the stormwater utility staff has from April 1 to July 1 to make a determination. Adams County stormwater utility staff will make a determination regarding the appeal using the Form and submitted documentation only. If, during review of an appeal, staff determines it is necessary to conduct a confirmation site visit, the customer will be contacted to schedule such a visit. The determination regarding the appeal shall be in writing and sent via certified mail, return receipt requested to the customer.



#### **8.4 Third Party Referee**

In accordance with the establishing Stormwater Utility resolution, if the customer does not agree with the determination, written protest of the determination, including the original Form and supporting documentation, may be submitted to an independent third party referee for final resolution. All protests to the independent third party referee must be submitted within thirty (30) days of the date of the determination. Stormwater Utility staff will submit all items to the third party referee.

#### **8.5 Stormwater Utility Fee Adjustment**

When a Stormwater Utility Fee has been adjusted through the appeals process, a refund shall be retroactive to January of the same year.

### **9.0 Operations, Maintenance**

The Director shall develop, implement and operate within the County's operation and maintenance program for the Storm Sewer System.

### **10.0 Design and Construction**

The Director shall develop, implement and operate within the County's capital improvement plan for the Storm Sewer System. The capital improvement plan is a comprehensive document prepared annually, and delineating the estimated 5-year stormwater capital needs of the County.

#### **10.1 Storm Sewer System Modification**

It shall be unlawful for any person to construct, enlarge, alter, repair, relocate, or demolish storm sewer facilities, infrastructure or other drainage facility, without first filing an application and obtaining a proper permit from the County as provided for in Zoning and Subdivision Regulations.

#### **10.2. Right-of -Entry for Survey, Examination and Inspection**

After obtaining advance permission from the property owner, presenting proper credentials, and at any reasonable time, the employees of Adams County or its agents (including contractors and consultants and their employees) may enter upon lands within the County to make surveys and examinations to accomplish the necessary preliminary findings to establish a County master stormwater plan, and for detailed analyses to prepare final plans and specifications for the proposed site improvements. In addition, any and all such employees or agents may enter upon any lands to inspect private facilities to ascertain their compliance with Adams County Ordinance No. 11 Concerning Illicit Discharges to Waters of the State within Unincorporated Adams County.

### **10.3 Flooding Liability**

Floods from stormwater runoff may occasionally occur which exceed the capacity of storm drainage facilities constructed, operated, or maintained by funds made available under this Chapter. This Section shall not be construed or interpreted to mean that property subject to the SWU Fees and charges established herein will be free from stormwater flooding or flood damage, or that storm sewer systems capable of handling all storm events can be cost-effectively constructed, operated, or maintained. Nor shall this Section create any liability on the part of, or cause of action against, the County, or any official or employee thereof, for any flood damage that may result from such storms or the runoff thereof. Nor does this Section purport to reduce the need or the necessity for obtaining flood insurance by individual property owners.

### **10.4 Emergencies and Abatement**

In case of an emergency, the Director may direct that action be taken immediately to correct the condition or abate the activity to protect public health, safety, and welfare. The Stormwater Utility Enterprise may perform the required work and charge the owner all such related (and provable) costs.

### **10.5 Emergency Conditions Requiring an Immediate Action**

Notwithstanding any other provisions of this Section, whenever the Director determines that conditions or activities exist that require immediate action to protect the public health, safety, or welfare, the Director is authorized to enter at all reasonable times in or upon any property for the purpose of testing, inspecting, investigating, measuring, sampling and correcting such emergency conditions. The Director may order the immediate discontinuance of any activity which causes or tends to cause the emergency condition.

## **11.0 Minimum Standards of Service**

The Stormwater Utility Enterprise shall provide a level of storm drainage and water quality service that remains constant or improves with time. The County's SWU Fees shall be fair and equitable, and bear a substantial relationship to the cost of providing service and facilities, in that similar properties shall pay similar SWU Fees.

### **11.1 Level of Service**

The Director of Public Works shall establish reasonable measures of the level of service provided by the Stormwater Utility Enterprise to establish the minimum standard of performance of the Storm Sewer System so that the system remains functional with a capacity that does not degrade or diminish over time. The Director of Public Works shall

assess the condition of the Storm Sewer System annually and determine the level of service provided.

### **11.2 Annual Report**

The Director of Public Works shall prepare an annual revenue and cost of service report annually to ensure the equity and adequacy of the fees such that sufficient funds are collected to ensure a level of service that does not diminish with time.