

AN ORDINANCE ESTABLISHING THE CEREDO STORMWATER UTILITY

WHEREAS, The Town of Ceredo, and its contiguous urban watershed, has been designated by Federal Law as a regulated municipal separate storm sewer system, and, as such, must comply with the regulatory requirements established under the Clean Water Act; and

WHEREAS, there is a public need to protect life, property and the water environment from loss, injury and damage caused by storm and surface water, and a responsibility of the Town as a trustee of the water environment for future generations; and

WHEREAS, the West Virginia Legislature amended Sections 8-16-1 et seq. and 16-13-1 et seq. of the West Virginia Code in 2001 so as to authorize municipalities to include the operation and management of stormwater systems as part of its municipal activities; and

WHEREAS, there is a public need to establish a single authority for planning, acquisition, improvement, construction, inspection, development, installation, modification, management, operation, maintenance, repair, replacement, control, demolition, abandonment, regulation and funding of storm and surface water drainage services, systems and facilities; and

WHEREAS, it is in the public interest to create, empower and operate a stormwater utility to provide storm, flood and surface water drainage services to all real property located within the corporate limits of The Town of Ceredo and in portions of its adjacent watershed drainage area that may be designated by Town Council, and for the Town to charge service fees for storm, flood and surface drainage services rendered by the Town.

NOW, THEREFORE, The Town of Ceredo hereby ordains that:

1. **ESTABLISHMENT.**

There is hereby established the Ceredo Stormwater Utility ("Utility"). This Utility shall serve the greater Ceredo urban watershed, which shall include all areas within the political boundaries of the Town of Ceredo and all adjacent and contiguous areas, designated by Town Council, over and through which surface and stormwater flows within and into The Town of Ceredo. The Ceredo Stormwater Utility shall provide storm, flood and surface water drainage

management services to real property located within these designated portions of the greater Ceredo urban watershed.

2. PURPOSE.

The Ceredo Stormwater Utility shall protect, to the greatest extent practicable, life, property and the water environment from loss, injury and damage by pollution, erosion, flooding, and other potential hazards, whether from natural causes or from human activity, and shall protect, to the greatest extent practicable, surface waters and receiving waters from pollution, mechanical damage, excessive flows, and other conditions which degrade the water environment, reduce recharging of groundwater, or endanger aquatic and benthic life within the greater Ceredo urban watershed and other receiving waters of the State. The Ceredo Stormwater Utility shall further meet the requirements of state and federal law and the Town's municipal separate storm sewer system NPDES permit and/or any future permit(s).

3. AUTHORIZATIONS, POWERS AND DUTIES

(a) The Ceredo Stormwater Utility is authorized and empowered to plan, acquire, improve, construct, inspect, develop, install, modify, manage, operate, maintain, replace, control, demolish, abandon, regulate, and fund a stormwater and surface water collection system and control system and facilities and appurtenances necessary or useful and convenient thereto and to provide storm and surface water drainage services and to maintain an associated stormwater management program within the greater Ceredo urban watershed. The Utility is further authorized to acquire property and/or rights in land by gift, purchase, lease, or exercise of the right of eminent domain or otherwise, within and without

or other acquisition and the financing of stormwater and flood management facilities and maintenance and operation thereof.

(f) The Utility is authorized and empowered to provide for applicable stormwater management rules and regulations, including applicable service fees, which rules and regulations shall be fixed by Council by ordinance.

4. **TRANSFER OF AUTHORITY.**

All power and authority possessed by the Town of Ceredo pertaining to public flood control and storm and surface water drainage services and the operation thereof is hereby transferred to the Town of Ceredo Stormwater Utility. The [Utility Manager, City Manager, ???] for the Town of Ceredo shall serve as the director of the Town of Ceredo Stormwater Utility. All storm and surface water drainage systems or facilities owned or controlled by the Town of Ceredo, and revenues raised for the purpose of or pertaining to flood control and storm and surface water drainage services and operation of the Utility herein created, are to be collected by the Town of Ceredo Stormwater Utility. The Utility shall, no less than annually, present to the Ceredo Town Council a budget and audited financial statements of said stormwater Utility.

5. **SEVERABILITY.**

If any section, sentence, clause or phrase of this article shall be declared invalid for any reason whatsoever, such decision or declaration of invalidity shall not

affect the remaining portions of this article, which shall continue in full force and effect, and to this end the provision hereof are hereby declared severable.

6. EFFECTIVE DATE.

This Ordinance shall take effect immediately following public hearing and final reading hereof.

Passed on First Reading: _____, 2014

Passed on Final Reading
Following Public Hearing: _____, 2014

THE TOWN OF CEREDO

Mayor