

CITY OF MONROE
PUBLIC ENTERPRISE COMMITTEE
300 W. CROWELL STREET, MONROE, NC 28112
TUESDAY, APRIL 1, 2025 - 4:00 PM
AGENDA
www.monroenc.org

1. Adoption of Minutes of the March 4, 2025 Public Enterprise Committee Meeting
2. Updates to City Ordinance Chapter 58 - Stormwater Utility
3. Updates to City Ordinance Chapter 159: Stormwater Management and Creation of Chapter 155: Stormwater Illicit Discharge Elimination Ordinance
4. Pinedell Avenue Culvert Replacement/Road Widening
5. Purchase of Compact Track Loader and Mulching Head
6. Outside City Service Request



STAFF REPORT

TO: Public Enterprise Committee

VIA: Mark Watson, City Manager

DATE: April 1, 2025

FROM: Sarah McAllister, P.E., Engineering Director

PREPARED BY: Bonnie Fisher, P.E. – Stormwater Engineering Manager

SUBJECT: Updates to City Ordinance Chapter 58 – Stormwater Utility

SUMMARY STATEMENT

The Public Enterprise Committee is requested to consider recommended updates to the City of Monroe Code of Ordinances Chapter 58: Stormwater Utility.

REVIEW

Since the establishment of the Stormwater Utility in November 2008, there have been no substantial reviews of the corresponding ordinance section. A comprehensive review was conducted by Stormwater staff, and the proposed revisions are detailed in the attached tracked changes document. Proposed revisions include definitions updates, text changes for clarification, and reclassification of billing categories for residential properties. The purpose of the reclassification is to simplify billing and to better capture the actual impervious areas created by multifamily and townhome communities. The proposed billing tier structure changes in the Fee Schedule were initially presented to Council at the Budget workshop held on March 3, 2025 and will be adopted as part of the Fiscal Year 2026 budget process.

RECOMMENDATION

Staff recommends approval of the Text Amendments to Chapter 58: Stormwater Utility. If the Public Enterprise Committee is in agreement, this item will be placed on the consent agenda for consideration by City Council at the next meeting on April 8, 2025. The Ordinance is proposed to become effective July 1, 2025 with the new fiscal year.

Attachments: Revised Stormwater Utility Ordinance Chapter 58 (with tracked changes)
Revised Stormwater Utility Ordinance Chapter 58 (changes accepted)
Proposed Utility Fee Schedule (effective July 1, 2025)

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE V: PUBLIC WORKS
CHAPTER 58: STORMWATER UTILITY
O-2025-10

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE V: PUBLIC WORKS OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED.

Section 1. Amend **CHAPTER 58: STORMWATER UTILITY** as follows:

§ 58.01 TITLE.

This Ordinance shall be known as "The Stormwater Utility Ordinance," hereinafter as "Ordinance," and may be so cited.

§ 58.02 AUTHORITY, PURPOSE, JURISDICTION.

(A) Authority. Pursuant to G.S. Chapter 160A, Article 16, the City of Monroe is authorized to create a stormwater utility and enterprise fund and in so doing establish a schedule of rents, rates, fees, charges, and penalties for the use of or the services furnished by such public enterprise.

(B) Purpose. It is the purpose of this section to establish a stormwater utility as an identified fiscal and accounting fund for the purpose of comprehensively addressing the stormwater management needs of the city through a program designed to improve, maintain, operate and repair stormwater conveyance systems and to protect and manage water quality and quantity by controlling the level of pollutants in stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types. It provides a schedule of rents, rates, fees, charges and penalties necessary to assure that all aspects of the stormwater program are managed in accordance with Federal, State and Local laws, rules, and regulations.

(C) Jurisdiction. The boundaries and jurisdiction of the stormwater utility shall extend to the corporate limits of the City, including all areas hereafter annexed thereto.

§ 58.03 FINDINGS.

(A) Stormwater poses a threat to the public health, safety, and welfare because if unmanaged, it floods properties, erodes watercourses and channels, and pollutes streams and rivers.

(B) By mapping, planning, constructing, operating, cleaning, regulating and maintaining the natural and constructed stormwater management system, the City reduces the adverse

effects of stormwater and improves the quality of groundwater, streams, rivers, and lakes in and around the City.

(C) Providing a stable source of funding for stormwater services, as hereafter defined, can best be accomplished through stormwater management utility funds. Such a utility will benefit owners and occupants of developed land in the City and Monroe citizens.

(D) The amount of impervious surface on a property is the single most important factor affecting the peak rate of runoff, the total volume discharged, and pollutant loadings of stormwater that flows from property.

(E) State law reference. Authority to adopt a Stormwater Management Utility, Chapter 160A, Article 16.

§ 58.04 DEFINITIONS.

For the purpose of the article, the following words, terms, and phrases shall have the meaning given to them in this section, except where the context clearly indicates a different meaning.

CREDIT. Ongoing reductions in the stormwater management service charge applicable to a given zoning lot or tract in recognition of the on-site or off-site systems, facilities, measures, and/or actions undertaken to reduce or mitigate the stormwater quantity and/or quality impact(s) of the zoning lot or tract that would otherwise impact the public stormwater management system. Credit shall be conditioned on the continuing performance of the mitigation systems, facilities, measures, or actions in reference to standards adopted by the stormwater management utility, and may be revised or rescinded for cause. In no case shall credits exceed the amount of the stormwater management service charge. The means and measures for identifying, issuing and obtaining credits will be provided in a credit policy approved by City Council.

CUSTOMER or CONSUMER. The person or entity to which a bill for stormwater service charges is billed. The customer may be the owner or occupant of a property, but the owner is ultimately responsible for payment of the charge.

DEVELOPED LAND. Real property that contains impervious surfaces, and includes improved land without structures and land on which improvements are under construction.

DRAINAGE SYSTEM. Natural and man-made channels, pipes, ponds and other facilities that transfer, control, convey or otherwise influence the movement of stormwater runoff.

DWELLING UNIT. One (1) or more rooms physically arranged to create a housekeeping establishment with separate facilities for cooking, sleeping and toilet for occupancy by one (1) or more persons.

EQUIVALENT RUNOFF UNIT (ERU). The median of impervious surface area on a single-family detached residential dwelling unit property in the City. The ERU is calculated to be

two thousand six hundred and eighteen (2,618) square feet of impervious surface or fraction thereof.

IMPERVIOUS SURFACE. Any surface which, because of its material composition or compacted nature, impedes or prevents natural infiltration of stormwater into the soil. Impervious surfaces include, but are not limited to, roofs, roof extensions, patios, balconies, decks, including wooden slatted decks, athletic courts, swimming pools, excluding the water area of swimming pools, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surfaces. Ungraveled natural footpaths, water surfaces of lakes, streams, and swimming pools and drain fields are not impervious surfaces.

LOT. Land bounded by lines legally established for the purpose of property division.

NON-RESIDENTIAL DEVELOPED LAND. All developed properties except those utilized for residential habitation.

NATURAL STATE. Shall describe existing undeveloped land where the soil and vegetation characteristics has not been substantially modified or disturbed by human activities and the hydrologic function is in an unaltered or natural condition.

PROPERTY OWNER or OWNER. The owner of a real property as shown on the Union County tax records.

REAL PROPERTY. Land, tenements, and hereditaments.

RESIDENTIAL DEVELOPED LAND. Single- family homes, condominiums, multi-family dwellings (duplexes and greater), manufactured homes or home parks, and townhomes. **RESIDENTIAL DEVELOPED LAND** shall not include structures used primarily for nonresidential purposes or nonresidential developed property.

SINGLE-FAMILY EQUIVALENT RESIDENTIAL UNIT RATE. The unit charge for stormwater service established by City Council.

STORMWATER. The runoff from precipitation that travels over natural state or developed land surfaces and enters a drainage system.

STORMWATER MANAGEMENT SERVICE CHARGE. The charge to provide stormwater services to developed property. The charge is based upon the single-family equivalent residential unit (ERU) as calculated for that property and multiplied by the single family equivalent residential unit rate.

STORMWATER MANAGEMENT SYSTEM or SYSTEM. The system of natural and constructed devices for collecting and transporting stormwater. It includes, but is not limited to, structural drainage systems such as open swales and ditches, catch basins, pipes, inlets, storm sewers, drains, culverts, junction boxes, and other stormwater management facilities that affect the quality and quantity of stormwater located within dedicated public street rights-of-way and City of Monroe permanent drainage easements accepted by the City and all natural stormwater drainage systems.

STORMWATER MANAGEMENT UTILITY FUNDS. The stormwater management service charges and the interest generated by those charges.

STORMWATER SERVICES. City stormwater management programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and City service of structural and natural stormwater and drainage systems of all types. STORMWATER SERVICES include any cost necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and State laws, regulations and rules, and costs related to the mapping, planning, construction, operation, maintenance, inspection, management and regulation of the stormwater management system and the regulation of impervious surface and stormwater.

UNDEVELOPED LAND. All land that is not altered from its natural state to extent that results in less than four hundred (400) total square feet of impervious surface area per individual lot.

§ 58.05 CREATION OF STORMWATER MANAGEMENT ACCOUNTING.

All stormwater management service charges and interest generated by such charges, and the stormwater management utility funds, shall be placed in a separate City account and shall be used by the City of Monroe solely for operation and administration of the stormwater management program. The City may use funds that are not stormwater management utility funds to provide stormwater services.

§ 58.06 STORMWATER MANAGEMENT SERVICE CHARGES.

(A) All developed land in the City, whether public or private, shall be subject to a stormwater management service charge. Exemptions shall not be allowed based on age, tax exemption, or other status of an individual or organization. Stormwater management service charges may be subject to a credit reduction in charges as further provided herein.

(B) Stormwater management service charges on developed land shall be based on a schedule of rates, charges, tiers, and late fees fixed and established from time to time by the City Council and maintained on file in the offices of the Finance Director and Director of Engineering. Stormwater management service charges will be determined and modified from time to time by the City Council, so that the total revenues generated by said charges will be used to pay the principal and the interest on the debt incurred for stormwater purposes, and such expenses as are reasonably necessary for providing stormwater services within the City of Monroe.

(C) Computation of stormwater management service charges.

(1) For residential developed land, the monthly stormwater management service charges shall be based on the median amount of impervious surface on a single-family residential lot in the city, which is known as an Equivalent Runoff Unit (ERU). There shall

be a tier system for all residential developed properties, based on the amount of impervious surface of the properties, as set forth in the City of Monroe fee schedule.

(2) For nonresidential developed land, the monthly stormwater management service charges are calculated by dividing the total impervious surface area of the property divided by one (1) ERU, rounded to the nearest tenth, multiplied by the established monthly single-family equivalent unit rate as fixed by City Council.

(3) For developments with common property, containing impervious surfaces, such as townhouse developments, cluster unit developments, or condominiums, each dwelling unit shall be responsible for its equal pro rata share of the total impervious surfaces area of the common areas of the development not served by City of Monroe water or sewer or both unless other arrangements are made pursuant to § 58.07(D).

(D) The following exemptions from stormwater management service charges are allowed:

(1) Undeveloped land.

(2) Improved public transportation ways, including public streets, roads, greenways and trails, airport runways, which have been conveyed to the North Carolina Department of Transportation or City of Monroe and which are used by the general public for motor vehicle transportation, and private streets constructed in accordance with the City of Monroe Code of Ordinances and the City of Monroe Standard Specifications and Detail Manual.

(3) Railroad tracks. However, railroad stations, maintenance buildings or other developed land shall not be exempted from stormwater management service charges.

§ 58.07 BILLING METHOD, RESPONSIBLE PARTIES.

(A) Bills for stormwater management service shall be sent at regular periodic intervals. Stormwater management service charges may be billed on a combined utility bill that also contains charges for electric, gas, water and sewer service and/or solid/waste management service.

(B) Stormwater management service charges for a property that receives water, sewer service or combined sewer and water service will be sent to the customer receiving such service. However, where multiple water and sewer accounts exist for a single parcel, the bill for stormwater management service charges may for good cause shown at the discretion of the City be sent to the property owner.

(C) In cases where a master meter is used for water service to a property with multiple tenants, Owners of the property may, with the consent of the City, designate each occupant of the property as the party to receive the bill for stormwater management service charges by completing and properly executing a form provided by the City. Such designation shall fairly allocate the impervious surfaces actually used by the billed party, and it shall be binding for the period of time specified by the City. No occupant may be designated as the

party to receive the bill for stormwater management service charge unless the occupant is also receiving a utility bill for another city service such as electric, gas and or solid/waste. The applicant shall provide notice of the application to each effected utility customer. The City shall approve the per account billing for the parcel unless the billing plan:

- (1) Will result in a charge of less than one (1) ERU for one or more accounts, and/or
- (2) Does not equitably allocate the fee between accounts.

Such transfer does not relieve either the owner or occupant from liability for stormwater management service charges if they are not paid by the party billed. The approval of per account billing pursuant to this subsection does not relieve the owner from liability for stormwater management service fees if they are not paid by the party billed. The property owner is ultimately responsible for payment of the stormwater management service charge for property for which the party billed has not paid the stormwater management service charge.

(D) All other aspects of billing shall be handled as set forth in the City Council adopted Customer Service Policy unless specifically described in this section, or the section immediately following.

§ 58.08 PAYMENT PROVISION; UTILITY TERMINATION.

(A) Where stormwater management service charges appear on a combined utility bill or a master summary bill, and a customer does not pay the service charges for all the utilities on the bill, the partial payment will be applied to the respective service charges in the following order: delinquent stormwater management service charges and then to all other City utility service.

(B) Stormwater management service charges are due within the time period stated on the bill. Bills not paid within this time shall be charged a late fee as set forth in the adopted fee schedule.

(C) In the event that the stormwater management service charges and delinquent fee are not paid on or before the final due date, city utility services shall be discontinued on the order established in the City Customer Service Policy adopted by the City Council.

(D) Customers with complaints about the accuracy of stormwater management service charges are entitled to a review as provided in § 58.11. No charge will be retroactively adjusted to resolve customer complaints for a period of more than one year prior to the date the City received the complaint. Any bill charges requiring adjustment must be applied through the utility billing system.

(E) If property is under-billed, or not billed, or a bill is sent to the wrong party, the City may back bill up to a one-year period.

§ 58.09 ADJUSTMENT AND CREDIT APPLICABLE TO STORMWATER MANAGEMENT SERVICE CHARGE.

(A) Adjustment due to error or oversight. Request for adjustment of the stormwater service charge shall be submitted to the City in accordance with the policy adopted by City Council. Adjustments can also be made by the City should the City identify an error or oversight as long as the City notifies the customer in advance of the adjustment. Adjustments may be requested for errors or omissions on the customer's stormwater service charge. All requests shall be judged on the basis of the number of dwelling units or amount of impervious area on the property.

(B) Credits.

(1) The City may provide a system of credits to reduce stormwater management service charges for properties on which stormwater control measures substantially mitigates the peak discharge or runoff pollution flowing from such properties or substantially decreases the City's cost of maintaining the stormwater management system. The Engineering Department will develop written policies to implement the credit system. No credit will be authorized until the City Council approves written policies to implement the system of credits; a copy of the approved policies shall be on file with the Engineering Department. The City's policies may make credits retroactive to the date stormwater management service charges were initiated. Any bill charges requiring adjustments must be applied through the utility billing system but no credit will be granted for more than one (1) past year. Credits cannot exceed the stormwater utility charge for the customer. Nothing shall prevent the City Council from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.

(2) Each credit allowed against the stormwater management service charge is conditioned on the continuing operation and functioning of the stormwater control measure as designed; credited stormwater control measures must comply with all applicable laws, ordinances and regulations, and credits may be rescinded for noncompliance with these standards.

(3) Each credit for which a customer applies shall be subject to review and approval by the Director of Engineering or his designee. The Director of Engineering may approve or reject any application for a credit in whole or in part.

(4) Credits shall only be applied to developed lands containing the credited stormwater control measure. For developments with common property containing credited stormwater control measures such as townhouse developments, cluster unit developments, or condominiums, each dwelling unit shall be eligible for its equal pro rata share of the credit unless other arrangements for billing the stormwater management service charge are made pursuant to § 58.07(E).

§ 58.10 RESERVED.

§ 58.11 APPEALS.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

(A) An appeal must be filed in writing with the Director of Engineering. At the discretion of the Director of Engineering, the appeal may be required to include a survey prepared by a registered land surveyor and such other information that show the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to the stormwater events.

(B) Using the information provided, the Director of Engineering shall conduct a technical review pursuant to good engineering practices. The Director of Engineering may adjust the stormwater service management charge so long as the adjustment is in conformance with the general purpose and intent of this chapter. The Director of Engineering may take the appeal to the Environment and Water Resources Committee for their review and/or comment. At the conclusion of the review, the Director of Engineering shall issue a written determination stating whether an adjustment to the stormwater management charge is appropriate, and if so, the percentage of such adjustment. Any approved adjustments must be communicated in writing to the appropriate utility billing staff.

(C) An appeal may be taken from any decision of the Director of Engineering which is adverse to the customer by giving notice of appeal to the Board of Adjustment within thirty (30) days after service of the Director of Engineering's written decision on the customer. Notice of appeal shall be given by the customer by delivery of a written statement to the Board of Adjustment stating the grounds for the appeal and providing the Board of Adjustment with a copy of the written decision of the Director of Engineering. The Director of Engineering shall transmit to the Board of Adjustment and the customer all documents constituting the record upon which the Director of Engineering's decision was made.

(D) All decisions of the Director of Engineering and Board of Adjustment shall be served on the customer personally or by registered or certified mail. Mailing shall be based upon the billing address of the customer.

(E) When an appeal is from a decision authorizing an adjustment to the customer's bill, the Director of Engineering's decision shall remain in effect until and unless reversed or otherwise modified. No adjustment to a customer's bill shall be made which is for more than the one-year period immediately preceding the date that the customer's request is first received by the City.

§ 58.12 LIMITATION OF RESPONSIBILITY.

(A) The City shall be responsible only for the portions of the drainage system which are on city property including city-maintained street rights-of-way. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.

(B) The City's acquisition of storm drainage easements and/or the construction or repair by the City of stormwater control measures and drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, flooding, erosion, or standing water

Section 2. This Ordinance shall be effective July 1, 2025.

Adopted this 8th day of April, 2025.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk

CHAPTER 58: STORMWATER UTILITY

§ 58.01 TITLE.

This Ordinance shall be known as "The Stormwater Utility Ordinance," hereinafter as "Ordinance," and may be so cited.

(Ord. O-2008-46, passed 11-18-08)

§ 58.02 AUTHORITY, PURPOSE, JURISDICTION.

(A) Authority. Pursuant to G.S. Chapter 160A, Article 16, the City of Monroe is authorized to create a stormwater utility and enterprise fund and in so doing establish a schedule of rents, rates, fees, charges, and penalties for the use of or the services furnished by such public enterprise.

(B) Purpose. It is the purpose of this section to establish a stormwater utility as an identified fiscal and accounting fund for the purpose of comprehensively addressing the stormwater management needs of the city through a program designed to improve, maintain, operate and repair stormwater conveyance systems and to protect and manage water quality and quantity by controlling the level of pollutants in stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types. It provides a schedule of rents, rates, fees, charges and penalties necessary to assure that all aspects of the stormwater program are managed in accordance with Federal, State and Local laws, rules, and regulations.

(C) Jurisdiction. The boundaries and jurisdiction of the stormwater utility shall extend to the corporate limits of the City, including all areas hereafter annexed thereto.

(Ord. O-2008-46, passed 11-18-08)

§ 58.03 FINDINGS.

(A) Stormwater poses a threat to the public health, safety, and welfare because if unmanaged, it floods properties, erodes watercourses and channels, and pollutes streams and rivers.

(B) By mapping, planning, constructing, operating, cleaning, regulating and maintaining the natural and constructed stormwater management system, the City reduces the adverse effects of stormwater and improves the quality of groundwater, streams, rivers, and lakes in and around the City.

(C) Providing a stable source of funding for stormwater services, as hereafter defined, can best be accomplished through stormwater management utility funds. Such a utility will benefit owners and occupants of developed land in the City and Monroe citizens.

(D) The amount of impervious surface on a property is the single most important factor affecting the peak rate of runoff, the total volume discharged, and pollutant loadings of stormwater that flows from property.

(E) State law reference. Authority to adopt a Stormwater Management Utility, Chapter 160A, Article 16.

(Ord. O-2008-46, passed 11-18-08)

§ 58.04 DEFINITIONS.

For the purpose of the article, the following words, terms, and phrases shall have the meaning given to them in this section, except where the context clearly indicates a different meaning.

CREDIT. Ongoing reductions in the stormwater management service charge applicable to a given zoning lot or tract in recognition of the on-site or off-site systems, facilities, measures, and/or actions undertaken to reduce or mitigate the stormwater quantity and/or quality impact(s) of the zoning lot or tract that would otherwise impact the public stormwater management system. Credit shall be conditioned on the continuing performance of the mitigation systems, facilities, measures, or actions in reference to standards adopted by the stormwater management utility, and may be revised or rescinded for cause. In no case shall credits exceed the amount of the stormwater management service charge. The means and measures for identifying, issuing and obtaining credits will be provided in a credit policy approved by City Council.

CUSTOMER or CONSUMER. The person or entity to which a bill for stormwater service charges is billed. The customer may be the owner or occupant of a property, but the owner is ultimately responsible for payment of the charge.

DEVELOPED LAND. Real property that contains impervious surfaces, and includes improved land without structures and land on which improvements are under construction.

DRAINAGE SYSTEM. Natural and man-made channels, pipes, ponds and other facilities that transfer, control, convey or otherwise influence the movement of stormwater runoff.

DWELLING UNIT. One (1) or more rooms physically arranged to create a housekeeping establishment with separate facilities for cooking, sleeping and toilet for occupancy by one (1) or more persons.

EQUIVALENT RUNOFF UNIT (ERU). The median of impervious surface area on a single-family detached residential dwelling unit property in the City. The ERU is calculated to be

two thousand six hundred and eighteen (2,618) square feet of impervious surface or fraction thereof.

IMPERVIOUS SURFACE. Any surface which, because of its material composition or compacted nature, impedes or prevents natural infiltration of stormwater into the soil. Impervious surfaces include, but are not limited to, roofs, roof extensions, patios, balconies, decks, including wooden slatted decks, athletic courts, swimming pools, excluding the water area of swimming pools, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surfaces. Ungraveled natural footpaths, water surfaces of lakes, streams, and swimming pools and drain fields are not impervious surfaces.

LOT. Land bounded by lines legally established for the purpose of property division.

NON-RESIDENTIAL DEVELOPED LAND. All developed properties except those utilized for residential habitation.

NATURAL STATE. Shall describe existing undeveloped land where the soil and vegetation characteristics has not been substantially modified or disturbed by human activities and the hydrologic function is in an unaltered or natural condition.

OTHER RESIDENTIAL DEVELOPED LAND. ~~Any individual lot or parcel of residential developed land that is not single-family detached residential property. It includes, but is not limited to, land upon which there are residential structures that contain more than one (1) dwelling unit, such as multi-family dwellings (duplexes and greater), manufactured home parks as defined in the ordinance regulating development, condominiums, apartments, boarding houses, rooming houses, privately-owned fraternity and sorority houses.~~

PROPERTY OWNER or OWNER. The owner of a real property as shown on the Union County tax records.

REAL PROPERTY. Land, tenements, and hereditaments.

SINGLE-FAMILY DEVELOPED LAND ~~RESIDENTIAL DEVELOPED LAND. Single-family homes, condominiums, apartment multi-family dwellings (duplexes and greater), complexes, manufactured homes or home parks, and townhomes. An individual lot or parcel of land developed with only one (1) single-family (attached townhome or detached) dwelling unit, one (1) manufactured home, or one (1) mobile home, and the ownership interest of the land and of the dwelling unit are united and identical. SINGLE-FAMILY-RESIDENTIAL DEVELOPED LAND shall not include structures used primarily for nonresidential purposes or ~~other residential and~~ nonresidential developed property.~~

Commented [BAF1]: Revised apartment to be multi-family using the verbiage from the existing ordinance

SINGLE-FAMILY EQUIVALENT RESIDENTIAL UNIT RATE. The unit charge for stormwater service established by City Council.

STORMWATER. The runoff from precipitation that travels over natural state or developed land surfaces and enters a drainage system.

STORMWATER MANAGEMENT SERVICE CHARGE. The charge to provide stormwater services to developed property. The charge is based upon the single-family equivalent residential unit (ERU) as calculated for that property and multiplied by the single family equivalent residential unit rate.

STORMWATER MANAGEMENT SYSTEM or SYSTEM. The system of natural and constructed devices for collecting and transporting stormwater. It includes, but is not limited to, structural drainage systems such as open swales and ditches, catch basins, pipes, inlets, storm sewers, drains, culverts, junction boxes, and other stormwater management facilities that affect the quality and quantity of stormwater located within dedicated public street rights-of-way and City of Monroe permanent drainage easements accepted by the City and all natural stormwater drainage systems.

STORMWATER MANAGEMENT UTILITY FUNDS. The stormwater management service charges and the interest generated by those charges.

STORMWATER SERVICES. City stormwater management programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and City service of structural and natural stormwater and drainage systems of all types. STORMWATER SERVICES include any cost necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and State laws, regulations and rules, and costs related to the mapping, planning, construction, operation, maintenance, inspection, management and regulation of the stormwater management system and the regulation of impervious surface and stormwater.

UNDEVELOPED LAND. All land that is not altered from its natural state to extent that results in less than four hundred (400) total square feet of impervious surface area per individual lot.

(Ord. O-2008-46, passed 11-18-08)

§ 58.05 CREATION OF STORMWATER MANAGEMENT ACCOUNTING.

All stormwater management service charges and interest generated by such charges, and the stormwater management utility funds, shall be placed in a separate City account and shall be used by the City of Monroe solely for operation and administration of the stormwater management program. The City may use funds that are not stormwater management utility funds to provide stormwater services.

(Ord. O-2008-46, passed 11-18-08)

§ 58.06 STORMWATER MANAGEMENT SERVICE CHARGES.

(A) All developed land in the City, whether public or private, shall be subject to a stormwater management service charge. Exemptions shall not be allowed based on age, tax

exemption, or other status of an individual or organization. Stormwater management service charges may be subject to a credit reduction in charges as further provided herein.

(B) Stormwater management service charges on developed land shall be based on a schedule of rates, charges, tiers, and late fees fixed and established from time to time by the City Council and maintained on file in the offices of the Finance Director and Director of Engineering. Stormwater management service charges will be determined and modified from time to time by the City Council, so that the total revenues generated by said charges will be used to pay the principal and the interest on the debt incurred for stormwater purposes, and such expenses as are reasonably necessary for providing stormwater services within the City of Monroe.

(C) Computation of stormwater management service charges.

(1) For ~~single-family developed~~ residential ~~developed~~ land, the monthly stormwater management service charges shall be based on the median amount of impervious surface on a single-family residential lot in the city, which is known as an Equivalent Runoff Unit (ERU). There shall be a tier system for ~~single-family~~ all residential developed properties, based on the amount of impervious surface of ~~single-family~~ the properties, as set forth in the City of Monroe fee schedule.

~~(2) For other residential developed land, including townhouses, apartments, condominiums, and other multiunit residential development, the monthly stormwater management service charges shall be as set forth in the City of Monroe fee schedule for other residential unit.~~

Commented [BAF2]: Other residential such as townhomes, apartments, etc. to be included with (C)(1)

~~(32)~~ For nonresidential ~~developed~~ land, the monthly stormwater management service charges ~~on developed land~~ is calculated by dividing the total impervious surface area of the property divided by one (1) ERU, rounded to the nearest tenth, multiplied by the established monthly single-family equivalent unit rate as fixed by City Council.

~~(34)~~ For developments with common property, containing impervious surfaces, such as townhouse developments, cluster unit developments, or condominiums, each dwelling unit shall be responsible for its equal pro rata share of the total impervious surfaces area of the common areas of the development not served by City of Monroe water or sewer or both unless other arrangements are made pursuant to § 58.07(D).

(D) The following exemptions from stormwater management service charges are allowed:

(1) Undeveloped land.

(2) Improved public transportation ways, including public streets, roads, greenways and trails, airport runways, ~~and internal roads within public facilities~~, which have been conveyed to the North Carolina Department of Transportation or City of Monroe and which are used by the general public for motor vehicle transportation, and private streets constructed in accordance with the City of Monroe Code of Ordinances and the City of Monroe Standard Specifications and Detail Manual.

(3) Railroad tracks. However, railroad stations, maintenance buildings or other developed land shall not be exempted from stormwater management service charges.

~~—(4) Developed land with less than four hundred (400) total square feet of impervious surface area per individual lot.~~

Commented [BAF3]: (D)(1) covers this

(Ord. O-2008-46, passed 11-18-08)

§ 58.07 BILLING METHOD, RESPONSIBLE PARTIES.

(A) Bills for stormwater management service shall be sent at regular periodic intervals. Stormwater management service charges may be billed on a combined utility bill that also contains charges for electric, gas, water and sewer service and/or solid/waste management service.

(B) Stormwater management service charges for a property that receives water, sewer service or combined sewer and water service will be sent to the customer receiving such service. However, where multiple water and sewer accounts exist for a single parcel, the bill for stormwater management service charges may for good cause shown at the discretion of the City be sent to the property owner.

(C) In cases where a master meter is used for water service to a property with multiple tenants, Owners of the property may, with the consent of the City, designate each occupant of the property as the party to receive the bill for stormwater management service charges by completing and properly executing a form provided by the City. Such designation shall fairly allocate the impervious surfaces actually used by the billed party, and it shall be binding for the period of time specified by the City. No occupant may be designated as the party to receive the bill for stormwater management service charge unless the occupant is also receiving a utility bill for another city service such as electric, gas and or solid/waste. The applicant shall provide notice of the application to each effected utility customer. The City shall approve the per account billing for the parcel unless the billing plan:

- (1) Will result in a charge of less than one (1) ERU for one or more accounts, and/or
- (2) Does not equitably allocate the fee between accounts.

Such transfer does not relieve either the owner or occupant from liability for stormwater management service charges if they are not paid by the party billed. The approval of per account billing pursuant to this subsection does not relieve the owner from liability for stormwater management service fees if they are not paid by the party billed. The property owner is ultimately responsible for payment of the stormwater management service charge for property for which the party billed has not paid the stormwater management service charge.

(D) All other aspects of billing shall be handled as set forth in the City Council adopted Customer Service Policy unless specifically described in this section, or the section immediately following.

(Ord. O-2008-46, passed 11-18-08)

§ 58.08 PAYMENT PROVISION; UTILITY TERMINATION.

(A) Where stormwater management service charges appear on a combined utility bill or a master summary bill, and a customer does not pay the service charges for all the utilities on the bill, the partial payment will be applied to the respective service charges in the following order: delinquent stormwater management service charges and then to all other City utility service.

(B) Stormwater management service charges are due ~~at the collection office in City Hall~~ within the time period stated on the bill. Bills not paid within this time shall be charged a late fee as set forth in the adopted fee schedule.

(C) In the event that the stormwater management service charges and delinquent fee are not paid on or before the final due date, city utility services shall be discontinued on the order established in the City Customer Service Policy adopted by the City Council.

(D) Customers with complaints about the accuracy of stormwater management service charges are entitled to a review as provided in § 58.11. No charge will be retroactively adjusted to resolve customer complaints for a period of more than one year prior to the date the City received the complaint. Any bill charges requiring adjustment must be applied through the utility billing system.

(E) If property is under-billed, or not billed, or a bill is sent to the wrong party, the City may back bill up to a one-year period.

(Ord. O-2008-46, passed 11-18-08)

§ 58.09 ADJUSTMENT AND CREDIT APPLICABLE TO STORMWATER MANAGEMENT SERVICE CHARGE.

(A) Adjustment due to error or oversight. Request for adjustment of the stormwater service charge shall be submitted to the City in accordance with the policy adopted by City Council. Adjustments can also be made by the City should the City identify an error or oversight as long as the City notifies the customer in advance of the adjustment. Adjustments may be requested for errors or omissions on the customer's stormwater service charge. All requests shall be judged on the basis of the number of dwelling units or amount of impervious area on the property.

(B) Credits.

(1) The City may provide a system of credits to reduce stormwater management service charges for properties on which stormwater control measures substantially mitigates the peak discharge or runoff pollution flowing from such properties or substantially decreases the City's cost of maintaining the stormwater management system.

The Engineering Department will develop written policies to implement the credit system. No credit will be authorized until the City Council approves written policies to implement the system of credits; a copy of the approved policies shall be on file with the Engineering Department. The City's policies may make credits retroactive to the date stormwater management service charges were initiated. Any bill charges requiring adjustments must be applied through the utility billing system but no credit will be granted for more than one (1) past year. Credits cannot exceed the stormwater utility charge for the customer. Nothing shall prevent the City Council from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.

(2) Each credit allowed against the stormwater management service charge is conditioned on the continuing operation and functioning of the stormwater control measure as designed; credited stormwater control measures must comply with all applicable laws, ordinances and regulations, and credits may be rescinded for noncompliance with these standards.

(3) Each credit for which a customer applies shall be subject to review and approval by the Director of Engineering or his designee. The Director of Engineering may approve or reject any application for a credit in whole or in part.

(4) Credits shall only be applied to developed lands containing the credited stormwater control measure. For developments with common property containing credited stormwater control measures such as townhouse developments, cluster unit developments, or condominiums, each dwelling unit shall be eligible for its equal pro rata share of the credit unless other arrangements for billing the stormwater management service charge are made pursuant to § 58.07(E).

(Ord. O-2008-46, passed 11-18-08)

§ 58.10 RESERVED.

§ 58.11 APPEALS.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

(A) An appeal must be filed in writing with the Director of Engineering. At the discretion of the Director of Engineering, the appeal may be required to include a survey prepared by a registered land surveyor and such other information that show the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to the stormwater events.

(B) Using the information provided, the Director of Engineering shall conduct a technical review pursuant to good engineering practices. The Director of Engineering may adjust the stormwater service management charge so long as the adjustment is in conformance with the general purpose and intent of this chapter. The Director of Engineering may take the

appeal to the Environment and Water Resources Committee for their review and/or comment. At the conclusion of the review, the Director of Engineering shall issue a written determination stating whether an adjustment to the stormwater management charge is appropriate, and if so, the percentage of such adjustment. Any approved adjustments must be communicated in writing to the appropriate utility billing staff.

(C) An appeal may be taken from any decision of the Director of Engineering which is adverse to the customer by giving notice of appeal to the Board of Adjustment within thirty (30) days after service of the Director of Engineering's written decision on the customer. Notice of appeal shall be given by the customer by delivery of a written statement to the Board of Adjustment stating the grounds for the appeal and providing the Board of Adjustment with a copy of the written decision of the Director of Engineering. The Director of Engineering shall transmit to the Board of Adjustment and the customer all documents constituting the record upon which the Director of Engineering's decision was made.

(D) All decisions of the Director of Engineering and Board of Adjustment shall be served on the customer personally or by registered or certified mail. Mailing shall be based upon the billing address of the customer.

(E) When an appeal is from a decision authorizing an adjustment to the customer's bill, the Director of Engineering's decision shall remain in effect until and unless reversed or otherwise modified. No adjustment to a customer's bill shall be made which is for more than the one-year period immediately preceding the date that the customer's request is first received by the City.

(Ord. O-2008-46, passed 11-18-08; Am. Ord. O-2011-05, passed 4-5-11)

§ 58.12 LIMITATION OF RESPONSIBILITY.

(A) The City shall be responsible only for the portions of the drainage system which are on city property including city-maintained street rights-of-way ~~and permanent storm drainage easements conveyed to and accepted by the city~~. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.

(B) The City's acquisition of storm drainage easements and/or the construction or repair by the City of stormwater control measures and drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, flooding, erosion, or standing water.

(Ord. O-2008-46, passed 11-18-08)

ENGINEERING/PUBLIC WORKS – PROPOSED UTILITY FEE SCHEDULE

Engineering and Public Works is requesting revisions to Section 6 “Stormwater Utility and Enterprise Fees” for billing categories of residential properties as shown below. The purpose of this change is simplify billing and to better capture the actual impervious areas created by multifamily and townhome communities.

Description	FY2024 - 2025	FY2025 – 2026	Effect on Revenue
2024-25 Residential Rate- Single Family Detached/Mobile Homes Tier – Impervious Area (square feet) 0 to 2,010 2,011 to 3,287 3,288 and beyond	\$3.68 per month \$5.25 per month \$7.35 per month		
Residential Rate – Other Residential Units (by dwelling unit) Town Homes Multifamily Condominiums	\$2.63 per month \$3.15 per month \$2.63 per month		
2025-26 Residential Rate- Single Family and Other Residential Tier – Impervious Area (square feet) 0 to 1,500 1,501 to 3,200 3,201 and beyond		\$3.68 per month \$5.25 per month \$7.35 per month	Will increase billing for townhomes by 100%, condos/apartments by 40%, and multifamily by 16.8%

Effective July 1, 2025



STAFF REPORT

TO: Public Enterprise Committee

VIA: Mark Watson, City Manager

DATE: April 1, 2025

FROM: Sarah McAllister, P.E., Engineering Director

PREPARED BY: Bonnie Fisher, P.E. – Stormwater Engineering Manager

SUBJECT: Updates to City Ordinance Chapter 159: Stormwater Management and Creation of Chapter 155: Stormwater Illicit Discharge Elimination Ordinance

SUMMARY STATEMENT

The Public Enterprise Committee is requested to consider recommended updates to the City of Monroe Code of Ordinances Chapter 159: Stormwater Management by deleting Section 159.701 “Illicit Discharges and Connections” and incorporating those regulations with modifications into a proposed new Chapter 155: Stormwater Illicit Discharge Elimination Ordinance.

REVIEW

A comprehensive review of Chapter 159: Stormwater Management was conducted by Stormwater staff. Section 159.701 prohibits illicit discharges, connections, and spills, but the penalties for violations are considered ineffectual to address the consequences of a stream pollution event. Proposed revisions are detailed in the attached tracked changes document, showing Section 159.701 being deleted in its entirety and incorporated with modifications into a proposed Chapter 155: Stormwater Illicit Discharge Elimination Ordinance.

The purpose of the new Ordinance is to strengthen the City’s ability to meet the requirements of the NPDES (National Pollutant Discharge Elimination System) MS4 (municipal separate storm sewer system) Permit by clarifying the objectives of the Ordinance and providing a more robust civil penalty structure for violators. The Ordinance gives the City authority to assess swift and appropriate penalties and to recover cleanup costs that may be incurred after an illicit discharge.

The strengthened ordinance also allows for a structured and nuanced tiered system to levy fines. Stormwater staff developed the civil penalty structure based upon the degree and extent of harm to the environment, public health and public and private property; the cost of remedying the damage; the duration of the violation; whether the violation was intentional; the prior record of the person responsible for the violation; the City's enforcement costs, and the amount of money saved by the violator through noncompliance.

RECOMMENDATION

Staff recommends approval of Ordinance Amendment O-2025-11. If the Public Enterprise Committee is in agreement, the items will be placed on the consent agenda for consideration by City Council at the next meeting on April 8, 2025.

Attachments: Section 159.701 Illicit Discharges and Connections Excerpt
(with tracked changes to show removal of the section from
Chapter 159)
Proposed IDDE Ordinance Chapter 155

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USAGE
CHAPTER 159: STORMWATER MANAGEMENT ORDINANCE AND TO CREATE
CHAPTER 155: STORMWATER ILLICIT DISCHARGE ELIMINATION
O-2025-11

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV: LAND USAGE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Delete Section §159.701 ILLICIT DISCHARGES AND CONNECTIONS in its entirety and incorporate these regulations into a new **Chapter 155: STORMWATER ILLICIT DISCHARGE ELIMINATION**.

Section 2. Add **Chapter 155: STORMWATER ILLICIT DISCHARGE ELIMINATION** as follows:

CHAPTER 155. STORMWATER ILLICIT DISCHARGE ELIMINATION ORDINANCE

GENERAL PROVISIONS

Sec. 155.01 Title.

This Ordinance shall be officially known as "The Stormwater Illicit Discharge Elimination Ordinance." It is referred to herein as "this Ordinance."

Sec. 155.02 Purpose.

The purpose of this Ordinance is to meet the requirements of the City's NPDES (National Pollutant Discharge Elimination System) MS4 (municipal separate storm sewer system) permit and to support the protection of surface water quality resources within the City's jurisdiction by controlling the discharge of pollutants to the MS4 and making it illegal for Non-Stormwater or Pollutants to be Discharged to the MS4 or the Waters of the State. This Ordinance is supplemental to and in no way replaces regulations, rules, statutes, and laws administered by the State or federal government. The objectives of this Ordinance are:

- (a) To regulate the discharge of pollutants to the MS4 and the Waters of the State;
- (b) To prohibit illicit connections and illicit discharges to the MS4;
- (c) To establish legal authority to carry out all investigation, inspection, surveillance, monitoring, enforcement and penalty procedures necessary to ensure compliance with this Ordinance.

Sec. 155.03 Applicability and jurisdiction.

This Ordinance shall apply to the area encompassed within the City of Monroe corporate limits and extra-terrestrial jurisdiction.

Sec. 155.04 Responsibility for administration.

The City of Monroe Engineering Department shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the City may be delegated in writing by the City Engineer to Persons or entities acting in the beneficial interest of or in the employ of the City.

Sec. 155.05 Prohibitions.

- (a) *Prohibition of illicit discharges.* No Person shall cause or allow the Discharge, emission, disposal, pouring, dumping, or pumping of Non-Stormwater or any Pollutant, either directly or indirectly, to the MS4, the Waters of the State, or upon the land in a manner or amount that is likely to reach the MS4 or the Waters of the State except as allowed pursuant to Section 155.06 of this Ordinance. Upon discovery, the Person responsible for the Violation shall immediately: collect and remove the Non-Stormwater or Pollutant(s); restore all affected areas to their pre-Discharge condition; and implement actions to prevent further Discharges of Non-Stormwater or Pollutants.
- (b) *Prohibition of illicit connections.* No Person shall install, maintain or use any connection to the MS4 or the Waters of the State for the Discharge of Non-Stormwater or a Pollutant; or shall cause Non-Stormwater or a Pollutant to be Discharged or conveyed through any connection to the MS4 or the Waters of the State unless the Discharge is an allowable Discharge pursuant to Section 155.06 of this Ordinance. Upon discovery of the Illicit Connection, the Person responsible for the Violation shall immediately remove the connection and restore all affected areas to their pre-connection condition in a manner to prevent any Discharges of Non-Stormwater or a Pollutant to the MS4. This prohibition expressly includes, without limitation, connection(s) made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) *Accidental Discharge(s).* Accidental Discharge(s), as described in this subsection, shall be a Violation. If an accidental Discharge to the MS4 or the Waters of the State occurs, the Person responsible for the Violation shall immediately collect and remove the Discharge and restore all affected areas to their pre-Discharge condition. The Person responsible for the Violation shall immediately notify the City per Section 155.22 of this Ordinance.
- (d) *Improper Storage, Handling, Disposal, or Processing of Materials.* No Person shall store, handle, dispose of, or process any material upon the land in any manner or method that would allow the material to deposit a Pollutant upon the land which may become intermixed with Stormwater entering the MS4 or the Waters of the State.
- (f) *Use of High PAH Pavement Products Prohibited.* No Person shall use, or permit to be used, a high PAH pavement product within the City. For the purposes of this subsection, the term “high PAH pavement product” means a product, material or substance that contains greater than 0.1% (1000 ppm) polycyclic aromatic hydrocarbons (PAH) by weight, and, is intended for use on an asphalt or concrete surface, including but not limited to, a driveway, playground, parking area, sidewalk, pathway, or roadway.
- (g) *Obstruction.* No Person shall obstruct, hamper, or interfere with the City while carrying out official duties authorized by this Ordinance. See Section 155.22 of this Ordinance.

Sec. 155.06 Allowable Discharges of Non-Stormwater.

Stormwater is the only Discharge permitted in the MS4 or the Waters of the State with exception of the following allowable Non-Stormwater Discharges, provided that said Discharges do not negatively impact surface water quality. Allowable Non-Stormwater Discharges include:

- a) Water line flushing, provided the discharge does not cause an exceedance of surface water quality standards
- b) Landscape and lawn irrigation;
- c) Diverted stream flows;
- d) Uncontaminated groundwater infiltration (as defined at 40 CFR §35.2005(20));
- e) Uncontaminated, pumped groundwater;
- f) Rising groundwaters;
- g) Discharges from Uncontaminated Potable Water sources;
- h) Collected infiltrated Stormwater from foundation drains or footing drains;
- i) Uncontaminated, collected groundwater and infiltrated Stormwater from basement or crawl space pumps;
- j) Air conditioning condensate;
- k) Irrigation water (does not include reclaimed water as described in 15A NCAC 2H .0200);
- l) Uncontaminated springs;
- m) Dechlorinated swimming pool and hot tub/spa Discharges; the Discharge must not contain any other treatment chemicals;
- n) Street Wash water only when Unmodified Potable Water is used;
- o) Flows from emergency fire and rescue operations other than those resulting from negligence on the part of the Person who owned or controlled the Pollutant.
- p) Single-family residential and Charity Vehicle Washing (*see note below);
- q) Flows from riparian habitats and wetlands;
- r) NPDES permitted discharges authorized by NCDEQ, EPA, or delegated local authority, provided said discharges are in compliance with the requirements, conditions and discharge limitations of the permit;
- s) Dye testing, using suitable dyes, for verifying cross-connections, tracing plumbing lines, determining flow direction or rate and for similar purposes, provided that verbal notification by non-governmental entities is provided to the City prior to testing;
- t) Water used for removal of Stormwater System blockages only when Unmodified Potable Water is used; and
- u) Splash pad (spray ground) water from a Potable Water source only; refer to Sec. 155.06(14) if the water is treated with chemicals used similarly for a swimming pool or hot tub/spa.

* Designated vehicle wash areas at multi-family residential complexes are not allowed if they connect, directly or indirectly, to the Stormwater System or the Waters of the State. Charity Vehicle Washing performed by the same organization or at the same location on a routine basis (more than one time in a thirty-day period) is not allowed under this Ordinance.

Sec. 155.07 Watercourse protection.

Every Person owning property through which a watercourse passes, or such Person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 155.08 Industrial or construction activity discharges.

Any Person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of coverage and/or compliance with said permit may be required in a form acceptable to the City of Monroe when deemed necessary.

Sec. 155.09 Compliance Inspections and Monitoring.

- (a) *Access to premises, facilities, right of entry, and inspection.* The City shall be permitted to enter and inspect premises and/or facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

If the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

- (b) *Sampling and monitoring.* The City shall be permitted to conduct monitoring and/or sampling of the facility's stormwater discharge. Additionally, the City may require the Person to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Person at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Sec. 155.22 Notification and record of spills.

- (a) *Notifications:* The Person responsible for a spill, leak, or accidental discharge as described in Section 155.05(c) shall:

(i) Immediately notify the City Engineering Department and other local, State, and federal authorities as appropriate, of the spill by telephone or other mode of instantaneous communication. The notification shall include the location of the spill, type of Pollutant, volume, time of Discharge and corrective action(s) taken. Such notification shall not relieve the Person responsible for the Violation of any of the expenses related to removal, restoration, loss, damages or any other liability that may be incurred as a result; nor shall such notification relieve the Person responsible for the Violation from other liability that may be imposed by this Ordinance or any other applicable regulations, rules, statutes, or laws.

(ii) Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or water of the state, said Person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said Person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of the release of nonhazardous materials, said Person shall notify the City in person, by phone, by facsimile, or by email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the phone notice.

(iii) Notification shall not relieve any Person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred because of said spill or leak, nor shall such notification relieve any Person from other liability which may be imposed by state or other law.

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- (b) *Records Required:* If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such an establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sec. 155.30 Violations.

It shall be unlawful for any Person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any Person who has violated or continues to violate the provisions of this Ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

Any violation that constitutes an imminent danger to public health or public safety is hereby declared a Public Health Nuisance pursuant to North Carolina General Statute § 160A-193, and the City is authorized to enter upon the subject private property, with immediate notification upon entry, to take all measures necessary to abate the violation and/or restore the property. The City is authorized to seek costs of the abatement as outlined in this Ordinance.

Sec. 155.31 Warning notice.

When the City finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the City may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease within the time period stated in the Warning Notice. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the City to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

Sec. 155.32 Notice of violation.

If it is determined that a Person has failed to comply with this ordinance, or rules, or orders adopted or issued pursuant to this ordinance, and that the Person has failed to satisfactorily comply with conditions provided in a Warning Notice as described in Sec. 155.31, then a notice of violation (NOV) shall be served upon that Person. The notice shall be served by registered or certified mail or by any means authorized under G.S. § 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure.

Refusal to accept the NOV shall not relieve the Person of the obligations set forth herein.

Sec. 155.33 Failure to Comply.

Failure to comply with any requirements or corrective actions set forth in a Notice of Violation, Notice of Civil Penalty Assessment, Compliance Order, or any other notice or order issued pursuant to this Ordinance, shall be a Violation of this Ordinance. Said Violation may be enforced against the Violator as a discrete and separate Violation of this Ordinance for failure to comply or as a factor in conjunction with other enforcement remedies and penalties.

Sec. 155.34 Suspension of MS4 discharge access.

- (a) *Suspension due to illicit discharges in emergency situations.* The City of Monroe may, with immediate notification, suspend MS4 discharge access to a Person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge (nonemergency).* Any Person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may file a Petition for Appeal and a hearing to the Engineering Director in accordance with Section 155.36. A Person commits an offense if the Person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City of Monroe.

Sec. 155.35 Civil Penalties.

Any Person who conducts an act or action, allows directly or indirectly, acts in concert with, participates, directs, or assists directly or indirectly in the creation of a Violation of this Ordinance is subject to a civil penalty.

- (a) A civil penalty may be assessed for the time period from the date the Violation first occurs until the date that the Violation ceases, as verified by the City. Refusal to accept the notice shall not relieve the Violator of the obligation to pay such penalty.
- (b) Payment of a civil penalty does not relieve the Violator of the obligation to correct the violation.
- (c) Upon failure of a Violator to correct a violation within the time period stated in a Notice of Violation, each day's continuing violation thereafter shall constitute a separate and distinct offense for the purpose of assessing a civil penalty. The maximum civil penalty for each violation of this Ordinance shall be \$1,000 per day and/or \$30,000 total.
- (d) In determining the amount of the penalty, the City shall consider the degree and extent of harm to the environment, public health and public and private property; the cost of remedying the damage; the duration of the violation; whether the violation was intentional; the prior record of the Person responsible for the violation in complying with this Ordinance; the City's enforcement costs, and the amount of money saved by the violator through his, her or its noncompliance.

Sec. 155.36 Appeal of notice of violation or order.

Any Person receiving a notice of violation or civil penalty may appeal the order, violation, or penalty within ten days from notification by filing a Petition for Appeal with the Monroe Director of Engineering. Upon receipt of a Petition for Appeal, the Engineering Director and/or their designed Hearing Officer shall schedule a hearing to be held within thirty (30) days of receipt of the Petition. The Petitioner shall each receive written notice of the date and time of the hearing. The Engineering Director and/or Hearing Officer shall conduct the hearing during which the Petitioner shall be given an opportunity to offer evidence or testimony regarding the violation. After conclusion of the hearing, the Engineering Director and/or Hearing Officer shall make a written determination and order any remedy deemed appropriate. The Engineering Director or Hearing Officer shall provide written copies of the hearing determination to the Petitioner. The written decision of the Engineering Director and/or Hearing Officer is final and no additional administrative appeals are available. Appeal of any of the summary Violations

issued pursuant to paragraph 155.35 or Public Health Nuisance in the Notice of Violation above does not stay or delay the immediate suspension of a permit or immediate cessation of a violation.

In the absence of an appeal within ten working days from notification, the order, violation, or penalty shall be final.

Sec. 155.37 Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an Appeal, within the time allotted as part of the decision of the Engineering Director or Hearing Officer then representatives of the City may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any Person, owner, agent or user in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 155.38 Recovery of costs and fines.

- (a) *Recovery of Costs*: The City may also recover from the Violator: (i) Costs to restore damaged property based on restoration costs incurred by the City, which include, but are not limited to, cleanup costs, permanent devaluation of the property, damage to the environment, abatement costs, and City administrative costs. (ii) Compensation for damage to or destruction of the MS4.
- (b) *Recovery of Fines*: In the event the City is fined by the state or federal governments resulting from an illicit discharge or connection made by a user or other Person, the user or other Person at fault shall reimburse the City for the full amount of the civil penalty assessed by the state and/or federal governments as well as for the abatement costs incurred by the City during the investigation and restoration process.

Sec. 155.39 Compliance agreement.

The City may enter into compliance agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with the Person responsible for the Violation. Such agreements will include specific actions to be taken by the Person in Violation to correct the non-compliance within a time period specified by the agreement. Compliance agreements shall have the same force and effect as compliance orders, the violation of which are fully enforceable as provided herein.

Sec. 155.40 Public nuisance and injunctive relief.

Illicit discharges and illicit connections which exist within the City of Monroe corporate limits are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be Public Health Nuisances pursuant to North Carolina General Statute § 160A-193. Such Public Health Nuisances may be summarily abated or restored at the violator's expense, and /or a civil action instituted to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. In addition, the expense of the action to abate the nuisance shall be paid by the Violator and if not paid within the time provided the cost will be assessed as a lien against the property where the nuisance occurred and collected as an unpaid ad valorem taxes along with other remedies provided in NC GS § 160A-193.

If a Person has violated or continues to violate the provisions of this Ordinance, the City may petition the General Court of Justice for an injunction and order of abatement. When a Violation of this ordinance occurs, the City may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the Violator to correct the unlawful condition upon or cease the unlawful discharge. The action shall be governed in all respects by

the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. In addition, the City may seek any other legal or equitable remedy available for the abatement of the nuisance and any remediation, including attorney's fees.

Sec. 155.41 Remedies not exclusive.

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

DEFINITIONS

Sec. 155.50 Terms defined.

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise.

Authorized enforcement agency. The City of Monroe or another local, state or federal agency that have the ability to permit discharges.

Authorized non-stormwater discharges. Sources of non-stormwater that are conditionally allowed into the storm drain system under the industrial activities stormwater general permit.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

City. The City of Monroe.

Construction activity. Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Day(s). Calendar day(s), including Saturdays, Sundays and holidays, unless otherwise specified.

Department. The City of Monroe Engineering.

Discharge or Discharged. The addition, release, or disposal of Non-Stormwater or any Pollutant, whether in solid, liquid, or gaseous form, either directly or indirectly to the Stormwater System or the Waters of the State.

Facility. Any land use including, but not limited to, commercial, industrial and residential land uses, and any other source including but not limited to, motor vehicles and rolling stock that directly or indirectly contribute, cause or permit the contribution of any discharge, illicit or otherwise, to the MS4.

Hazardous materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

High PAH Pavement Product. A product, material or substance that contains greater than 0.1% (1000 ppm) PAH (polycyclic aromatic hydrocarbons) by weight and is intended for use on an asphalt or concrete surface. High 3 PAH pavement product may contain coal tar, coal tar pitch volatiles, RT-12, refined tar, steam cracked petroleum residues, heavy pyrolysis oil, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, ethylene cracker residue, or a variation of those substances assigned the chemical abstracts service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, 8007-45-2, 64742-90-1, or 69013-21-4

Illicit discharge. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 155.06 of this Ordinance.

Illicit connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to conveyances which allow non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or an authorized enforcement agency.

Industrial activity. Activities subject to NPDES industrial permits as defined in 40 CFR, section 122.26(b)(14).

Municipal separate storm sewer system (MS4). Any pipe, ditch or gully, or system of pipes, ditches, or gullies, that is owned or operated by a governmental entity and used for collecting and conveying stormwater.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Notice of violation (NOV). A document which is issued by the City to notify the operator, Person or user that an illegal discharge or illicit connection has been identified and that it is in violation of this Ordinance.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm drainage system. Facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

User. Any Person who owns real property on which a facility is owned.

Violation. An act, action, allowance, or occurrence that fails to comply with any prohibition or requirement set forth in this Ordinance.

Violator. Any Person or user who is in violation of this Ordinance.

Wash Water: See *Wastewater*.

Wastewater. Any water or other liquid, other than uncontaminated Stormwater or Uncontaminated Potable Water, discharged after use. Examples of Wastewater include, but are not limited to: water discharged after use generally for industrial or manufacturing process; sewage treatment; or water used for washing, flushing, or cleaning.

Watercourse. Any channel, ditch, gully, swale, or stream, which sole purpose is to convey the flow of water.

Waters of the state. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of North Carolina or any portion thereof.

Section 3. This Ordinance shall be effective upon adoption.

Adopted this 8th day of April, 2025.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk

CHAPTER 159, SECTION 7: ILLICIT DISCHARGES

159-701 — ILLICIT DISCHARGES AND CONNECTIONS

(A) — Illicit Discharges

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

- (1) — Water line flushing;
- (2) — Landscape irrigation;
- (3) — Diverted stream flows;
- (4) — Rising ground waters;
- (5) — Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- (6) — Uncontaminated pumped ground water;
- (7) — Discharges from potable water sources;
- (8) — Foundation drains;
- (9) — Air conditioning condensation;
- (10) — Irrigation waters (does not include reclaimed water as described in 15A NCAC 2H .0200);
- (11) — Springs;
- (12) — Water from crawl space pumps;
- (13) — Footing drains;
- (14) — Lawn watering;
- (15) — Individual residential and charity car washing;
- (16) — Flows from riparian habitats and wetlands;
- (17) — Dechlorinated swimming pool discharges;
- (18) — Street wash water;
- (19) — Flows from emergency fire fighting; and

~~(20) — Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the City of Monroe Engineering Department.~~

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

~~(B) — Illicit Connections~~

~~(1) — Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection (A) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.~~

~~(2) — Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other Ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this Ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.~~

~~(3) — Where it is determined that said connection:~~

~~a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat; or~~

~~b. Was made in violation of any applicable regulation or Ordinance, other than this section.~~

~~The Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:~~

~~1. — The quantity and complexity of the work;~~

~~2. — The consequences of delay;~~

~~3. — The potential harm to the environment, to the public health, and to public and — private property; and~~

~~4. — The cost of remedying the damage.~~

~~(C) — Suspension of MS4 Access~~

Suspension due to Illicit Discharges in Emergency Situations

The City of Monroe may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may

present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

(D) ————— Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Monroe prior to the allowing of discharges to the MS4.

(E) ————— Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(F) ————— Spills

Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Monroe within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

~~Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.~~

~~(G)~~ **Nuisance**

~~Illicit discharges and illicit connections which exist within the City of Monroe corporate limits are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.~~



STAFF REPORT

TO: Public Enterprise Committee
VIA: Mark Watson, City Manager
DATE: April 1, 2025
FROM: Sarah McAllister, P.E., Engineering Director
PREPARED BY: Sam Starnes, Stormwater Engineering Associate
SUBJECT: Pinedell Avenue Culvert Replacement/Road Widening

SUMMARY STATEMENT

The Public Enterprise Committee is requested to consider information related to award of the construction contract for the Pinedell Avenue Culvert Replacement and Road Widening Project.

REVIEW

Project SU1701 – was created in Fiscal Year 2017 due to the identified need to replace the Pinedell Avenue culvert in the Stormwater Management Master Plan completed in 2013. The box culvert under Pinedell Avenue is predicted to overtop during the 2-year storm event, which has a 50 percent chance of occurring within any given year. The size of the box culvert under Pinedell Avenue is currently 8.3 feet (w) x 6.7 feet (h). To meet the City of Monroe’s current standards, the proposed culvert was designed for the 25-year storm event that has a 4 percent chance of occurrence in any given year. The final design requires that the existing culvert be replaced with a double precast concrete box culvert. One barrel will be 10’ (w) x 7’ (h) and the other will be 10’(w) x 9’ (h). As part of the improvements, the single-lane crossing will also be widened to allow for two-lane travel across the tributary with extended guard railing, improving public safety. All new right-of-way, temporary and permanent easements as well as all necessary permits have been acquired.

In December 2016, the Stormwater Department initiated a contract with Camper Dresser & McKee (now CDM Smith) to begin the engineering and design for the Pinedell Avenue culvert replacement in the amount of \$110,000.00. Change orders were approved May of 2019 and

January of 2023 revising the total contract cost to \$191,000.00. The purpose of these change orders was to expand the scope of work to provide for complete utility relocation construction drawings and additional environmental permitting required for this project. CDM Smith provided complete, sealed drawings on February 11, 2025.

The Engineer's Estimate for this project was \$911,984.70 and a formal bid process was followed to solicit bids for 21 days, closing on March 18th, 2025. Staff held a formal bid opening on March 18th, 2025 at 10:00 AM. Three bids were received and the results are below.

Contractor	Bid Amount	DBE %	Comment
United of Carolinas, Inc.	\$1,318,530.40	10%	Recommend Award
TruRock Construction, LLC	\$1,493,448.07	10%	
NJR Group, Inc	\$1,592,090.50	10%	

A 10% contingency is included in the bid to cover possible change orders during the course of the work. Construction inspections and project oversight/management will be provided by the Engineering Department. The project included a 10% goal for minority business participation which was met by the low bidder. The contract period is 180 days with liquidated damages occurring at a rate of \$800.00 per day thereafter.

The project account SU1701 currently has \$464,244.67 of available funds, which falls significantly short of funding the project, originally intended to be constructed in FY19. Engineering is proposing to transfer funds from SU1601 in the amount of \$80,000. SU1601 was created for the Sweeper Wash Down Facility in FY16, currently nearing completion of construction. The remaining \$80,000 are unencumbered funds as the project account balance exceeded the contract amount to construct. Staff recommends transferring an additional \$840,000 from the Stormwater Fund Balance to fund the remainder of the project. There will be an initial surplus of \$65,714.27 in the project account following these transfers. The surplus balance will be used to fund contracts for geotechnical testing and potential construction support from the design engineer, should the need arise. Any funds remaining after completion of all construction will be rolled into the fund balance upon closing the project account. Allocating these funds from the fund balance will allow for less delay in other proposed projects anticipated to start construction this calendar year, such as the Winchester Avenue culvert replacement. Budget Ordinance (BO-2025-09) is attached to transfer the funds from SU1601 and fund balance to SU1701.

RECOMMENDATION

The Public Enterprise Committee is requested to recommend the following to City Council:

- A. Award of the Pinedell Avenue Culvert Replacement contract to United of Carolinas, Inc. in the amount of \$1,318,530.40;

- B. Authorization of the City Manager to execute the documents including future change orders, if required;
- C. Approval of the attached Budget Ordinance (BO-2025-09).

If the Public Enterprise Committee is in agreement, the items will be placed on the consent agenda for consideration by City Council at the next meeting on April 8, 2025.

Attachment:
Budget Ordinance (BO-2025-09)

**CAPITAL PROJECT BUDGET ORDINANCE
PINEDELL AVENUE CULVERT REPLACEMENT AND ROAD WIDENING
BO-2025-09**

WHEREAS, the need for a culvert replacement was identified for Pinedell Avenue and project SU1701 – Pinedell Avenue Culvert Replacement was previously created;

WHEREAS, the City previously approved the engineering and design of the Pinedell Avenue Culvert Replacement and Road Widening by CDM Smith using project SU1701;

WHEREAS, construction bids have been received and the low bidder has been identified as United of Carolinas, Inc with a bid in the amount of \$1,318,530.40 for the construction of this project and the remaining funding is identified as: SU1701 – Pinedell Avenue Culvert Replacement - \$464,244.67

WHEREAS, additional funding is needed to cover the increased construction costs for this project, geotechnical representation and engineering support through construction;

WHEREAS, funds are available to help cover the increased costs in separate a project account, SU1601 – Wash Down Facility and the Stormwater fund balance;

NOW, THEREFORE, BE IT ORDAINED, that the City Council hereby adds to the Pinedell Avenue Culvert Replacement and appropriates/transfers the following revenues and expenditures:

Stormwater Capital Project Fund:

Revenue:

SU1701 - Transfer from Stormwater Capital Project	\$80,000
SU1701 - Transfer from Stormwater Fund	\$840,000

Expenditure:

SU1601 - Transfer to Stormwater Capital Project	\$80,000
SU1601 – Washdown Facility	(\$80,000)
SU1701 – Pinedell Avenue Culvert Replacement	\$920,000

Stormwater Fund:

Revenue:

Appropriation of Fund Balance	\$840,000
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Expenditure:

Transfer to Stormwater Capital Project Fund	\$840,000
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Adopted this 8th day of April, 2025.

Attest:

Robert Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Public Enterprise Committee

VIA: Mark Watson, City Manager

DATE: April 1, 2025

FROM: Robert Miller, General Manager of Energy Services and Water Resources

PREPARED BY: Russell Isom, Gas System Manager

SUBJECT: Purchase of one (1) Kubota SVL97-2HFC Compact Track Loader and Loftness 61 Battle Ax S-Series Mulching Head

SUMMARY STATEMENT

Energy Services Staff requests the Public Enterprise Committee to consider approving the purchase of a Kubota SVL97-2HFC Compact Track Loader and Loftness 61 Battle Ax S-Series Mulching Head for the Energy Services Department – Natural Gas Division.

REVIEW

The Energy Services Department, Natural Gas Division has identified the need to purchase equipment to clear vegetation from the City's natural gas pipeline right-of-ways. Maintaining the distribution pipeline right-of-ways will allow safe and reliable operation of the pipelines and improve accessibility to the infrastructure on the sides of roads and highways. Maintained right-of-ways also allow increased visibility of our pipelines due to pipeline markers being more obvious.

A bid has been received for a skid steer and mulching head that meets all of the needs for the Natural Gas Division through Sourcewell. Sourcewell is a purchasing cooperative that collectively bids specified equipment providing competitive pricing as well as meeting statutory requirements. Municipalities and various educational institutions are allowed to utilize Sourcewell through membership to the cooperative. The City has been a member since 2010 and utilizing these contracts saves the time and expense of processing formal bids.

Brooks Sales, Inc. provided a quote to the City of Monroe for a Kubota SVL97-2HFC Compact Track Loader and Loftness 61 Battle Ax S-Series Mulching Head in the amount of \$116,974.90 that meets the requirements of Sourcewell. Therefore, it is recommended to purchase the equipment through Sourcewell's Cooperative Purchasing program from Brooks Sales, Inc. in the amount of \$116,974.90.

RECOMMENDATION

Staff requests the Public Enterprise Committee approve sending this request to City Council for approval to award the purchase of a Kubota SVL97-2HFC Compact Track Loader and Loftness 61 Battle Ax S-Series mulching head to Brook Sales, Inc. for \$116,974.90 through Sourcewell's Cooperative Purchasing program. Sufficient funds are budgeted for the acquisition in the Capitalized Equipment account, 5608420 424020. Staff requests that this item is placed on the City Council consent agenda to authorize the City Manager to execute the necessary documents.

Isom, Russell
32642
City Of Monroe
risom@monroenc.org
704-320-8339

Quote Provided By
BROOKS SALES, INC.
Conner Brooks
3144 E HIGHWAY 74
MONROE, NC 28112
email:
connerbrooks@brookssalesinc.com
phone: 7042334242

-- Standard Features --

-- Custom Options --



S Series

SVL97-2HFC

*** EQUIPMENT IN STANDARD MACHINE ***

FEATURES

Final Tier 4 Certified Kubota
Diesel Engine
Electronic Travel Torque
Management System
Vertical Lift Path Loader Frame
Standard Front Quick Coupler,
Float Standard
Hydraulic Quick Coupler Option
Loader Arm Self-Leveling
Loader Boom Lock
Open ROPS/FOPS
Optional enclosed and
pressurized cab with A/C
High Back, Adjustable, Vinyl,
Suspension Seat
2" Retractable Seat Belt And 2-
Piece Seat Bar
23.1 gpm Auxiliary Hydraulics
Standard, 40.0 gpm Option
Case Drain Line
Rigid Mounted Undercarriage, 5
Lower Track Rollers
High Grip Rubber Tracks, 17.7"
Standard
Two Speed Travel System
Automatic Wet Disk Parking
Brake
Kubota 4 Hydraulic Pump Load
Sensing System
2 Variable Displacement
Pumps

Rearview Camera

KubotaNOW Telematics

Lockable DEF Cap Guard

Hydraulic Joystick Controls
ISO Operating Pattern
Dial Knob and Foot Throttle
Controls
Stall Guard Engine Controls
Automatic Glow Plugs
Key Switch Stop System
Self Bleed Fuel System
2 Front and 2 Rear Working
Lights
Hour Meter, Engine Temperatur,
DEF, and Fuel Gauges and
Warning Lights
Lockable DEF Tank Cap
Lockable Fuel Cap
Radio Ready on Enclosed
Cabs

BASIC UNITS

SVL97-2S, 17.7" Rubber Tracks,
Open ROPS/FOPS Cab
Quick Coupler

OPERATIONAL

DIMENSIONS

Operating Weight*, SVL97-2s,
17.7" Rubber Tracks, Open
ROPS/FOPS Cab,
Mechanical Quick Coupler 11,299
lbs.
Rated Operating Capacity (ROC)
@ 35%
of Tipping Load complies with ISO
14397-1
and SAE J 818) 3,200 lbs.
Rated Operating Capacity (ROC)
@ 50%
of Tipping Load 4,572 lbs.
Tipping Load 9,143 lbs.
Auxiliary Hydraulics Flow 24 / 40.0
gpm
Travel Speed (Low / High) 5.0 / 7.3
mph
Reach @ Maximum Height 40.7"
Height to Hinge Pin 128.6"
Ground Pressure 4.5 psi.
Traction Force 12,178 lbf.

* Includes operator's weight, 175
lbs.

ENGINE

V3800-Tier 4 Kubota Final Tier 4
Diesel Engine
4 Cylinder, 4 Cycle, Turbo Charged
96.0 Gross HP @ 2400 rpm

DIMENSIONS

Cab Height 83.4"
Width (without attachment) 77.2"
Length (without attachment) 123.5"
Length of Track on Ground 65.6"

SVL97-2HFC Base Price: \$96,637.00

(1) AT&T TELEMATICS MODEM inc.
DCU6700-AT&T TELEMATICS MODEM

(1) SVL TELEMATICS HARNESS inc.
S6702-SVL TELEMATICS HARNESS

(1) SVL REAR VIEW CAMERA KIT inc.
S6780-SVL REAR VIEW CAMERA KIT

(1) 80" Heavy Duty, Low Profile, Long Floor, Teeth, \$2,582.00
Side Cutter, 20.9 cu-ft heaped capacity
AP-HD80LLT-80" Heavy Duty, Low Profile, Long Floor, Teeth,
Side Cutter, 20.9 cu-ft heaped capacity

(1) AIR RIDE SEAT SUSPENSION KIT \$690.00
S6679-AIR RIDE SEAT SUSPENSION KIT

(1) HOSE STAY FOR SSV/SVL MODELS \$108.00
S6763-HOSE STAY FOR SSV/SVL MODELS

(1) REARVIEW MIRROR INCLUDES MOUNTING \$25.00
BRACKET & HARDWARE
S6641-REARVIEW MIRROR INCLUDES MOUNTING BRACKET
& HARDWARE

(1) AT&T TIER 3 TELEMATICS MODEM \$449.00
DCU6770-AT&T TIER 3 TELEMATICS MODEM

(1) SVL TELEMATICS HARNESS \$144.00
S6702-SVL TELEMATICS HARNESS

(1) RADIO KIT FOR CLOSED CAB \$267.00
A-77700-04757-RADIO KIT FOR CLOSED CAB

(1) REAR DOOR GUARD \$1,841.00
S6718RG-REAR DOOR GUARD

(1) SVL95/75 AUXILIARY COUPLER GUARD KIT \$254.00
S6718ACG-SVL95/75 AUXILIARY COUPLER GUARD KIT

(1) STROBE LIGHT KIT \$293.00
S6676-STROBE LIGHT KIT

Configured Price: \$103,290.00

Sourcewell Discount: (\$24,789.60)

SUBTOTAL: \$78,500.40

1Yr SVL97-2HFC Extended Warranty \$1,600.00

Dealer Assembly: \$627.00

Freight Cost: \$887.50

PDI: \$400.00

Perry Polly Door \$990.00

Back Up Camera S9780 \$570.00

Loftness 61 Battle Ax S-Series Mulching Head \$33,400.00

Total Unit Price: \$116,974.90

Quantity Ordered: 1

Final Sales Price: \$116,974.90

Purchase Order Must Reflect Final Sales Price.

To order, place your Purchase Order directly with the quoting
dealer

*Some series of products are sold out for 2022. All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.



STAFF REPORT

TO: Public Enterprise Committee

VIA: Mark Watson, City Manager

DATE: April 1, 2025

FROM: Robert Miller, General Manager of Energy Services and Water Resources

PREPARED BY: W. Cole Hancock, E.I., Water Resources Civil Engineer II

SUBJECT: Outside City Service Requests

SUMMARY STATEMENT

Public Enterprise Committee (PEC) is requested to consider an outside City service request as described below.

REVIEW

Water Resources (WR) Department Staff has received a request for outside City services as shown on the attached exhibit (3 pages) and as follows:

- Jose Sanchez is requesting City water service for JLS Masonry at 1371 N. Rocky River Rd. PIN 09-372-005-90 (9.21 AC).

All outside City service requests require both City Council approval, and Union County Board of Commissioner (UCBC) approval pursuant to City Ordinances and the Water and Sewer Master Agreement with Union County. The UCBC approved this request at their February 18, 2025 meeting.

As a matter of policy, outside city water and sewer customers pay double tap fees and double monthly customer base charges on their City accounts.

RECOMMENDATION

It is the recommendation of WR Staff that Public Enterprise Committee take the following action:

- Recommend to City Council that they approve the request for outside City water service to 1371 N. Rocky River Rd. PIN 09-372-005-90

Attachment(s):



Out of City Limits
WATER AND/OR SEWER SERVICE REQUEST
Operations Center 704-282-4601

Applicant Name: JLS MASONRY - JOSE SANCHEZ
Email address: JLSMASONRYINC@hotmail.com **Phone number:** 980 346 7181
Property Address: 1371 N. ROCKY RIVER RD MONROE NC
Tax Map Parcel Number: 093 - 7200 - 590 **Parcel Size (Acres):** 9.21
093 - 7200 - 580

☒ **Water Service**

Request for Water Service is being submitted for the following reason(s).

☒ **New Construction**

☐ **Existing Well Failure.** Provide brief description: _____

☐ **Sewer Service**

Request for Sewer Service is being submitted for the following reason(s).

☒ **New Construction**

☐ **Existing Septic System Failure**

Out of City Limits - Water and Sewer Service Terms and Conditions

- All requests are subject to Union County Commission and City of Monroe Council approval.
- The Property Owner shall comply with the City of Monroe Water and/or Sewer Ordinances.
- An evaluation of voluntary annexation will be conducted.
- Property Owner shall pay the appropriate tap and capacity fees for outside City customers based on the prevailing fee schedule and will be required to set up an account with the City of Monroe Customer Service Department.
- Property Owner shall acquire all necessary offsite easements if required to connect to the City's water distribution and/or sewer collection system. A copy of the recorded private easement(s) shall be provided to the City of Monroe Water Resources Department.
- Upon payment of fees and completion of the water and/or sewer tap, billing shall begin immediately.
- Water services shall be per the City of Monroe Specifications and shall have remote radio read technology.
- Property Owner shall notify the City of Monroe prior to making the connection to the sewer tap to schedule an onsite inspection of the installation. Only one (1) property parcel shall be connected to the sewer tap.
- Property Owner agrees that the sewer tap shall be maintained by the City of Monroe at the Property Owner's expense.
- If a private grinder pump and sewer forcemain is required, the Property Owner shall install #12 gage coated plastic copper wire taped to the service lateral from the connection to the sewer tap to the house connection.
- Property Owner shall assume ownership and maintenance responsibility for the service forcemain and the sewer pump and all other plumbing past the sewer tap.
- Property Owner shall agree to pay a monthly flat rate sewer bill if water service is from a private well.
- Property Owner agrees that if the property is ever sold that he/she shall provide the new owner a copy of this Service Request/Terms and Conditions and shall fully explain the conditions, responsibilities and precise location of the private water service and/or sewer lateral or forcemain if a private pump is installed.
- Depending upon schedules for the Union County Commissioners meetings and Monroe City Council meetings, the total timeframe for service approval can take as long as 3-5 months.

I hereby certify that the information provided is, to the best of my knowledge, correct and complete. I understand that I must adhere to the City of Monroe's Out of City Limits – Water and Sewer Service Terms and Conditions as outlined above. I also understand that any approval may be revoked and penalties imposed under the City's ordinance if this certification is not complete and true or for failure to comply with the Terms and Conditions.

Jose Sanchez

Applicant's Signature

12/18/2024

Date



monroenc.org • 704-282-4601 • PO Box 69, Monroe, NC 28111

December 9, 2024

Ms. Stephanie Gonzales
JLS Masonry
1371 Rocky River Rd.

Re: City of Monroe Water Service
Parcels 09372005 80 & 09372005 90

Ms. Gonzales

The City of Monroe is willing to provide water service to the referenced parcels. Parcel 09372005 80 (80) will be served by a 2" water meter. Developers contractor to provide the 2" water meter, meter box and setter meeting City of Monroe standards. Parcel 09372005 90 (90) will be served by a 3" water meter.

Sewer service will also be provided to the parcel 80. Parcel 90 will not have access to sewer service. The point of connection to the sewer is uncertain at this time. There has been an existing sewer service discovered on site. It has not been determined if this service can be used and will need to be determined such by your plumber.

Due to parcel 90 being out of the corporate limits of the City of Monroe, the service request must first be approved by the Union County Board of Commissioners and then Monroe City Council.

The general process for obtaining City Sewer service is outlined below. Please note that these requests can take 3 months or longer to receive approval.

1. Please complete the attached "Outside Water Sewer Service Request Form" indicating you are requesting water and/or sewer service, and the reason for the request. A copy of the form can be returned to me by email or by mail to the following address: City of Monroe Water Resources Department, 2401 Walkup Ave, Monroe, NC 28110.
2. You will then need to contact Union County with the completed request form. Contact Crystal Outlaw Panico, P.E., New Development Program Manager/Engineering, at 704-296-4239. She can help with the process, you may want to include a copy of this letter as part of what you submit to her.
3. Union County will place the request on their next County Commissioner's meeting for review.
4. If approved by the County, the Water Resources Department will submit your request to Monroe City Council.
5. If approved by Monroe City Council, the Water Resources Department will provide notification of approval, and the fee sheet for water service to parcel 90 will be issued.

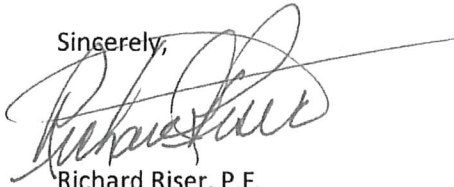
Assuming both parties approve the water service for parcel 90, base fees for the water will be doubled per the current City of Monroe fee schedule. The current base fee for a 3" meter for out of City parcels is \$399.50/month.

The developer will be required to pay for and install the meter vault, backflow device and provide the 3" meter, all meeting City of Monroe standards.

It should be pointed out that the current water capacity fee for a 3" meter is \$29,429.00. This fee will be shown on the fee sheet and be required to be paid prior to putting the water service into service.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Riser", with a long horizontal flourish extending to the right.

Richard Riser, P.E.

City of Monroe

Water Resources Engineering Manager