

## Storm Water Fee FAQs

### 1. How Much is the Storm Water Fee?

- a) **Residential property.** Annual assessment of \$10.00 per year for residential property in the city limits.
- b) **Commercial property.** Annual assessment of \$0.005 per square foot of commercial space for commercial property in the city limits, with maximum fee of \$3,000.00 per year per parcel.

### 2. How is Residential and Commercial property defined?

- a) **Agricultural land** means any real property classified or assessed as agricultural or forest land for property tax purposes.
- b) **Commercial space** means the area of a parcel of commercial property measured in square feet, according to the property tax assessment records of the county revenue commissioner.
- c) **Greenfield** means any real property not previously developed including unimproved commercial lots.
- d) **Residential property** means any single-family owner-occupied residential property, historic buildings, or sites classified or assessed as class III property, pursuant to § 217 of article XI of the Constitution of Alabama of 1901.

### 3. When did the Storm Water Fee go into effect?

Ord. No. 01-024-2018 was passed on August 21, 2018. The Storm water fee went into effect for affected property tax bills on the October 1, 2018.

### 4. Why does the City need a Storm Water fee?

- a) The city maintains a municipal separate storm sewer system ("MS4") in accordance with federal and state law, the Clean Water Act, 33 USC § 1251, et seq., the Alabama Water Pollution Control Act and the Alabama Environmental Management Act. The city incurs substantial expenses to comply with federal and state stormwater laws.
- b) The state legislature recognized that the implementation of efficient and effective stormwater programs promotes the public interest, and that counties and municipalities require funding to implement and enforce their stormwater management programs, Acts of Alabama, Act No. 2014-439, Code of Alabama, § 11-89C-1 et seq.
- c) The Code of Alabama (1975), § 11-89C-9(d), authorizes the governing bodies of municipalities in the state with National Pollutant Discharge Elimination System ("NPDES") permits for MS4s to levy a stormwater fee, charge or assessment in accordance with the terms and conditions set out therein.

### 5. Are any properties exempt from the Storm Water fee?

The following are exempted from the stormwater fees levied under City Code section 17-43 (link to City Code can be found in #8 below):

- a) Lands and/or facilities owned and/or operated by one or more entities under the jurisdiction and supervision of the state public service commission.
- b) Lands and/or facilities owned and/or operated by any commission non jurisdictional electric supplier, as defined by Code of Alabama, § 37-4-140, whose service area extends beyond the boundaries of a single municipal or county jurisdiction.
- c) Greenfields and/or agricultural land.

### 6. Where do the Storm Water fees that are collected go?

The stormwater fees levied and collected pursuant to this division shall be deposited into a fund known as the stormwater fund to be designated for expenses incurred complying with the city's NPDES permit for operation of its MS4, including but not limited to eliminating floatables from and improving water quality in the rivers, streams and waterways of the city and other stormwater management activities required by

the city's stormwater management program. All amounts remaining in the stormwater fund at the end of the fiscal year shall not lapse but shall retain their dedication to stormwater purposes.

### **7. Can I appeal my Storm Water Fee?**

Any person aggrieved by the assessment of a stormwater fee levied hereunder may file a written appeal with the city clerk within the sixty-day period following either notice of the fee or payment of the fee, whichever occurs first.

The link to the appeal form is: <https://www.cityofmobile.org/uploads/revisedswfeeappealform.pdf>

The clerk shall communicate the decision of the engineering department to the aggrieved person. Should any person be aggrieved by a decision of the engineering department, such person may appeal that decision by filing written notice of appeal with the city clerk's office within fifteen (15) days from the date of such decision, and the city clerk shall, within fifteen (15) days after the filing of such notice of appeal, send the applicable record to the city council, which shall, within fifteen (15) days after receipt of such transcript, hold a hearing on said appeal. The appeal shall be determined solely on the question of whether the city, in assessing the stormwater fee, acted beyond the limits of its power or abused its discretion.

### **8. How can I find out more about Storm Water Management at the City?**

- Link to the City Code on the Storm Water Fee:  
[https://library.municode.com/al/mobile/codes/code\\_of\\_ordinances?nodeId=CICO\\_CH17STMAFLCO\\_ARTIIISTMA](https://library.municode.com/al/mobile/codes/code_of_ordinances?nodeId=CICO_CH17STMAFLCO_ARTIIISTMA)
- Link to the Storm Water Management home page:  
[www.stormwatermobile.org](http://www.stormwatermobile.org)