



STORMWATER UTILITY FEE APPEALS

APPEALS

- (1) Subject to the restrictions set forth herein, any User or Customer who believes the calculation or determination of the Stormwater Utility Fee assessed against them to be incorrect may appeal the fees to the City of New Braunfels. City staff shall evaluate the appeal based on the methodologies for calculating the Stormwater Utility Fee established by City Council.
- (2) The appeal shall be in writing and set forth, in detail, the relief sought, the grounds upon which relief is sought and whether the petitioner requests a hearing on its appeal.
- (3) The appeal shall be filed with the City within fifteen (15) business days of the User or Customer receiving the billing statement from New Braunfels Utilities or Guadalupe Valley Electric Cooperative. The billing statement shall be deemed received five (5) days after the postmark date.
- (4) Failure to submit a timely written appeal for consideration in accordance with section 109-10 (a) (3) shall be deemed to be a waiver of any further right to administrative reconsideration or reviews on such billing statement.
- (5) The User or Customer requesting an adjustment may be required, at the User or Customer's cost, to provide supplemental information to the City, including but not limited to a title or mortgage survey or other documentation to support calculation of the impervious surface area of the property. Failure to provide requested information in a timely manner may result in the denial of the adjustment request.
- (6) Within 30 calendar days of the submittal of an appeal, the City shall either grant the petition and modify the Stormwater Utility Fee assessed; deny the petition if no adjustment is warranted; or if a hearing is deemed necessary by City staff, set a hearing on the petition for appeal.

HEARINGS

- (1) If a hearing is deemed necessary by City staff, then the City shall set a hearing to determine if an adjustment should be made to the Stormwater Utility Fee assessed to the User or Customer.
- (2) Written notice of the hearing shall be served on the petitioner at least fifteen (15) calendar days prior to the hearing. Notice shall be served in person or by certified mail, return receipt requested.
- (3) Notice shall specify the date, time and place of the hearing.
- (4) Notice shall be deemed received five (5) days after the postmark date.
- (5) For purposes of this Section, the Public Works Director or his designee shall be empowered to administer oaths and to promulgate procedural rules for the conduct of the hearing.

(6) Decisions shall be based on a preponderance of the evidence and the petitioner shall have the burden of proof to demonstrate that the Stormwater Utility Fee is not applicable, that the petitioner's property is exempt from the charge, that the Stormwater Utility Fee was calculated incorrectly or that the determination of the value of the Stormwater Utility Fee was not calculated according to the applicable Stormwater Utility Fee schedule or the guidelines established in this ordinance.

(7) The Public Works Director or his designee shall act as the hearing officer.

(8) After the conclusion of the hearing, the City shall make written findings and shall issue a written decision without undue delay.

(9) The decision of the person designated by the City Manager shall be final.