

**CITY OF ZANESVILLE  
STORMWATER UTILITY PROGRAM**

**POLICY: EXEMPTION OF PROPERTY TYPES FROM THE STORMWATER FEE**

**I. DISCUSSION:**

This is the fifth billing policy paper in a series of billing policy papers that document the overall billing mechanism development process. The general rule regarding property type or land use type exemptions is that once the rationale for any exemption is endorsed and approved, it will lead to appeals by other property type(s) or land use type(s) for other exemptions. The argument centers on "if that exemption" is fair and equitable, then "my exemption" is fair and equitable.

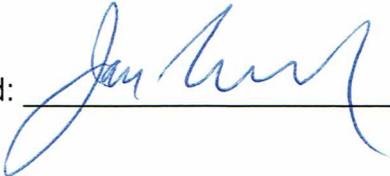
As an example, typically schools or churches will apply for an exemption based on the premise that they are "tax exempt". The stormwater fees being discussed here are not a tax but rather a "service charge" or "user fee" with rates similar to water or sewer service charge rates that all property owners receiving the benefits of such services must pay. The tax versus service charge qualification has been challenged and upheld in several state Supreme Court cases including the Louisville Jefferson Kentucky County Storm Water Utility Program.

**II. TAC RECOMMENDATION:**

The JHA/ERC Team recommends that the City of Zanesville stormwater utility provide no exemptions from the stormwater service charge. Furthermore, all parcels within the service area receive some benefit whether direct or indirect and therefore should fund their fair portion of the program.

**III. TAC ACTION:**

The TAC reviewed, discussed and approved this billing policy paper during the May 17, 2017 TAC meeting.

Approved:  \_\_\_\_\_

Date: 5/17/17 \_\_\_\_\_