

**AN ORDINANCE OF THE CITY OF PETERSBURG, VIRGINIA PERTAINING TO THE SUBJECT OF STORMWATER MANAGEMENT; ADOPTING AND APPROVING A STORMWATER UTILITY; PROVIDING A STORMWATER USER FEE AND RATE STRUCTURE; PROVIDING FOR THE ADMINISTRATION OF THE STORMWATER UTILITY; PROVIDING FOR A STORMWATER ENTERPRISE FUND; PROVIDING FOR CODIFICATION; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

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WHEREAS, The Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires cities, such as the City of Petersburg, to implement stormwater management programs within prescribed time frames, and the Environmental Protection Agency, pursuant to the Federal Clean Water Act, 33 U.S.C. 1251 et seq., has published rules for stormwater outfall permits; and

WHEREAS, the City of Petersburg, desires to develop a Stormwater Utility to finance the operation, construction, and maintenance of stormwater devices; for stormwater system planning; for review of development plans for compliance with stormwater management codes; and for stormwater management; and

WHEREAS, the Code of Virginia Title 15.2, Chapter 21, Subsection 15.2-2114 – Regulation of Stormwater, and the Constitution of the Commonwealth of Virginia authorizes the City of Petersburg, to establish a stormwater control program and adopt a system of service charges sufficient to plan, construct, operate, manage and maintain such stormwater control system, and to establish and set aside, as a continuing source of revenue, other funds sufficient to plan, construct, operate, and maintain such stormwater management systems; and

WHEREAS, the City of Petersburg, has determined the adoption of this Ordinance, and the creation of a stormwater utility, under the terms, conditions, and criteria set forth herein, is necessary to protect the health, safety, and welfare of the citizens of the City of Petersburg and to establish a mechanism to assist meeting the various existing and anticipated mandates concerning stormwater from the Federal and State governments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA:

**SECTION 1:** Chapter 114 Utilities, “Article IV - Stormwater Utility”, of the Code of the Ordinances, for City of Petersburg, Virginia is hereby created to read as follows:

## **ARTICLE IV. STORMWATER UTILITY**

### **Sec. 114-400. Findings and Purpose of Utility**

**(1) Findings.** The City of Petersburg finds and determines that uncontrolled drainage and development of land has a significant adverse impact upon the health, safety, and welfare of the Petersburg community. Further, Petersburg finds as follows:

(a) Stormwater runoff is capable of carrying pollutants into receiving bodies, thereby degrading water quality;

(b) Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge;

(c) Improperly managed stormwater runoff may increase the incidence and intensity of flooding, which endangers property and human welfare;

(d) Improperly channeling water increases the velocity of stormwater runoff and increases erosion and sedimentation;

(e) Construction requiring the alteration of natural topography and removal of vegetation tends to increase erosion;

(f) The increase in nutrients, such as phosphorous and nitrogen, resulting from stormwater runoff accelerates eutrophication of receiving water bodies and adversely affecting flora and fauna;

(g) Siltation of water bodies resulting from increased erosion decreases the capacity of water bodies to hold and transport water, interferes with navigation, and harms flora and fauna;

(h) Substantial economic losses may result from adverse impacts upon the waters of the Petersburg ecosystem;

(i) Petersburg has an existing Stormwater Control Program, through which it administers various stormwater management functions and maintains a system of storm and surface water management facilities including, but not limited to, conduits, manholes, channels, ditches, waterways, drainage easements, retention and detention basins, infiltration facilities, and other components;

(j) The existing stormwater system in Petersburg requires regular maintenance and improvements;

(k) Due to the age of existing infrastructure, rehabilitation and replacement of some portions of the existing stormwater system and implementation of new stormwater systems

are required;

(l) All Developed Property in Petersburg either uses or benefits from the City's administration of its Stormwater Control Program;

(m) The extent of use of the Stormwater Program by each Property depends upon factors, such as land use and the amount of Impervious Surface on the Property, which influence runoff;

(n) The costs of administration of the City's Stormwater Program should be allocated, to the extent practicable, to all Property Owners based in part on the impact of runoff from the impervious areas of their Property on the stormwater system; and

(o) Management of the City's Stormwater Program to protect the public health, safety, and welfare requires adequate revenues, and it is in the interest of the public to finance stormwater management adequately with a reasonable and equitable user fee system so each user of the program pays to the extent to which the user contributes to the need for the Stormwater Program.

**(2) Purpose of Ordinance.** The purpose of this Ordinance is to protect, maintain, and enhance the immediate and long-term health, safety, and general welfare of the citizens of the City of Petersburg. In order to effectuate this purpose, this Ordinance has the following objectives:

(a) To develop a Stormwater Control Program, to be responsible for the construction, operation, and maintenance of stormwater devices; for stormwater system planning; for review of development plans for compliance with stormwater management codes;

(b) To adopt Stormwater Utility Fees sufficient to administer the City's Stormwater Control Program and plan, construct, operate, and maintain stormwater management systems throughout the City of Petersburg;

(c) To encourage productive and enjoyable harmony between humanity and nature;

(d) To protect, restore, and maintain the chemical, physical, and biological integrity of community waters;

(e) To prevent individuals, business organizations, and governments from causing harm to the community, by activities which adversely affect water resources;

(f) To encourage the construction of drainage systems which aesthetically and functionally approximate natural systems;

(g) To encourage the protection of natural systems, and the use of those systems in ways not impairing their beneficial functioning;

- (h) To minimize the transport of pollutants to community waters;
- (i) To maintain or restore groundwater levels;
- (j) To minimize erosion and sedimentation; and
- (k) To help prevent damage from flooding, while recognizing that natural fluctuations in water levels are beneficial.

**Sec. 114-401. Definitions for the Stormwater Program**

- (1) “Base Rate” means the total cost to the City of implementing the City’s Stormwater Program.
- (2) “Bonds” means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the Program.
- (3) “Customer” means any Person who owns, leases, or otherwise is responsible for payment of the Fee charged to a Property. A Person owning, leasing, or otherwise responsible for a Property not containing Impervious Surface is not a customer.
- (4) “Debt Service” means, with respect to any particular fiscal year and any particular series of Bonds, an amount equal to the sum of all interest payable on such Bonds during such fiscal year plus any principal installments of such Bonds during such fiscal year.
- (5) “Developed Property” or “Property” means real property which has been altered from its original state by the addition of any improvements, such as a building, structure, or other form of Impervious Surface. Disturbed lands shall be considered developed property when there is more than 500 square feet of Impervious Surface Area. For new construction, property shall be considered developed pursuant to this Ordinance upon issuance of a certificate of occupancy, or upon evidence of construction, completion of construction or final inspection if no such certificate is issued.
- (6) “Dwelling Unit” means a single unit or apartment providing complete, independent living facilities for one or more Persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (7) “Equivalent Residential Unit” or “ERU” means the average square footage of impervious area as determined pursuant to this Ordinance.
- (8) “ERU Rate” means a portion of the Utility Fee charged per ERU, as established in Exhibit “A” of the Ordinance.
- (9) “Fee”, “Stormwater Utility Fee”, or “Utility Fee” means the monetary charge established

under this Ordinance, levied on owners or users of parcels or pieces of real Property deriving a service from the City's Stormwater Program, and being sufficient to fund and administer the program. The City shall base the Fee upon an equitable unit cost approach and structure the funding to generate capital to administer the Stormwater Program. The Stormwater Utility Fee is in addition to any other fee the municipality has the right to charge under any other rule or regulation of the municipality.

(10) "Impervious Surface" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

(11) "Impervious Surface Area" means the number of square feet of horizontal surface covered by impervious surfaces. Measurements to determine Impervious Surface Area should be made between exterior or outermost portions of the impervious surface.

(12) "Non-Residential Utility Customer" means all Stormwater Utility Customers not classified as Residential Utility Customers.

(13) "Operation and Maintenance" means the current expenses, paid or accrued, of operation, maintenance, and current repair of the City's stormwater system, as calculated in accordance with sound public works, engineering and accounting practices, and includes, but is not limited to, insurance premiums, administrative expenses, labor, executive compensation, materials and supplies costs for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which may reasonably be expected to incur in accordance with sound accounting practice.

(14) "Person" means a natural or artificial person (such as a corporation) recognized by law to have the rights and duties of a human being. Person means the state or any agency or institution thereof, the United States or any agency or institution thereof, or any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body of the state, the United States, any agency, any municipality, political subdivision, or public or private corporation.

(15) "Property owner" includes any Person who has the right to possess, use, and convey title of real Property. Property owner may include a tenant, if chargeable under tenant's lease for the maintenance of the subject real Property, and any agent of the owner or tenant, including the developer.

(16) "Residential Utility Customer" means a Stormwater Utility Customer who lives in a Dwelling Unit. Residential Utility Customer does not include the place where a corporation or other enterprise conducts or is authorized to conduct business.

(17) "Revenue" means all rates, fees, or other charges or other income received by the Utility, in connection with the administration of the Stormwater Program, including amounts received

from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

(18) "Stormwater" means the flow of water which results from a precipitation event and includes, but is not limited to, stormwater runoff, surface runoff, and drainage.

(19) "Stormwater Control Program", or "Stormwater Program", or "Program" means the comprehensive strategies for dealing with stormwater quantity and quality issues. Stormwater Control includes, but is not limited to, the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, comprehensive plan elements relating to flood plains, flood control, grading, erosion, tree conservation, and sediment control.

(20) "Stormwater Control Fund", "Enterprise Fund", or "Fund" means the fees, and other Revenue collected by the City exclusively to fund the planning, construction, operation, and maintenance of the City's Stormwater Control Program.

(21) "Stormwater Control System" means a system which is designed, constructed, or implemented to control discharges caused by precipitation events and incorporates methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of discharges from the system.

(22) "Stormwater Utility" or "Utility" means the funding of a Program by assessing to the beneficiaries the cost of the Program based on their relative contribution to its need. The Stormwater Utility operates as a typical utility, which bills services regularly, similar to water and wastewater services.

(23) "Stormwater Utility Customer" means a Person to whom the Fee is assigned and billed.

(24) "User" means the owner of record of Property or other party subject to the Fee imposed by this Ordinance.

#### **Sec. 114-402. Creation of Utility**

(1) Establishment of Utility. Pursuant to the Code of Virginia Title 15.2, Chapter 21, Subsection 15.2-2114 – Regulation of Stormwater, as amended, the City of Petersburg hereby establishes a Stormwater Utility. The Public Works Director and City Engineer of the City shall be jointly responsible for the City's Stormwater Control Program and System and for all activities and facilities necessary to provide control of stormwater quantity and quality in the City.

(2) The City shall have the Power to:

(a) Charge a Fee to Customers within the City;

(b) Prepare necessary regulations recommended to implement the Ordinance, forward the regulations to the City Council for consideration and adoption, and adopt any procedures required to implement the regulations or carry out other responsibilities for the effective administration of the Program;

(c) Administer the acquisition, design, construction, maintenance, and operation of the City's Stormwater Management System, including capital improvements designated in the Stormwater Control Program;

(d) Administer, interpret, and enforce this Ordinance and all regulations and procedures adopted relating to the level of service, design, construction, maintenance, operation, and alteration of the System, including but not limited to the quantity, quality, and/or velocity of the stormwater conveyed;

(e) Require inspection and certification to the Operation and Maintenance of private systems as necessary to determine compliance of such systems with this Ordinance and any other applicable regulations adopted under the Petersburg City Code;

(f) Advise the City Council, City Administration, and other City departments on matters relating to the Program;

(g) Review, approve or deny plans, and perform construction permit inspections for extensions to the City's System;

(h) Establish and enforce regulations to protect and maintain water quality within the System in compliance with established federal, state, and local water quality standards as adopted or amended;

(i) Ensure an adequate and stable Base Rate to achieve a stable financial position for the Program by analyzing and amending;

(i) the cost of services and benefits provided;

(ii) the system and structure of the Stormwater Management Fees and other fees, charges, fines, and Revenues of the Program; and

(iii) any other factors relevant to maintaining a stable financial position.

(j) Seek any grant capable of funding capital improvements for Stormwater Management.

(k) Issue Bonds against the Enterprise Fund established herein.

#### **Sec. 114-403. Structure of Equivalent Residential Unit**

(1) Establishment of the Equivalent Residential Unit. For purposes of calculating the Fee, the City shall establish an Equivalent Residential Unit (ERU).

(2) Determination of ERU.

- (a) ERU Area Established. The equivalent residential unit (ERU) area shall be established by resolution.
- (b) Residential. The City shall determine the ERU for all Residential Property based upon the number of Dwelling Units on that Property where applicable.
- (c) Non-Residential. The City shall determine the ERU for all Non-residential Property based upon the relative impervious area on a Customer's Property compared to the equivalent ERU of residential Property.

(3) Determination of ERU Rate. The ERU Rate shall be based upon Revenue needs of the Stormwater Control Program and the total number of ERU's in the City. The Rate and Rate Structure shall be defined by Resolution.

**Sec. 114-404. Implementation of Fee**

(1) Establishment of Fee. The City hereby establishes a Stormwater Utility Fee. All annual adjustments to the Fee shall be approved by City Council and shall be filed with the office of the Clerk of City Council. The Clerk of City Council shall mark the receipt date of the approval and shall immediately place a copy in the mail to the City Manager. The approval shall become effective thirty (30) days after the Clerk of City Council receives it unless the city governing body suspends the approval by resolution, and any such suspension will become effective the date the resolution becomes effective.

(2) Charges for Special Circumstances. The City, if appropriate, shall include in the Fee special charges structured to recover the cost of providing to certain Persons, entities, and properties stormwater control services not commonly required by all Customers. Such stormwater control services may include, but are not limited to, plan review and inspection, site inspections, water quality monitoring and mitigation activities, and actions to abate private Property conditions not complying with adopted City standards or interfering with proper stormwater management.

**Sec. 114-405. Collection of Fees**

(1) The utility fee is to be paid by the owner or occupant of each lot or parcel subject to the utility fee. All properties, except as stated in Sec. 114-408, shall be rendered bills or statements for stormwater services. Such bills or statements shall be included on the combined water, sewer and solid waste utility bill levied pursuant to the Petersburg City Code.

(2) All payment of fees for stormwater services shall be the responsibility of the owner of the premises unless the premises are occupied by a person other than the owner and such person

is the recipient or beneficiary of the service and is responsible for the payment of water and sewage charges; in which event, such person shall be responsible for the payment of stormwater service charges. Fees shall be paid on the same schedule as are the water and sewage charges. Such fees are due and payable in the office of the city treasurer in the manner prescribed for water and sewage charges as established by this Code and, if not so paid, shall carry the same penalties and interest as prescribed therein. If the moneys received in payment of the water and sewage charges, the stormwater charges, and the solid waste collection and disposal fees are not sufficient to pay the outstanding balance in full, including any penalties or interest, the stormwater utility fee and any penalties or interest attributed thereto shall be considered to be paid second out of the moneys collected, after the solid waste collection and disposal fees.

#### **Sec. 114-406. Revenue Sources for Utility**

(1) Sources of Funding. The stormwater utility funding sources may include the following:

- (a) Stormwater utility fees;
- (b) Civil penalties and damage assessments imposed for or arising from the violation of the stormwater utility ordinance or other applicable sections of the City Code;
- (c) Stormwater permit and inspection fees;
- (d) Other funds or income obtained from federal, state, local, and private grants or revolving funds;
- (e) Bonds issued using future stormwater utility Revenue as collateral; and
- (f) Any other reasonable means.

(2) Insufficiency of Fee Revenue. If the fees collected are insufficient to finance the Base Rate, the City, if the City's governing body approves, may pay the cost of the program from other City funds.

#### **Sec. 114-407. Establishment of Enterprise Fund**

The City shall establish an Enterprise Fund exclusively for the deposit and withdrawal of all Revenue collected pursuant to this Ordinance. The City shall use the Enterprise Fund for the independent and separate accounting of all revenues, expenditures, assets and liabilities, and earnings and obligations of the Utility and which may be used only to pay or recover costs for the following purposes:

- (a) The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;

(b) The cost of administration of such programs;

(c) Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;

(d) Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control the stormwater;

(e) Monitoring of stormwater control devices and ambient water quality monitoring; and

(f) Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

**Sec. 114-408. Exemption from Fee.**

Except as provided in this section, the City shall not exempt any Customer from the Fee. The City shall implement the following exemption guidelines:

(a) A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system; except that the waiver of the stormwater fee shall apply only to property covered by any such permit; and

(b) Public roads and street rights-of-way that are owned and maintained by state or local agencies including property rights-of-way acquired through the acquisitions process.

**Sec. 114-409. Adjustment of Fee**

(1) Procedure for Adjustment. A Customer shall submit to the City any request for Stormwater Utility Fee adjustment. The City, when responding to Fee adjustment requests, shall apply the following minimum procedures:

(a) Submission of Petition. Any Customer may submit to the City a petition for Fee adjustment. The Customer shall include in the petition his or her contact name and address, the property address, the subdivision name, a property sketch, the total amount of impervious area, the total lot or parcel size.

(b) Grounds for Appeal. If a Customer submits a petition, the Customer shall submit the petition in writing and set forth, in detail, the grounds upon which the Customer seeks relief. Grounds for appeal of the Fee may include, but are not limited to:

- (i) incorrect Property classification for purposes of determining the fee;
- (ii) errors in the Property's Impervious Surface Area square footage; and
- (iii) mathematical errors in calculating the Property's applicable fee.

(c) **Factors for Decision.** When evaluating a petition for adjustment, the City shall consider all relevant information.

(d) **Timing and Notice of Decision.** The City, on or before ninety (90) days after receipt by the City of a Customer's completed petition, shall review and render a decision on the petition. The City, in writing, shall provide notice to the petitioner of acceptance or denial of a petition.

(e) **Retroactivity of Adjustment Decision.** The City shall retroactively apply to the Customer's first billing cycle any grants of adjustment resulting from a Customer's petition. Retroactive adjustment will not exceed one (1) year, and the City shall apply reimbursement to the Customer's future Fee collections.

(f) **Appeal of Denial.** If the City denies a Customer's petition, the Customer, on or before the thirtieth (30) calendar day after the City renders a final decision on the petition, may appeal to City Manager, or the City Manager's designee, for review of the denial. On or before the thirtieth (30) calendar day after receipt of a Customer's appeal, the City Manager, or the City Manager's designee, shall render a written final decision on the appeal detailing the basis for the decision. When reviewing appeals of adjustment petition denials, the City Manager, or the City Manager's designee, shall apply the standards and review criteria contained in this section.

#### **Sec. 114-410. Credits**

(1) **Availability of Credits.** The City shall allow credits for Customer's onsite and offsite stormwater facilities that achieve a permanent reduction in stormwater flow or pollutant loadings. The City will prepare policies to provide clear procedures, in addition to the minimum procedures set forth herein, to review requests for a Fee credits.

(2) **Basis for Credits.** If the City credits a Customer's Fee, the City shall consider the Customer's onsite and offsite stormwater management practices to achieve a permanent reduction in stormwater flow or pollutant loadings including discharge to a non-city drainage system and/or properly designed, constructed, and maintained on-site retention and treatment facilities. The City shall also base the credit decision on the approximate percentage of any significant variation in the volume, rate, or quality of stormwater emanating from the Property as compared to City stormwater regulations. Only facilities that exceed current City stormwater regulations will be considered for Fee credits.

(3) **Procedure for Credits.** A Customer shall submit to the City a request for Stormwater Utility Fee credit. The City, when responding to Fee credit requests, shall apply the following

minimum procedures and may, as needed, develop different or additional procedures:

(a) **Submission of Petition.** Any Customer may submit to the City a petition for Fee credits. The Customer shall include in the petition his or her contact name and address, the property address, the subdivision name, a property sketch, the total amount of impervious area, the total lot or parcel size, the location and size of any onsite or offsite stormwater treatment facilities, a legal description of the real Property affected, a Professional Engineer certification of the design and performance of the facilities, and a summary description of the asserted basis for the credit requested.

(b) **Grounds for Relief.** If a Customer submits a petition, the Customer shall submit the petition in writing and set forth, in detail, the grounds upon which the Customer seeks relief. Grounds for appeal of the Fee may include, but are not limited to presence of onsite or offsite stormwater treatment facilities that exceed the requirements of applicable sections of the City Code for stormwater management.

(c) **Supplemental Information for Decision.** The City may require the petitioning Customer, at the Customer's expense, to provide supplemental information to the City including, but not limited to, survey data approved by a Virginia registered professional land surveyor and engineering calculations or reports signed and sealed by a Virginia registered professional engineer and water sampling data and results for nutrient or pollutant loading. The City may deny a Customer's petition based on the failure to provide such information.

(d) **Factors for Decision.** When evaluating a petition for credits, the City shall consider all relevant information and may consider:

(i) Any onsite or offsite stormwater treatment facilities which are permitted by the State or the City and provide stormwater volume retention/detention or water quality treatment.

(ii) Any facilities or documentation eligible for consideration in the City's proposed credit policy manual.

(e) **Timing and Notice of Decision.** The City, on or before ninety (90) days after receipt by the City of a Customer's completed petition, shall review and render a decision on the petition. The City, in writing, shall provide notice to the petitioner in writing of acceptance or denial of a petition.

(f) **Retroactivity of Credit Decision.** The City shall retroactively apply to the Customer's first billing cycle any grants of credit resulting from a Customer's petition. Retroactive credit will not exceed one (1) year, and the City shall apply reimbursement to the Customer's future Fee collections.

(g) **Appeal of Denial.** If the City denies a Customer's petition, the Customer, on or before the thirtieth (30) calendar day after the City renders a final decision on the petition, a

Customer may appeal to the Public Works Director and the City Engineer for review of the denial. The Public Works Director and the City Engineer, on or before the thirtieth (30) calendar day after receipt of a Customer's appeal, in writing, and detailing the basis for the Public Works Director's and the City Engineer's decision, shall render a final decision on the appeal. When reviewing appeals of credit petition denials, the Public Works Director and the City Engineer shall apply the standards and review criteria contained in this section.

**Sec. 114-411. Limitations of Responsibility**

(1) The City shall be responsible only for the portions of the stormwater system that are in City maintained street rights-of-way, permanent stormwater easements conveyed to and accepted by the city, or as otherwise explicitly stated in a written agreement with the city. Repairs and improvements to the drainage system shall be in accordance with established standards, policies and schedules.

(2) The City's acquisition of permanent 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.

**Sec. 114-412. Borrowing against Enterprise Fund**

Issuance of Bonds. The City may issue general obligation or revenue bonds in order to finance the cost of the infrastructure and equipment related to the Stormwater Control System. Infrastructure and equipment shall include structural and natural stormwater controls of all types, including retention basins, sewers, conduits, pipelines, pumping stations, and other structures and real or personal property used to support the System.

**SECTION 2. Codification**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Petersburg. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION 3. Severability**

If any section, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance, or any section, paragraph, sentence, clause, or phrase thereof.

**SECTION 4. Effective Date**

This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor.

PASSED ON FIRST READING by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED AND ADOPTED ON SECOND READING by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

SIGNED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Brian A. Moore, Mayor

ATTEST:

\_\_\_\_\_  
Nykesha D. Jackson,  
Clerk of City Council

	APPROVED	DATE
REQUESTED BY:	_____	_____
DEPT. OK:	_____	_____
ADMIN. OK:	_____	_____
ATTY. OK:	_____	_____

AS TO FORM ONLY

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Ordinance was received by the Office of the Clerk of City Council and entered into the Public Record this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Nykesha D. Jackson, Clerk of City Council