

Chapter 9-02: STORM WATER

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9-02-010. Purpose

The City finds and declares that absent effective maintenance, operation, regulation, and control, existing storm water drainage conditions in all areas within the City constitute a potential hazard to the health, safety and general welfare of the City. The City Council further finds that natural and manmade storm sewer facilities and conveyances constitute a storm sewer system and that effective, regulation, and control of storm water through formation, by the City, of a Storm Sewer Utility requires the transfer to the Utility of all storm sewer facilities and conveyances and related rights belonging to the City.

9-02-020. Definitions

For the purpose of this Chapter, the following terms phrases and words shall mean:

- (a) "City" – Woods Cross City, a municipal corporation of the State of Utah.
- (b) "County" – Davis County
- (c) "Council" – Woods Cross Council
- (d) "Customer" or "Person" – Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other government or legal entity recognized by law.
- (e) "Director" – The Director of the Woods Cross City Public Works Department or the Director's designee.
- (f) "Equivalent Residential Unit (ERU)" – An ERU is equal to 3,000 square feet of impervious surface area. This is based on an average single-family residential parcel, which has an impervious surface area of approximately 3,000 square feet.
- (g) "Impervious Surface" – A parcel's hard surface area that causes water to run off its surface at a velocity or flow rate greater than under natural conditions. Some examples of impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and gravel that has been subject to surface traffic, including compacted gravel surfaces.
- (h) "Mitigation" – On-site facilities or practices which reduce storm water quantity and/or improve storm water quality.

(i) "Parcel" – The smallest, separately segregated unit of land having an owner. A parcel has boundaries and surface area, and is documented with a property tax identification number by the County.

(j) "Developed Parcel" – Any parcel whose surface has been altered by grading, filing, compacting or construction of any improvement.

(k) "National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations" – The provisions of the Federal Clean Water Act establishing specific permit requirements for the control of storm water discharge.

(l) "Single Family Residential Parcel" – Any parcel of land containing a single-family or duplex dwelling unit.

(m) "Storm Water" – Water produced by storms, surface drainage, snow and ice melt and other water handled by the storm water system.

(n) "Storm Sewer Facilities" – Any facility, improvement, development or property used for controlling storm water quantity and quality.

(o) "Storm Water System" – All man-made storm sewer facilities and conveyances, and natural storm water systems including designated open spaces: owned or maintained by the City that store, control, treat, and/or convey storm water.

(p) "Storm Sewer Utility" or "Utility" – The utility created by this ordinance, which operates, maintains, regulates and improves storm sewer facilities and programs within Woods Cross City.

(q) "Undeveloped Parcel" – Any parcel that has not been altered by grading, filing, compacting or construction.

9-02-030. Storm Water Utility Created

There is hereby created and established a Storm Sewer Utility and service charge rate structure. The Utility will have regulatory authority and responsibility for planning, design, construction, maintenance, administration and operation of all City storm sewer conveyances and facilities.

9-02-040. Ownership of City Storm Sewer Facilities and Assets.

The City Manager shall determine which of the City's storm water assets will be transferred to the Utility. Until such transfer, the Utility shall operate, maintain and improve all existing City storm water facilities used for the conveyance of storm waters, through, under or over lands or watercourses, beginning at a point where the storm waters first enter the storm sewer system of the City and ending in each instance at a point where the storm waters exit from the system. Government-owned streets and those storm sewer facilities operated and maintained by, or for the County or the State of Utah shall not be deemed storm water facilities.

9-02-050. Utility Administration.

The Storm Water Utility shall be administered by the City's Public Works Director.

9-02-060. Service Charge Imposed.

All persons otherwise responsible for impervious surfaces within the City which contribute runoff to the storm water system or who otherwise use or benefit from the Storm Water Utility of

the City will be responsible for paying the Storm Water Utility fees as set forth in the Consolidated Fee Schedule.

9-02-070. System of Rates and Charges.

(a) Service fees imposed: The City will impose storm fee rates and charges on each parcel of real property within the City except governmentally-owned streets and storm water facilities operated and maintained by, or for, the Storm Water Utility, the County or the State of Utah. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.

(b) Methods of determining contribution of storm water.

(1) Contributions of storm water from non-residential parcels and residential parcels larger than duplexes have been ascertained through aerial photography by evaluating land surface and measuring the amount of impervious surface.

(2) Contributions of storm water from residential parcels have been established by estimating average residential impervious areas.

(c) Method of determining service fee rates: Storm water service fees shall be assessed to each parcel of real property within the City (including City-owned properties). Government-owned streets and utilities and, State or County storm water facilities shall not be assessed. Service fees shall be set forth in Woods Cross City's "Consolidated Fee Schedule" and may be differentiated according to the following classifications:

(1) Residential parcels: Single-family residential and duplex parcels shall constitute one ERU per month.

(2) Undeveloped parcels: Undeveloped parcels shall have no charges applied.

(3) Other parcels: Charges for all other parcels shall be computed by multiplying the total ERUs for a parcel by the monthly rate. Total ERUs are calculated by dividing the total square feet of impervious surface by 3,000 (one ERU), rounded up to the nearest whole number.

(4) Credit for on-parcel mitigation:

Storm water control facilities located on a parcel may either hold runoff for a period of time and release it at a controlled rate to the storm sewer water system (detention).

9-02-080. Billing and Collection.

(a) Enterprise Fund Established. The City Council hereby establishes a Storm Sewer Utility Enterprise Fund to handle all income, expenses and other financial transactions related to the operation, maintenance and improvement of existing storm sewer facilities within the City. All storm sewer utility fees collected shall be deposited in the storm sewer utility enterprise fund. Monies in the storm sewer utility enterprise funds

shall not be commingled with or transferred to other City funds. However, the storm sewer utility enterprise fund may pay other City funds for services and expenses directly attributable to the utility's activities. The storm sewer utility enterprise fund shall be operated according to State law and City ordinances, rules, regulations and policies.

(b) Billing. The City shall bill, or cause to be billed, property owners for storm sewer utility services. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action.

9-02-090. Appeal of Charges

(a) Any non-residential customer who disagrees with the storm water user fee for his or her parcel may apply to the City Manager for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the City Manager no later than thirty (30) days after receipt of billing. The City Manager shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee. The City Manager may approve an adjustment to the fee.

(b) An appeal of a City Manager decision may be brought before the City Council within thirty (30) days after the date of the City Manager's decision. Decision of the City Council shall be final and conclusive.

(c) If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.

9-02-100. No Polluted Waters Discharged to Storm Sewers.

The only water allowed to be discharged into the City's storm water system is storm water, surface drainage, subsurface drainage, groundwater, or roof runoff. Such water may be discharged only into storm sewer facilities which have adequate capacity, as determined by the city, for the accommodation of such water. Such discharged water shall comply with the City's storm water quality standards.

9-02-110. Obstruction.

(a) It is unlawful for any person to obstruct or contribute to the obstruction of the flow of storm water runoff or non-storm water runoff into any sump, detention basin, storm drain, curb and gutter, drain inlet, or other associated structural controls that convey storm water and/or non-storm water runoff, unless the obstruction is authorized by the City Engineer or his appointee and granted with the issuance of a permit signed by the City Engineer or his appointee.

(b) Paragraph (a) of this section shall not apply during clean-up periods established by the City, provided the materials are placed according to any directions from the City and do not obstruct drain inlets.

9-02-120. Dumping.

(a) It is unlawful for any person to dump, or allow to be dumped into any sump, detention basin, storm drain, curb and gutter, drain inlet, or other storm drainage structure that conveys storm water and/or non-storm water, any type of debris, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or acid based product, solid or liquid waste product, hazardous waste product, and/or human or animal waste.

(b) The restrictions set forth in paragraph a shall not be construed to prohibit the normal runoff of non-storm water related to domestic home uses; for example, lawn watering, washing cars, etc.

9-02-130. Enforcement.

This Chapter may be enforced through the provisions of the Woods Cross City Code, or by filing civil or criminal actions in the District Court as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to this Chapter shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation, no civil penalties may be assessed, but all other remedies are available.

9-02-140. Annual Report

The Public Works Director shall prepare an annual report substantiating the city's compliance with the NPDES Storm Water Regulations. The report shall be submitted to the City Council for its review and approval prior to submittal to State for its review.