

CHAPTER 15-02 STORMWATER UTILITY

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15-02-010. Purpose.

The purpose of this Chapter is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm drain system, managing and controlling groundwater and stormwater run-off, protecting property, improving water quality, preventing polluted waters from entering the City's water supply and other receiving waters, and establishing a viable and fair method of financing the construction, operation and maintenance of the City's storm drain system.

15-02-020. Definitions.

In addition to the definitions set forth in Section 15-01-090, for the purposes of this Chapter, the following terms, phrases and words shall have the following meanings:

- (a) Developed Parcel. "Developed parcel" means any parcel that has been altered from its natural condition by the construction of improvements or other impervious surface areas or by grading or filling of the ground surface areas which grading or filling affects the hydraulic properties of the parcel.
- (b) Equivalent Residential Unit ("ERU"). "Equivalent residential unit" or "ERU" means the average amount of impervious surface, expressed in square feet, on developed parcels in the City.
- (c) Parcel. The smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the Davis County Assessor.

15-02-030. Stormwater Utility.

The City Council hereby creates and establishes a stormwater utility ("Stormwater Utility"). The Stormwater Utility shall plan, design, construct, maintain, administer and operate the City's storm drain system, including subsurface drain facilities and system owned by the City.

15-02-040. Enterprise Fund.

The City Council hereby establishes a Stormwater Utility enterprise fund to handle all income, expenses and other financial transactions related to the Stormwater Utility. All Stormwater Utility service charges shall be deposited in the Stormwater Utility enterprise fund. Money in the Stormwater Utility enterprise fund shall not be commingled with or transferred to other City funds. However, the Stormwater Utility may pay other City funds for services and expenses directly attributable to the Stormwater Utility. The Stormwater Utility enterprise fund shall be operated according to State law and City ordinances, rules, regulations and policies.

15-02-050. Facilities and Assets.

The Stormwater Utility shall operate independently of City operations funded by the general fund. Upon creation of the utility, all of the City's storm drain system, facilities and assets (other than streets and other facilities and assets designated by the City Manager) shall be transferred to the Stormwater Utility in consideration for the Stormwater Utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the City's storm drain system.

15-02-060. Stormwater Utility Fees.

(a) Imposed. Each developed parcel of real property in the City shall be charged a Stormwater Utility fee.

(b) ERU. The fee shall be based on the number of equivalent residential units (ERU's) contained on the parcel. The City Council finds that the ERU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the Stormwater Utility. Based on a study completed within Woods Cross, the City Council finds and establishes that one ERU equals 3,000 square feet of impervious surface area.

(c) Calculation. The fees established herein are based upon studies conducted by the City, or caused to be conducted by the City. Based on collected data, the City Council finds that each single family residential unit and residential duplex contributes approximately the same amount of stormwater run-off; therefore, each developed single family residential parcel or residential duplex shall pay a base rate of one ERU. All developed multi-family residential parcels, commercial parcels, and other nonresidential parcels shall pay a multiple of this base rate, expressed in ERU's, according to the measured impervious area on the parcel.

(d) Charge per ERU. The amount charged for each ERU shall be established by resolution of the City Council and set forth in the City's "Consolidated Fee Schedule".

15-02-070. Billing.

The City Council finds that the City's storm drain system, culinary water system and solid waste collection system are all interrelated services that are part of a unified City plan to provide for the health, safety and welfare of the City and its residents in an environmentally responsible manner. Therefore, the Stormwater Utility fee shall be included on the City's regular monthly utility bill for any given property. If there is no regular utility bill for the property, the Stormwater Utility fee shall be charged to the owner of the property. In addition to any other remedies provided in this Title, failure to pay the Stormwater Utility fee within thirty (30) days from due date shall be deemed delinquent and shall be subject to interest at the rate of ten percent (10%) per annum on the unpaid delinquent amount. The property owner and/or responsible party shall be required to pay all collection costs, including legal fees, incurred by the City. The Stormwater Utility fee, interest, and collection costs, shall be deemed a civil debt owed to the City by the person or entity paying for the City utility service provided to the property and/or the property owner. All developed parcels shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the Stormwater Utility service. Failure to pay any portion of the utility bill may result in termination of water service.

15-02-080. Exemptions.

The City Council may establish exemptions to the Stormwater Utility fees by resolution.

15-02-090. Credits.

The City Council may establish credits to the Stormwater Utility fees by resolution.

15-02-100. Administration.

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

15-02-110. Policies.

The Public Works Director may recommend for adoption by the City Council policies and procedures to assist in the application, administration and interpretation of this Chapter. Said policies and procedures may be adopted by resolution of the City Council.

15-02-120. Appeals.

Any person or entity aggrieved by any final decision of the Public Works Director in implementing this Chapter or with the Stormwater Utility fee assessed hereunder may appeal such decision to the City Manager in accordance with the appeal provisions set forth in Section 15-01-040.