

CHAPTER 4
STORM WATER AND DRAINAGE
ARTICLE A. STORM SEWER UTILITY

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- 8-4A-1: **FINDINGS:** The city council makes the following findings regarding storm water runoff and the city storm sewer system:
- A. The city's existing storm sewer system consists of a network of manmade and natural facilities, structures and conduits, including ground water and aquifers, that collect and route storm water runoff.
 - B. The city's existing storm sewer system does not adequately handle the storm water runoff generated in the city.
 - C. The city's anticipated growth will place increased demands on the already inadequate storm sewer system.
 - D. Uncontrolled or inadequately controlled storm water runoff endangers the city's ground water supply.
 - E. Uncontrolled or inadequately controlled storm water runoff causes erosion and property damage.
 - F. Uncontrolled or inadequately controlled storm water runoff hinders the city's ability to provide emergency services to its residents.

- G. Uncontrolled or inadequately controlled storm water runoff impedes the regular flow of traffic in the city.
- H. Uncontrolled or inadequately controlled storm water runoff poses health hazards to the citizens of the community.
- I. Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that may jeopardize the integrity of ground waters and receiving waters, including the city culinary water supply.
- J. All developed properties in the city contribute to the need for the storm sewer system by converting natural ground cover into impervious surfaces.
- K. All developed properties in the city make use of or benefit from the city's operation and maintenance of the storm sewer system.
- L. The state department of environmental quality (DEQ) has determined that some of the city's storm water sumps must be included on the prioritized contamination sources for culinary wells.
- M. The EPA and the DEQ are developing additional storm water permitting requirements that will apply to cities.
- N. Absent effective maintenance, operation, regulation and control, existing storm water drainage conditions in the city constitute a potential hazard to the health, safety and general welfare of the city, its residents and its businesses.
- O. A storm sewer utility is the most equitable and efficient method of managing storm water in the city and ensuring that each property in the city pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the storm sewer system. (Ord. 2003-01, 4-29-2003)

8-4A-2: **PURPOSE:** The purpose of this article is to protect the health, safety and welfare of the city and its inhabitants by improving the city storm sewer system, managing and controlling storm water runoff, protecting property, preventing polluted waters from entering the city water supply and other receiving waters, and establishing a viable and fair method of financing the construction, operation and maintenance of the storm sewer system. (Ord. 2003-01, 4-29-2003)

8-4A-3: **DEFINITIONS:** The following words and phrases shall be defined as follows:

DEVELOPED PARCEL: Any parcel that has been altered from its natural condition by grading, filling, or the construction of improvements or other impervious surfaces.

EQUIVALENT RESIDENTIAL UNIT (ERU): The average amount of impervious surface, expressed in square feet, on developed single-family residential parcels in Fruit Heights City. One ERU equals two thousand eight hundred (2,800) square feet of impervious surface area.

IMPERVIOUS SURFACE: Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rates of flow than the natural surface. (Ord. 2003-01, 4-29-2003)

8-4A-4: **STORM SEWER UTILITY:**

- A. **Created:** The city council hereby creates and establishes a storm sewer utility as part of the city's overall sewer system. The storm sewer utility shall plan, design, construct, maintain, administer and operate the city storm sewer system.
- B. **Enterprise Fund:** The city council hereby establishes a storm sewer utility enterprise fund to handle all income, expenses and other financial transactions related to the storm sewer utility. All storm sewer utility service charges shall be deposited in the enterprise fund. Money in the storm sewer utility enterprise fund shall not be commingled with or transferred to other city funds. However, the storm sewer utility may pay other city funds for services and expenses directly attributable to the storm sewer utility. The enterprise fund shall be operated according to state law and city policy.
- C. **Facilities And Assets:** The storm sewer utility shall operate independently of city operations funded by the general fund. The storm sewer utility shall have the same relationship to the city as other city utilities, such as the water utility and the sanitary sewer (wastewater) utility. Upon creation of the utility, all of the city storm

sewer facilities and assets (other than streets and other facilities and assets designated by the city manager) shall be transferred to the storm sewer utility in consideration for the storm sewer utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the city storm sewer system.

- D. Administration: The storm sewer utility shall be administered by the city manager. (Ord. 2003-01, 4-29-2003)

8-4A-5: **FEE:**

- A. Imposed: Each developed parcel of real property in the city shall be charged a storm sewer utility fee.
- B. ERU: The fee shall be based on the number of equivalent residential units (ERUs) contained in 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 storm sewer utility. Based on a study completed by an independent engineer, the city council finds and establishes that one ERU equals two thousand eight hundred (2,800) square feet of impervious surface area.
- C. Calculation: The city council finds that each single-family residential parcel contributes approximately the same amount of storm water runoff; therefore, each developed single-family residential parcel shall pay a base rate of one ERU. All nonsingle-family residential parcels shall pay a multiple of this base rate, expressed in ERUs, according to the measured impervious area on the parcel. The city council may adopt separate rates for PRUDs, condominiums and other uses that are not easily handled under the standard rate schedule.
- D. Charge Per ERU: The amount charged for each ERU shall be established by resolution of the city council.
- E. Exemptions And Credits: The city council may establish exemptions and credits to the storm sewer utility fee by resolution.
- F. Policies: The city manager may direct the public works director to adopt policies, consistent with this article, and any resolutions passed by the city council, to assist in the application, administration

and interpretation of this article, and any resolutions related to the storm sewer utility.

- G. Appeals: Any person or entity that believes that this article, or any storm sewer utility rate resolution, was interpreted or applied erroneously, may appeal to the public works director ("director"). The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action or bill being appealed. The director may elect to hold a hearing on the appeal. The director shall decide the appeal within ten (10) days of when the appeal is filed. If the person or entity is not satisfied with the director's decision, a further appeal may be made to the city manager (or his or her designee). The appeal to the city manager shall follow the same procedure as the appeal to the director. If the person or entity is not satisfied with the city manager's decision, a further appeal may be made to the mayor and city council (or their designee). The mayor and city council's decision shall be final and binding on all parties. (Ord. 2003-01, 4-29-2003)

8-4A-6: **BILLING:** The city council finds that the city storm sewer system, sanitary sewer system, culinary water system and solid waste collection system are 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 storm sewer utility fee shall be included on the city's regular monthly/ bimonthly utility bill for any given property. The fee shall be deemed a civil debt owed to the city by the person or entity receiving the city storm sewer utility services provided to the property. All properties shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the storm sewer utility service. Failure to pay any portion of the utility bill may result in termination of water service. (Ord. 2003-01, 4-29-2003; amd. 2006 Code)

