

**13G – 500. STORMWATER UTILITY ORDINANCE.** (Ord. 06-11)

**13G – 510. Purpose.** The purpose of this section of the stormwater ordinance is to:

- (A) Provide fair, equitable and nondiscriminatory rates and charges for a stormwater system and related services which will generate sufficient revenues for operating, improving and maintaining the stormwater utility at a level commensurate with stormwater management needs. The rates and charges shall be set by considering needed revenues and the amount of impervious surface on developed parcels and the respective stormwater runoff characteristics of the parcel, and apply said rates and charges consistently for the same class of customers; and;
- (B) Establish a policy whereby present and future rates and charges for this service should be fixed with consideration of the difference in cost fairly allocated to the various customers based upon such factors as: the intensity of development of the parcel; the types of development on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the utility; the quantity and quality of the runoff generated; and other factors which present a reasonable basis for distinction, and which will allow for management of the stormwater system in a manner that protects the public health, safety and welfare.

**13G – 520. Method of Determining Contribution of Stormwater.**

- (A) Contributions of stormwater from nonresidential properties and residential properties larger than four-plexes are determined through aerial photography and land surface evaluation and measurement of the number of square feet of impervious surface.
- (B) Contributions of stormwater from residential parcels up to and including four-plexes have been determined through a statistically significant sample of impervious areas within these classifications.

**13G – 530. Stormwater Utility Created.** There is created and established a stormwater utility to be known as the North Logan City Stormwater Utility.

**13G – 540. Ownership of City Stormwater Facilities and Assets.** Upon establishment of the stormwater utility, all of the city's stormwater control system/stormwater sewer assets shall be transferred to the utility. The utility shall operate, maintain and improve all city stormwater facilities used for the conveyance of stormwater, through, under or over lands, watercourses, beginning at a point where stormwater first enter the stormwater system of the city and ending in each instance at a point where the stormwater exit from the system. Governmentally owned streets, and stormwater facilities operated and maintained by, or for, the state or county shall not be deemed stormwater facilities.

**13G – 550. System of Rates and Charges for Stormwater Utility.**

- (A) Rates and Charges: There are hereby imposed stormwater service fee rates and charges on each parcel of real property within the city, except governmentally owned streets and stormwater facilities operated and maintained by, or for, the state and county. The

charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future stormwater facilities.

- (B) Residential Service Charges: The utility's residential service charges shall be as outlined in the city's latest prevailing fee schedule.
- (C) Undeveloped Parcels: Undeveloped parcels shall have no charges assessed against such parcels.
- (D) Other Parcels: The charge for all other parcels shall be based upon the total square feet of measured impervious surface divided by four thousand seven hundred (4,700) square feet or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the established monthly nonresidential ERU charge. In all cases, the calculated nonresidential service charge shall not be less than the established residential service charge.

### **13G – 560. Billing and Collection.**

- (A) Billing: The department of the City Treasurer shall cause billings for stormwater utility services to be rendered periodically to the person who is the owner of the parcel, or the owner's agent, who has signed for water and sanitary sewer service to the parcel. The amounts to be billed shall be included on the existing utilities bill as a separate line item. A stormwater only billing will be sent to those persons who are owners of parcels within the city, but are not currently city utility customers.
- (B) Collection.
  - (1) Partial Payment: In the event partial payment is made on a combined bill, the payment shall be applied to each service on a pro-rata basis.
  - (2) Delinquency: In the event of delinquency, fees and charges levied in accordance herewith shall be a debt due the city. If this debt is not paid within thirty (30) days after billing, it shall be deemed delinquent and subject to recovery in a civil action and/or said department shall have the right to terminate water and sewer services to the premises. Any uncollected amount due from the person or persons who own the parcel on any inactive, terminated or discontinued account may be transferred to any active account under the same person's or persons' name(s) and, upon failure to pay such bill after at least fifteen (15) days' prior written notice, water and other city services to that account and parcel may be discontinued.
  - (3) Restoration Of Service: Water, sewer, and garbage collection services shall not be restored until all charges have been paid in full.
  - (4) Utility Enterprise Fund: There is created the city's stormwater utility enterprise fund. All funds received from such stormwater service charges shall be placed in

the enterprise fund and left separate and apart from all other city funds. The collection, accounting and expenditure of all only stormwater utility funds shall be in accordance with existing fiscal policy of the city.

**13G - 570      Appeal of Charges.**

- (A) Any owner or person who considers the stormwater utility charge applied to their parcel to be inaccurate, or who otherwise disagrees with the utility rate determination, may apply to the city engineer for a service charge adjustment. Such a request shall be in writing and state the grounds for such an appeal. The city engineer shall review the case file and determine whether an error was made in the calculation or application of the fee and make an adjustment to the charge, if necessary, to provide for proper application of the city's rates and charges pursuant hereto. In all cases, the decision of the city engineer shall be final unless appealed.
- (B) Any appeal under this chapter shall be filed in writing with the city engineer no later than twenty (20) days after said billing. Any subsequent appeal shall be brought within twenty (20) days after the date of the appealed decision
- (C) Appeal of decisions made by the city engineer may be brought before the city council who may reevaluate the issue raised in the appeal. Decisions of the city council shall be final and conclusive.
- (D) Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist at law.