

CITY OF WASHINGTON TERRACE

ORDINANCE 19-06

STORM WATER AMENDMENTS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, AMENDING CHAPTER 19.22. STORM WATER UTILITY;
SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §10-8-13 allows municipalities to regulate conduits, drains, and the like;

WHEREAS, *Utah Code Annotated* §10-8-38 authorizes the City to construct, reconstruct, maintain, operate, control, and charge for the use of culverts, drains, catch basins, and all systems and facilities necessary for proper drainage;

WHEREAS, the City desires to ensure equitable storm water charges and allow for exemptions or credits when warranted; and

WHEREAS, the City desires to clarify language to collect on storm water fees;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1: Re-enactment. The following Chapters are hereby repealed and re-enacted to read as follows:

Chapter 19.22

STORM WATER UTILITY

19.22.050. Storm water utility fee.

19.22.060. Billing.

19.22.050 Storm Water Utility Fee

1. Imposed. Each developed parcel of real property in the city shall be charged a storm water utility fee.
2. 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 effective measurement for determining the amount that each parcel contributes to, benefits from,

and otherwise uses the storm water utility. Based on research conducted by the city engineers, the City Council finds and establishes that the average impervious surface for a single-family parcel equals 2,800 square feet of impervious surface area.

3. Calculation. The city council finds that:
 1. 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 (1) ERU.
 2. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ERU's: ~~according to the total measured impervious area on the parcel being imposed a fee:~~
 - A. Duplexes shall pay two (2) ERUs
 - B. All non-single family and non-duplex residential properties shall pay a multiple of the ERU base rate, according to the total measured impervious area on the parcel being imposed a fee. Total ERUs are calculated by dividing total square feet of impervious surface by 2,800 (one ERU), rounded to the nearest whole number.
 - C. PRUDs, condominiums, or multi-unit residential units shall pay a multiple of the ERU base rate where total impervious surface area is calculated and divided among the individual homes or units. ERUs will not be rounded to the nearest whole number.
 - D. Rates will be established on a case-by-case basis for properties that are not easily handled under the standard rate schedule.
 4. Charge per ERU. The storm water utility fee may be established by the city council by ordinance or resolution.
 5. Exemptions and credits. The city council may establish exemptions and credits to the storm water utility fee by ordinance or resolution as recommended by the ~~director~~ city manager or assignee.
 6. Policies. The city manager may adopt policies and rules, consistent with this chapter to assist in the application, administration, and interpretation of this chapter and any other chapter related to the storm water.
 7. Appeals. Any person or entity that believes that this chapter, or any storm water utility rate, was interpreted or applied erroneously may appeal to the city's appeal authority. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) business days of the decision, action, or bill being appealed. All appeal shall be handled in accordance with the procedure in the municipal code for the appeal authority. The decision of the appeal authority shall be final.

19.22.060 Billing

The city council finds that the city's storm water system is 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.~~ per federal and state environmental regulations. Billing shall be as follows:

1. Utility. The storm water utility fee is bill [sic] as part of the monthly water bill. General provisions. The following general provisions apply:

- a. A utility fee is a civil debt owed to the city by the person or entity paying for the city utility services provided to the property.
 - b. If there is no regular utility bill for the property, a storm sewer service fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to the city by the person or entity.
 - c. All developed parcels of real property shall be charged any applicable storm water utility fee specified in this part regardless of whether or not the owner or occupant of the property requests the storm water utility service.
 - d. Failure to pay any portion of the utility bill may result in termination of water service, a civil suit, or a lien on the property.
2. ~~General provisions. The following general provisions apply:~~
1. ~~If there is no regular utility bill for the property, there is no city utility imposed for storm water.~~
 2. ~~A utility fee is a civil debt owed to the city by the person or entity paying for the city utility services provided to the property.~~
 3. ~~All properties receiving water service shall be charged any applicable storm water utility fee specified in this part regardless of whether or not the owner or occupant of the property requests the storm water utility service.~~
 4. ~~Failure to pay any portion of the utility bill may result in termination of water service.~~
3. Billing charges. The city manager may modify, reduce, impose, or rebate erroneous billing charges under this chapter not to exceed a period of three (3) months. The city manager may make special exceptions on billing charges for special circumstances as determined by the city council.

Section 4: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

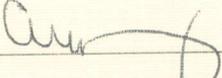
Section 5: Effective date. This ordinance shall take effect immediately after adoption and posting.

PASSED AND ADOPTED by the municipal council on this 20 day of AUGUST, 2019.



MARK C. ALLEN, Mayor

ATTEST:



AMY RODRIGUEZ, City Recorder

RECORDED this 20 day of August, 2019.

PUBLISHED OR POSTED this 21 day of August, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of *Utah Code Annotated* §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) website 2) city hall and 3) newspaper on the above referenced dates.