

**TAYLORSVILLE, UTAH**  
**ORDINANCE NO. 07-19**

**AN ORDINANCE ENACTING TITLE 17, CHAPTER 30, OF THE CITY OF  
TAYLORSVILLE CODE OF ORDINANCES WITH RESPECT TO THE CREATION  
AND OPERATION OF A STORM SEWER UTILITY**

**WHEREAS**, the Taylorsville City Council (the "*Council*") met in a regular session on May 16, 2007, to consider, among other things, enacting Title 17, Chapter 30, of the City of Taylorsville Code of Ordinances with respect to the creation and operation of a storm sewer utility; and

**WHEREAS**, the City of Taylorsville ("*City*") owns and operates a storm water sewer system, which has been developed over many years and consists of a network of natural conveyances and manmade structures and conduits that collect and routes storm water runoff; and

**WHEREAS**, the Council finds that inadequate management of the quantity and quality of storm water runoff causes flooding and property damage, carries concentration of heavy metals, oils, and toxic materials into receiving and ground waters, and degrades the integrity of city streets and transportation systems; and

**WHEREAS**, the Council finds that such are hazards and pose a significant risk to public health, safety, and welfare; and

**WHEREAS**, the Council finds that such risks are best managed by a storm sewer system that is effectively repaired, replaced, improved, maintained, operated, regulated, and controlled; and

**WHEREAS**, the Environmental Protection Agency ("*EPA*") has established rules setting forth the National Pollutant Discharge Elimination System permit application process and has adopted rules and regulations for storm water discharge; and

**WHEREAS**, the State of Utah, through its Department of Environmental Quality ("*DEQ*"), has established a National Pollutant Discharge Elimination System permit system and has adopted rules and regulations for storm water discharge; and

**WHEREAS**, the rules and regulations promulgated by the EPA and the DEQ provide that where more than one public entity owns or operates a municipal separate storm water system within a geographical area, such municipalities may join together and be co-applicants for a permit; and

**WHEREAS**, in March 2003, City joined with Salt Lake County and other municipalities in the Salt Lake Valley as co-applicants pursuant to the National Pollutant Discharge Elimination System and the Utah Pollutant Discharge Elimination System; and

**WHEREAS**, in May 2006, the City was granted a Phase II storm water co-permit; and

**WHEREAS**, as a co-permittee of a Phase II storm water permit, the City is required, among other things, to have legal authority to (i) control the contribution of pollutants to the storm water system associated with industrial activities and discharge from sights from industrial activity; (ii) prohibit elicited discharge to the storm water sewer system; (iii) control discharges to the storm drain system of spills, dumping, or disposal of materials other than storm water; and (iv) means to enforce compliance with the conditions and ordinances; and

**WHEREAS**, the Council finds that implementing a storm sewer utility will help achieve compliance with the requirements of the Phase II storm water co-permit; and

**WHEREAS**, the Council finds that implementing a storm sewer utility will enable ongoing maintenance, operations, regulation, enforcement, and improvement of the storm sewer system; and

**WHEREAS**, based on the representations made to the City and the Council by consulting engineers Hansen Allen & Luce, Inc. ("*Hansen*"), the Council finds that the owners of impervious surfaces contribute to, makes use of, or benefit from the City's storm sewer system and should proportionately contribute to the funding of the City's program to maintain, operate, regulate, enforce, and improve the City storm water program; and

**WHEREAS**, Hansen and other professional consultants have evaluated methods to fund the City storm water program sewer system; and

**WHEREAS**, the Council hereby finds that the establishment of a storm sewer utility is the most fair, equitable, and nondiscriminatory method to fund the City's storm water program, including requirements of the Phase II storm water co-permit and that the establishment of a storm sewer utility is in the best interest of the health, safety, and welfare of the citizens.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that the following be adopted as Title 17, Chapter 30, of the Taylorsville Code of Ordinances:

**17.30.010 Purpose.**

The purpose of this chapter is to protect the health, safety, and welfare of the city and its inhabitants by efficiently operating the storm sewer system, managing and controlling storm water runoff, protecting property, preventing polluted waters from entering the water supply and other receiving waters, and establishing a viable and equitable method of financing the storm water system long-term improvement, operation, and maintenance.

**17.30.030 Definitions.**

For purposes of this chapter, the following terms and phrases and words shall mean:

**"Developed parcel"** means any parcel that has been altered from its natural conditions by grading, filling, or the construction of improvements or other impervious surfaces.

**“Equivalent Residential Unit (ERU)”** means the average amount of impervious surfaces, expressed in square feet, on developed single-family residential parcels in the city. One ERU equals 3,800 square feet of impervious surface.

**“Impervious surfaces”** means any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes reduced quality of run off water or causes water to run off in greater quantities or at greater rates of flow than the natural surface.

**“Mitigation”** means onsite facilities or practices which reduce storm water quantity or improve storm water quality.

**“Parcel”** means the smallest, separately-segregated unit of land having an owner. A parcel has boundaries and surface area and is documented with a property identification number by Salt Lake County.

**“Single-family residential parcel or single-family residential customers”** means any parcel of land or the owner of land containing a detached single-family home or a duplex.

**“Storm drain facility”** means any facility, improvement, development, or property made for controlling storm water quantity and quality. Storm drain facilities do not include government-owned streets or those storm sewer facilities operated by or for the utility, Salt Lake County, or the State of Utah.

**“Storm sewer utility”** means the utility created by this chapter which operates, maintains, regulates, and improves storm drain facilities and programs within the city.

**“Storm water”** means water produced by storm, surface drainage, snow and ice melt, and other water handled by the storm drain system.

**“Storm sewer system”** means all manmade storm sewer facilities and conveyances and natural storm sewer systems, including, but not limited to, designated open spaces owned and maintained by the city that stores, controls, treats, and/or conveys storm water.

**“Undeveloped parcel”** means any parcel that has not been altered by, graded, filled, or constructed.

#### **17.30.050 Storm sewer utility.**

**A. Creation.** There is hereby created and established a storm sewer utility operated by the city that includes a service charge rate structure.

**B. Enterprise Fund.** There is hereby established a storm sewer utility enterprise fund to handle all income, expenses, and other financial transactions related to the storm sewer utility. All charges collected with respect to the storm sewer utility shall be deposited in the storm sewer

utility enterprise fund. Money in the storm sewer utility enterprise fund shall not be commingled with other city funds and may be transferred to other city funds as allowed by the Uniform Fiscal Procedures Act for Utah Cities.

**C. Facilities and Assets.** The city shall determine which storm drain facility assets will be transferred to the storm drain utility. Until such transfer, the utility shall operate, maintain, and improve all existing storm drain facilities.

**D. Administration.** The storm sewer utility shall be administered by the city administrator or designee.

#### **17.30.070 Storm sewer utility charge.**

**A. Imposed.** All owners of impervious surfaces within the city which contribute runoff water to the storm sewer system or who otherwise use or benefit from the storm sewer system or the storm water utility will be responsible for paying the storm water utility charge as set forth in this chapter.

**B. Amount of Charge.** The charge shall be based on the number of equivalent residential units (ERU's) contained in the parcel. An ERU is the average amount of impervious surfaces in a single-family residential parcel and is based on a statistical analysis of homes within the city. One ERU equals 3,800 square feet of impervious surface area.

**C. Calculation.** Each single-family residential parcel contributes approximately the same amount of storm water runoff; therefore, each single-family residential parcel shall pay a base rate equal to one (1) ERU. All other parcels (except undeveloped parcels) shall pay a multiple of this base rate, expressed in ERU's, according to the measured impervious area on the parcel. Total ERU's are calculated by dividing the total square feet of impervious surface by 3,800.

**D. Charge per ERU.** The service charge imposed hereby for each ERU shall be Four Dollars (\$4.00) per month.

**E. Credits.** A service charge credit shall be available for nonsingle-family residential customers that (i) exceed the city's standards for reducing the amount of storm water discharged from their parcel, (ii) improve the quality of storm water runoff based on implementing source or treatment controls which reduce or eliminate pollutants from the parcel's storm water runoff, and/or (iii) implement onsite activities that can be shown to reduce the city's costs to provide the storm sewer utility services. Provided, however, if this chapter is amended or the city standards are changed, then only those parcels that then satisfy the standards will be eligible for the service charge credit. Reducing the amount of storm water discharge generally means holding runoff for a period of time and then releasing it at a controlled rate to the storm water sewer system ("detention") or holding water until it evaporates or infiltrates into the ground water ("retention"). Improving quality generally means improving the quality of storm water runoff based on implementation of source or treatment controls (Best Management Practices) which reduce or eliminate pollutants from the storm water runoff.

**F. Policies.** The city may adopt rules and policies to assist in applying, administering, and interpreting the service charge credit and other provisions related to the storm sewer utility.

**G. Appeals.** Any person or entity who is aggrieved by the provision of this chapter or the application and calculation of the service charge to their property may appeal to the city administrator. The appeal shall be in writing, shall state all facts supporting the appeal, and shall be made within thirty (30) days of the receipt of the bill or event giving rise to the appeal. The city administrator shall issue a written decision within thirty (30) days of receipt of the complete appeal. Appeals of the city administrator's decision may be made to the mayor, within thirty (30) days of the city administrator's decision. The mayor may elect to hold a hearing on the appeal. The mayor's decision shall be final and conclusive.

**H. Billing and Collection.** The city shall bill, or cause to be billed, property owners of impervious surfaces for the storm sewer utility service charge. Charges and fees shall be considered delinquent if not paid as determined by rules and procedures established by the city and will be considered to be a debt of the city, which shall be subject to recovery by civil action or otherwise.

**17.30.090 Annual transfer.**

There shall be, each fiscal year, an in-lieu-of-tax transfer from the city's storm sewer utility fund to the city's general fund of 7.5 percent of total actual revenues as determined according to applicable standards. The in-lieu-of-tax transfers do not prohibit the storm sewer utility from providing funds or services to other city departments, or receiving funds or services from other city departments.

**17.30.110 Severability.** If any portion of this chapter is determined to be, or is rendered, illegal, invalid, or superseded by other lawful authority, including any state or federal, legislative, regulatory, or administrative authority having jurisdiction thereof, or determined to be unconstitutional, illegal, or invalid by any court of competent jurisdiction, such section shall be deemed a separate, distinct, and independent provision, and such determination shall have no effect on the validity of any other section.

This Ordinance, assigned Ordinance No. 07-19, shall take effect July 1, 2007, deposited and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** by the Council of Taylorsville, Utah, this 16<sup>th</sup> day of May, 2007.

**TAYLORSVILLE CITY COUNCIL**

  
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Jerry Rechtenbach, Chairman

**VOTING:**

Bud Catlin	<input checked="" type="checkbox"/>	Yea	<input type="checkbox"/>	Nay
Lynn R. Handy	<input checked="" type="checkbox"/>	Yea	<input type="checkbox"/>	Nay
Les N. Matsumura	<input checked="" type="checkbox"/>	Yea	<input type="checkbox"/>	Nay
Morris Pratt	<input checked="" type="checkbox"/>	Yea	<input type="checkbox"/>	Nay
Jerry Rechtenbach	<input checked="" type="checkbox"/>	Yea	<input type="checkbox"/>	Nay

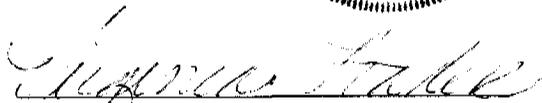
**PRESENTED** to the Mayor of the City of Taylorsville for approval this 16<sup>th</sup> day of May, 2007.

**APPROVED** this 16 day of May, 2007.



  
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Mayor Russ Wall

**ATTEST:**

  
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Virginia Loader, City Recorder

**DEPOSITED** in the office of the City Recorder this 16<sup>th</sup> day of May, 2007.

**RECORDED** this 16<sup>th</sup> day of May, 2007.