

## CHAPTER 4

**STORM WATER SYSTEM USE AND SERVICE**

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8-4-1: **STORM WATER DEPARTMENT CREATED:** The Storm Water Department of the City is hereby created and established as an Enterprise fund. It shall administer the operation and maintenance of the storm water system of the City.

8-4-2: **PURPOSE:** The purpose of this Chapter, in compliance with state and federal mandates, is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm water system, managing and controlling storm water runoff, protecting Property, 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 storm water system.

8-4-3: **DEFINITIONS:** The following terms used in this Chapter shall have the respective meanings hereinafter set forth:

- DAYS:** Means calendar days.
- DEVELOPED PARCEL:** Any parcel that has been altered from its natural condition by grading, filling, or the construction of improvements.
- DWELLING UNIT:** A living unit which is occupied as a home or place of residence within a multiple family dwelling.
- MULTIPLE DWELLING UNITS:** Buildings constructed for more than single family.
- STORM WATER SYSTEM:** A system or network of storm and surface water management facilities.
- STORM WATER UTILITY FEE:** Monthly Service Charge imposed on property.

8-4-4: **PARTICIPATION IN SERVICE REQUIRED:** Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic material and other undesirable material that may jeopardize the integrity of ground waters and receiving waters, including the City's culinary water supply. All developed parcels in the City contribute to the need for the storm water system. All developed parcels in the City make use of or benefit from the City's operation and maintenance of the storm water system, and shall be required to participate in this program.

- A. **EXCEPTIONS:** Property which is owned by the City shall be exempt from the associated Storm Water fees.
- B. **PROPERTY SERVED OUTSIDE CITY LIMITS:** All properties outside the Providence City limits that receives water or sewer service from the City, shall be required to participate in this program. Billing will be charged and billed in accordance with the provisions of this chapter in regards to the nature of the property use, and at monthly rate of charges and billings established by the City for services outside the City Limits.

8-4-5: **FEES:**

- A. **STORM WATER UTILITY:** A storm water utility is an equitable and efficient method of managing storm water in the City and ensuring that each developed parcel in the

City pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the storm water system.

- B. **STORM WATER UTILITY FEE:** A storm water utility fee offers necessary financial management options that will assist the City to improve storm water services, therefore, a Storm water Utility fee System is hereby created and established as part of the Storm water Department. It will be utilized in the establishment and setting of fees, rates, schedules and billing.
  - 1. The rates, penalty fee for delinquency in payment, and other charges incidental to connection and services from the City storm water system shall be fixed from time to time by resolution enacted by the City Council.
  - 2. The City Council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for storm water system services and all other rules necessary for the management and control of the storm water system.
  - 3. Property with a single water meter which has both a dwelling unit and a commercial business on the same property shall be charged at the higher commercial rate.
  - 4. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.
    - I. Providence City hereby establishes a seven-class rate structure. A flat rate will be charged each class. (See Table 1).

<b>Table 1</b>			Monthly
Class	Description/ Use	<b>Billing</b>	Fee
1	*Single-Family	Per lot	\$4.00
2	*Multiple-family dwelling units	Per dwelling unit	\$3.00
3	*Commercial	Per meter	\$20.00
4	*Institutional	Per meter	\$15.00

5	*Irrigation and stock water	Any meter	\$4.00
6	*Lots without water meters	**As per use per lot	
7	* Lots with one water meter, a dwelling unit and a commercial business.	As per commercial rate.	\$20.00

\* Every water meter shall be billed as shown  
 \*\* As class # 1-2-3-4-5-or 7.

- C. Special Rates: The City Council may from time to time fix by agreement or resolution special rates and conditions for users making use of the storm water system under exceptional circumstances, upon such terms and conditions as they may deem proper.
- D. Exemptions, Surcharges, and Credits: The City Council may establish exemptions, surcharges, and credits to the storm water utility fee by resolution.
- E. Administrative Policies: The City Staff may adopt policies, consistent with this Chapter and any ordinances and/or resolutions adopted by the City Council, to assist in the application, administration and interpretation of this Chapter and any ordinance and/or resolution related to the storm water system.
- F. Complaints; Corrections: The City Council is hereby constituted as a Board of Equalization of storm water sewer rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal or unjust. They may, if they see fit, rebate all or any part of the storm water bill of any indigent person.
- G. Appeal to the Board of Equalization: The appeal shall be in writing, shall state any facts supporting the appeal, and shall be filed with the City Recorder within ten (10) calendar days of the decision, action, or bill being appealed.
  - 1. Hearing and Notice: The Board of Equalization shall hold a hearing within thirty (30) calendar days from the receipt of the appeal. The City shall provide written notice of the hearing date to the applicant a minimum of ten (10) calendar days prior to the hearing date.
  - 2. Notice of Decision: The Board of Equalization shall provide a written notice of decision no later than ten (10) working days after the hearing.

**8-4-6: STATEMENT OF CHARGES; DELINQUENCY:**

- A. **Statement:** The storm water utility fee shall be included on the City's regular monthly utility billing. The City shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of storm water service charges assessed against him once each month or at such other regular interval as the City Council shall direct. The statement shall specify the amount of the bill for the storm water service and the place of payment and date due.
- B. **Failure to Pay:** If any person fails to pay the storm water charges within thirty (30) days of the due date, the City shall mail the customer notice in writing of intent to disconnect the water service to the customer unless the customer pays the bill in full within seven (7) days from the date of the notice.
- C. **Payment of Delinquent Charges:** If the water service is thereafter discontinued for failure to make storm water utility charges, then before the water service to the premises shall again be provided, all delinquent storm water sewer charges must have been paid to the City or arrangements made for their payment in a manner satisfactory to the City.
- D. **Additional Charges:** In the event water is turned off for nonpayment of storm water charges, then before the water service to the premises shall again be provided, the Customer shall pay, in addition to all delinquent charges, such extra charge for turning the water on and off as the City Council may have established by resolution or ordinance. Until such resolution has been adopted, there shall be added an extra charge of twenty five dollars (\$25.00) for turning on the water. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills.
- E. **Collection Enforcement:** The City is hereby authorized and empowered to take all action necessary to enforce collection, including, but not limited to, the commencement of legal proceedings in a court of proper jurisdiction seeking judgment for all the amount of the delinquent fees and services charges and all costs of collection, including court costs and reasonable attorney fees.

8-4-7: **DISCONTINUANCE OF SERVICE:**

- A. Discontinuance of Service: Storm water sewer service cannot be discontinued.

8-4-8: **USE WITHOUT PAYMENT PROHIBITED:** It shall be unlawful for any person by himself, family, servants, or agents to utilize the City Storm Water system without paying therefore, as herein provided or, without authority use or attach to the City Storm Water system, unless it is done pursuant to proper application, agreement or resolution.

8-4-9: **INSTALLATION AND CONNECTION TO THE STORM WATER SYSTEM.**

- A. Permit Required: It shall be unlawful for any person to lay, repair, alter or connect any line to the City Storm water system without first having received a construction permit from the office of the City Recorder or from the Public Works Director. (1977 Code ' 14-137; 1998 Code)
- B. Application: Applications for permits to make water connections or other alteration of for laying or repairing lines connected directly or indirectly to the City storm water system must be made in writing by the owner of the premises who or his authorized agent who shall describe the nature or the work to be done for which the application is made.
- C. Determination of Approval: The application shall be granted if the Public Works Director determines that:
1. The connection, repair, alteration or installation will cause no damage to the existing system, and construction of the project conforms to the ordinances, regulations, specifications and standards required by the City that pertains to the requested construction. And that it will not be prejudicial to the interests of persons whom property has been or may thereafter be connected to the storm water system.
  2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the City.
- D. Line and Grade Designation: All connections, alterations or installations shall be to the line and grade as shown on the approved construction drawings or as may be designated by the Public Works Director.

- E. Fees: Fees for permits or for inspection services shall be of such amounts as the City Council shall from time to time determine by resolution. (1977 Code ' 14-138; 1998 Code

**8-4-10: STORMWATER SERVICE LINES AND ASSOCIATED APPURTENANCE:**

- A. Good Repair: All users of Storm water services shall keep their service lines and connections and other apparatus, clean and in good repair and protected at their own expense. No person, except under the direction of the Public Works Director, shall be allowed to dig into the street for the purpose of laying, removing or repairing any service line or appurtenance.
- B. Quality of Service Lines: All service lines and other items used in conjunction with the storm water services of the City shall be of such material, quality, and specifications as the City Council may from time to time by resolution provide, and shall be installed as may be specified by regulations relating to the Storm Water Department. All work, alterations, or extensions affecting the storm water system, shall be subject to the acceptance of the Public Works Director, and no connections to any part of the storm water system shall be made without first obtaining a permit therefore from the City Recorder. (1977 Code ' 14-127A; 1998 Code)

**8-4-11: STORM WATER LINES AND SYSTEM EXTENDED:**

- A. Petition to City Council: Any person, including any subdivider, who desires to have the storm water system extended within the City, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the City Council by petition. The petition shall contain a proposed extension, accompanied by a map showing the location of the proposed extension, together with an offer to advance the whole expense thereof, which cost shall be verified by the Public Works Director. The City Council may grant or deny the petition as in its discretion seems best for the welfare of existing storm water users in the City. (1977 Code ' 14-143; 1998 Code)
- B. Cost Determined: Upon the receipt of such petition and map and before the petition is granted, the City Council shall obtain from the Public Works Director a certified statement showing the whole cost or expense of making such extension. (1977 Code ' 14-144; 1998 Code)
- C. Amount Deposited: If the City Council grants the petition, the amount of the cost of making the extension, as certified by the Public Works Director, shall be deposited

with the City Recorder before any work shall be done on such extension. The deposit shall be made within thirty (30) days, or such other time as the City Council shall indicate, after the granting thereof. (1977 Code ' 14-145; 1998 Code)

- D. Return of Deposit: At the time the City Council decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.
- E. Forfeiture: In the event any deposit remains unclaimed for a period of five (5) years after the depositor has discontinued storm water service, the deposit may be forfeited and then transferred to the Storm Water Enterprise Fund. (1977 Code ' 14-146; 1998 Code)
- F. Ownership of Extension: Any such extension shall be deemed the property of the City. (1977 Code ' 14-147)

8-4-12:       **ACCESS BY DEPARTMENT:** The Public works Director and his agents shall at all ordinary hours have free access to any place supplied with storm water services from the City system, for the purpose of examining the storm water system and ascertaining the service is being used as intended and maintenance is performed as required by the City.

8-4-13:       **EXCESSIVE OR INCORRECT USE OF SYSTEM:**

- A. Effect on City Storm Water System: It shall be unlawful for any person to drain simultaneously or to use such combinations of outlets as will in the opinion of the City Council materially affect the design or discharge of water in the City storm water system or any part thereof, and the City Council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- B. Order to Discontinue: The City Council shall, after determining that such improper use exists, notify the affected storm water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this Chapter. (1977 Code ' 14-133)



**8-4-14: DAMAGES**

- A. It shall be unlawful to injure, deface, or impair any part or appurtenance of the storm water system, or to cast anything into any storm water ponds belonging to the City storm water system.
- B. **Damage by Customer:** All damages or injury to the lines, meters or other materials of the City on or near the customers premises caused by any act or neglect of the customer shall, in the direction of the City, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the City through its efforts to repair the damage to the lines, or to other equipment of the Department or collect such costs from the customer or from those responsible.

**8-4-15: SERVICE OUTSIDE CITY:**

- A. **Scope:** The City may furnish storm water service from its storm water system to persons outside the City in accordance with the provisions of this Chapter. (1977 Code ' 14-151)
- B. **Petition for Service:** Any person located outside the City limits who desires to be supplied with storm water services from the City storm water system and is willing to pay in advance the whole expense of extending the storm water system to his property, including the cost of extending any storm water main beyond its present location, may make application to the City Council by petition containing:
  - 1. A description of the proposed extension.
  - 2. A map showing the location thereof.
  - 3. An offer to pay the whole expense incurred by the City in providing such extension and to advance such expense as shall be verified to by the Public Works Director. The City Council and the person seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.
  - 4. An acknowledgment that the City in granting the petition, need supply only such storm water services to the petitioner which from time to time the City Council

deems is not beyond the requirements of storm water users within the City limits, and that such extension shall be the property of and subject to the control of the City. (1977 Code ' 14-152; 1998 Code)

- C. **Costs Determined:** Upon receipt of such petition and map and before the petition is granted, the City Council shall determine what portion, if any, of the extension of the City storm water system to the City limits the City shall construct, and shall obtain from the Public Works Director a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the Storm Water Department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor. (1977 Code ' 14-154; 1998 Code)

8-4-15: **NON-LIABILITY FOR DAMAGES:** The City shall not be held liable for any damage to a storm water service user be reason of stoppage or interruption of his or her storm water service caused by fires, accidents to the storm water system, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This Section shall not be construed to extend the liability of the City beyond that provided in the Governmental Immunity Act<sup>1</sup>. (1977 Code ' 14-131)

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<sup>1</sup> U.C.A ' 63-30-1.