CITY OF LOGAN
ORDINANCE NO. 05-14

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989,
ADDING TITLE THIRTEEN, CHAPTER 13.14, “STORM WATER UTILITY”

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS
FOLLOWS:

SECTION 1: Logan Municipal Code, 1989, Title 13, Chapter 13.14, Storm Water
Utility, is hereby enacted as follows:

Title 13
Chapter 13.14

STORM WATER UTILITY

Sections:

ARTICLE I. STORM WATER UTILITY

13.14.010 Findings. The City Council makes the following findings regarding
storm water runoff and the City's storm sewer system:

A. The City's existing storm sewer system consists of a network of man-made and natural
facilities, structures and conduits, including groundwater 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 groundwater
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.
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's 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 of Logan's size.

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 water 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.

13.14.020 Purpose. The purpose of this ordinance is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm sewer 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 sewer system.

13.14.030 Definitions. The following bolded words and phrases shall be defined as follows:

A. “Developed parcel” Any parcel that has been altered from its natural condition by grading, filling, or the construction of improvements or other impervious surfaces.

B. “Equivalent Residential Unit (ERU)” The average amount of impervious surface, expressed in square feet, on developed single family residential parcels in Logan. One ERU equals 3,000 square feet of impervious surface area.

C. “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.

13.14.040 Storm Water Utility. A. The City Council hereby creates and establishes a storm water utility as part of the City's overall sewer system. The storm water utility shall plan, design, construct, maintain, administer and operate the storm sewer system.

B. The Council establishes a storm water utility enterprise fund to handle all income, expenses and other financial transactions related to the storm water utility. All storm water utility service charges shall be accounted for in the enterprise fund. However, the storm water utility may pay other City funds for services and expenses directly attributable to the storm water utility. The enterprise fund shall be operated according to State law and City policy.

C. The storm water utility shall operate independently of City operations funded by the general fund. The storm water utility shall have the same relationship to the City as other City utilities, such as the water utility and the sanitary sewer (waste water) utility. Upon creation of the utility, all of the City's storm sewer facilities and assets (other than streets and other facilities and assets designated by the Public Works Director) shall be transferred to the storm water utility in consideration for the storm water utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the City's storm sewer system.

D. The storm water utility shall be administered by the City's Public Works Director.

13.14.050 Storm Water Utility Fee. A. Each developed parcel of real property in the City shall be charged a storm water utility fee.

B. The fee shall be based on the number of equivalent residential units (ERU's) 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 water utility. Based on a study completed by an independent engineer, the City Council finds and establishes that one ERU equals 3,000 square feet of impervious surface area.

C. 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 (1) ERU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ERU's, according to the measured impervious area on the parcel. The City Council may adopt separate rates for PUD's, condominiums and other uses that are not easily handled under the standard rate schedule.

D. The amount charged for each ERU shall be established by resolution of the City Council.
E. The City Council may establish exemptions, surcharges and credits to the storm water utility fee by resolution.
F. The Public Works Director may adopt policies, consistent with this ordinance and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this ordinance and any resolutions related to the storm water utility.
G. Any person or entity that believes that this ordinance, or any storm water 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 Mayor (or his or her designee). The appeal to the Mayor shall follow the same procedure as the appeal to the Director. The Mayor's decision shall be final and binding on all parties.

13.14.060. Billing. The City Council finds that the City's 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 water utility fee shall be included on the City's regular monthly utility bill for any given property. If there is no regular utility bill for the property, the storm water utility 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 paying for the City 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 water utility service. Failure to pay any portion of the utility bill may result in termination of any or all utility services.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the _____ day of ______, 2005.

Laraine Swenson, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this ______ day of ______, 2005.

 Douglas E. Thompson, Mayor
STATE OF UTAH
COUNTY OF CACHE, ss.

On this 23rd day of June, 2005, personally appeared before me Rachelle S. Thomas, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

LEGAL NOTICE

LOGAN MUNICIPAL COUNCIL

a copy of which is hereto attached, was published in said newspaper for One (1) Issue commencing June 23, 2005 and ending June 23, 2005.

Signed Rachelle S. Thomas

Subscribed and sworn to before me, the day and year above written.

Signed Cynthia K. Fulton


LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

SUMMARIES OF ORDINANCES amending Logan Municipal Code, 1989, passed by the Logan Municipal Council, are as follows:

ORD. OS-51. An ordinance was adopted June 7, 2005 and approved June 8, 2005 amending the Zoning Map of Logan City to rezone from Agriculture (AG):
2. To Public (PUB): 32.6 ac. of TIN# OS-009-0010 and OS-005-0005;
3. To Recreation (REC): 47.6 ac. of TIN# OS-009-0010 and OS-005-0005
Also identified as "Deer Pen Property Rezone," from approx. 1300 North to the North Logan City Limits east of the SFR-PD zoning district to the eastern Logan City Limits.

ORD. OS-28. Pursuant to Section 10-9a-208, UCA, an ordinance was adopted June 7, 2005 and approved June 8, 2005 vacating a city right-of-way of 2.48 ac., more or less, commonly known as LeGrande Avenue and located north of 1200 South between U.S. Highway 165 and U.S. Highway 89-91. An 80 foot wide public utilities easement for existing utilities is reserved. The ordinance is effective upon the City of Logan receiving the property to be used in the realignment of 1200 South with 100 West on U.S. Highway 91.

ORD. OS-43. Pursuant to Section 10-9a-208, UCA, an ordinance was adopted June 7, 2005 and approved June 8, 2005 vacating a city right-of-way of .081 ac., more or less, commonly known as "Field Road" and located on the northeast side of the intersection of 120 South and Highway 89-91.

Ord. OS-14. An ordinance was adopted June 7, 2005 and approved June 8, 2005, adding Title Thirteen, Chapter 13.14, Storm Water Utility. The ordinance establishes a Storm Water Utility as part of the city's overall sewer system. The purpose of the ordinance is to protect the health, safety and welfare of the city and its citizens by improving the city's storm sewer 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 sewer system.