

Ordinance 2015-05

SHORT TITLE:

An ordinance amending Chapter 18.01 (Storm Water Utility) of the Provo City Code to include Sections 18.01.070 (Billing), 18.01.080 (Storm Water Impact Fee), and 18.01.090 (Storm Water Impact Fee Exemptions & Credits) to comply with the Federal Clean Water Act, and the Department of Water Quality (DWQ) Municipal Separate Storm Sewer System permit.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL			✓		
CW 2	GARY GARRETT			✓		
CD 1	GARY WINTERTON	✓		✓		
CD 2	KIM SANTIAGO			✓		
CD 3	HAL MILLER			✓		
CD 4	KAY VAN BUREN		✓	✓		
CD 5	Vacant					
TOTALS				6	0	0

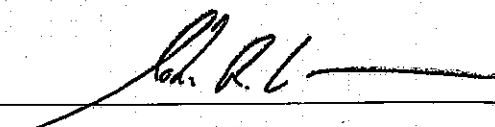
This ordinance was passed by the Municipal Council of Provo City, on the 3<sup>rd</sup> day of February, 2015 on a roll call vote as described above. Signed this 18th day of February, 2015.

  
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 24 day of February, 2015.

  
Mayor

ORDINANCE 2015-05

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 24<sup>th</sup> day of February 2015,  
with a short summary being published on the 7<sup>th</sup> day of February 2015, in The Daily Herald, a newspaper circulated in  
Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with  
respect to Ordinance Number 2015-05.



Signed this 24<sup>th</sup> day of February 2015.

Janeal Lewis  
City Recorder

ORDINANCE 2015-05.

AN ORDINANCE AMENDING CHAPTER 18.01 (STORM WATER UTILITY) OF THE PROVO CITY CODE TO INCLUDE SECTIONS 18.01.070 (BILLING), 18.01.080 (STORM WATER IMPACT FEE), AND 18.01.090 (STORM WATER IMPACT FEE EXEMPTION & CREDITS) TO COMPLY WITH THE FEDERAL CLEAN WATER ACT, AND THE DEPARTMENT OF WATER QUALITY (DWQ) MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT. CITY-WIDE IMPACT. (14-003OA)

WHEREAS, it is proposed that amendments be made to Chapter 18.01 (Storm Water Utility) of the Provo City Code to include Sections 18.01.070 (Billing), 18.01.080 (Storm Water Impact Fee), and 18.01.090 (Storm Water Impact Fee Exemption & Credits) to comply with the Federal Clean Water Act, and the DWQ Municipal Separate Storm Sewer System Permit; and

WHEREAS, in 2011, the DWQ audited the Provo City Storm Water system and asked the City to provide a Storm Water ordinance; and

WHEREAS, on April 23, 2014 the Planning Commission moved forward a positive recommendation for approval of Title 18 (Storm Water) to govern Storm Water compliance in Provo City, and the Municipal Council passed Ordinance 2014-21 on July 14, 2014 establishing Title 18 (Storm Water) of the Provo City Code; and

WHEREAS, it has been found that Sections 18.01.070 (Billing), 18.01.080 (Storm Water Impact Fee), and 18.01.090 (Storm Water Impact Fee Exemption & Credits) were missing from the original proposal, and must be included to fully comply with The Federal Clean Water Act, and the DWQ Municipal Separate Storm Sewer Permit; and

WHEREAS, on December 10, 2014, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council the proposed amendment be approved as set forth below; and

WHEREAS, on February 3, 2015 the Municipal Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Title 18 (Storm Water) should be amended to include Section 18.01.070 (Billing), 18.01.080 (Storm Water Impact Fee), and 18.01.090 (Storm Water Impact Fee Exemption & Credits) and (ii) this action, as set forth below, reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

47 PART I:

48  
49 Provo City Code Chapter 18.01 Storm Water Utility is hereby amended as follows:

50  
51 **Chapter 18.01 Storm Water Utility.**

52  
53 18.01.010 Findings  
54 18.01.020 Purpose  
55 18.01.030 Definitions  
56 18.01.040 Storm Water Utility  
57 18.01.050 Storm Water Utility Fee  
58 18.01.060 Storm Water Utility Fee Exemption & Credits  
59 18.01.070 Billing  
60 18.01.080 Storm Water Impact Fee  
61 18.01.090 Storm Water Impact Fee Exemption & Credits

62 ...

63  
64 **18.01.070 Billing.**

65 The storm water utility fee shall be part of the City’s regular monthly utility bill for any  
66 given property. If there is no regular City utility bill, the storm water utility fee shall be charged  
67 directly to the property owner. The fee shall be deemed a civil debt owed to the City by the  
68 person or entity for the City utility services. All properties shall be charged the storm water  
69 utility fee regardless of whether or not the owner or occupant of the property requests the storm  
70 water utility service.

71  
72 **18.01.080 Storm Water Impact Fee.**

73 (1) **Imposed.** Each parcel, in conjunction with the application of a building permit, shall  
74 be assessed a one-time storm water impact fee. Any activity, construction or otherwise, that  
75 increases the overall impervious surface of a property is subject to a storm water impact fee  
76 pertaining to the net increase of impervious surface area.

77  
78 (2) **Fee per ESU.** Each single-family residential unit will be assessed one (1) ESU at the  
79 time a building permit application is approved. For non-single-family residential projects the fee  
80 shall be based on the net increase of impervious surface area of the parcel. The amount charged  
81 for an ESU shall be determined by the Municipal Council and listed on the Consolidated Fee  
82 Schedule of the Provo City Code.

83  
84 (3) **Calculation.** Calculation procedures shall follow those as outlined in Title  
85 18.01.050(3).

86  
87 (4) **Disputes.** Dispute procedures shall follow those as outlined in Title 18.01.050(4).

88  
89 **18.01.090 Exemptions and Credits Applicable to Storm Water Impact Fee.**

90 Except as provided in this section, no public or private property shall be exempt from  
91 storm water impact fees or receive a credit against such fees. No exemption or credit in the storm  
92 water impact fee shall be granted based on the age, tax or economic status, race, or religion of

93 the property owner, or other conditions unrelated to the cost of providing storm water services  
94 and facilities.

95  
96 (1) **Exemptions.** The following are exempted from being assessed a storm water impact  
97 fee:

98 (a) Developed lands which have no impervious area.

99 (b) Developed, publicly-owned roadways which are available for use in common by the  
100 general public for motor vehicle transportation shall be exempted from storm water  
101 impact fees. These properties may include public road rights-of-ways owned by the City,  
102 County, State, or Federal government. This exemption shall not include public lands used  
103 for offices, airports, maintenance yards, water and wastewater treatment plants, water  
104 reservoirs and storage facilities, parking lots, park and recreation facilities, libraries,  
105 schools, colleges, universities, churches, social service centers, public housing, public  
106 hospitals or convalescent centers, and similar public properties, nor shall the exemption  
107 apply to internal site roadways or parking lots within such public facilities, all of which  
108 shall be charged in a manner consistent with that applied to comparable non-publicly  
109 owned properties. This exemption shall not apply to private roads or drives, or to internal  
110 roads, drives, and parking areas in privately-owned properties regardless of the degree of  
111 access to those sites, roads, and drives allowed to the general public, except in cases  
112 where the road or drive is designed, constructed, and maintained in conformance with the  
113 City's road standards and the road or drive is normally available for use in common by  
114 the general public for motor vehicle transportation.

115  
116 (2) **Credits.** Credits to the storm water impact fee shall be allowed in the following case:

117 (a) An existing developed property that is proposing redevelopment, which has  
118 impervious area and within the last 12 months has been assessed a storm water utility fee  
119 and has not defaulted on payment of such fee shall be eligible to receive a credit. Such  
120 credit shall be calculated by multiplying the number of storm water ESU's shown on the  
121 most recent utility bill by the current impact fee rate, as shown on the Consolidated Fee  
122 Schedule.

123  
124 Storm Water impact fee credit shall not be transferred from one parcel of property to  
125 another.

126  
127 PART II:

128  
129 A. If a provision of this ordinance conflicts with a provision of a previously adopted  
130 ordinance, this ordinance shall prevail.

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132 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be  
133 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or  
134 invalid, the remainder of the ordinance shall not be affected thereby.

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136 C. The Municipal Council hereby directs that the official copy of the Provo City Code be  
137 updated to reflect the provisions enacted by this ordinance.

138

139 D. This ordinance shall take effect immediately after being posted or published as required  
140 by law.

141

142 END OF ORDINANCE.