

## TITLE 14-000

### UTILITIES

#### CHAPTER 14-100. WATER

**PART 14-110. WATER DEPARTMENT AND SYSTEM.** The water department of the city is hereby created. It shall administer the operation and maintenance of the water system of the city.

**14-111. SUPERINTENDENT.** There is hereby created the position of superintendent of the water department.

**14-112. DUTIES OF THE SUPERINTENDENT.** The superintendent of the water system shall manage and supervise the city water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the city council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All of the functions and activities of the superintendent shall be carried on under the direction of the mayor.

**14-113. APPLICATION FOR WATER CONNECTION.** Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the city water system, shall file with the water department for each such connection a written and signed connection application in substantially the form shown in Appendix A.

**14-114. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER.** Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

**14-115. APPLICATION FOR WATER SERVICE.** Any person who desires or is required to secure water service when such service is available from the city water system, shall file with the water department a written application and agreement for the service which shall be in substantially the form shown in Appendix A.

**14-116. NON-OWNER APPLICANTS - AGREEMENT OF OWNER.** Applications for water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown in Appendix A.

**14-117. RATES AND CONNECTION FEES.** The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the city water system shall be fixed from time to time by resolution enacted by the city council. The city council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

**14-118. SPECIAL RATES.** The city council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

**14-119. BOARD OF EQUALIZATION, RATES, AND REBATES.** The city council is hereby constituted a board of equalization of water 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 water bill of any indigent person.

**14-120. USE WITHOUT PAYMENT PROHIBITED.** It shall be unlawful for any person by himself, family, servants, or agents to utilize the city water or sewer system without paying therefore, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system.

**14-121. DELINQUENCY - DISCONTINUANCE OF SERVICE. (Amended by Ord. No. 2011-14)**

- A. The recorder or water supervisor 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 water service charges assessed against him once each month or at such other regular interval as the city council shall direct.
- B. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within 30 days of the date due, the recorder or water supervisor shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five days from the date of notice.
- C. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the city or arrangements made for their payment in a manner satisfactory to the city. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water

charges, such extra charge for turning the water on and off as the city council may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge of \$\_\_\_\_\_ 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. The recorder is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the city.

**14-122. TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED.** It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or recorder.

**14-123. SEPARATE CONNECTIONS.** It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the city council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the city for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the city to require separate pipes, connections, or meters at a subsequent time.

**14-124. UNAUTHORIZED USERS.** It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.

**14-125. PERIOD FOR VISITORS.** Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed \_\_\_ month(s). Continued use thereafter shall be deemed unauthorized and violative of the provisions of this part relating to separate connections and unauthorized use.

**14-126. PIPES TO BE KEPT IN GOOD REPAIR.** All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the water superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

**14-127. QUALITY OF SERVICE PIPE.**

- A. All service and other pipe used in conjunction with the 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 at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefor from the recorder.
- B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him.

**14-128. FAULTY EQUIPMENT.** It shall be unlawful for any water user to:

- A. Waste water.
- B. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
- C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
- D. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

**14-129. SPRINKLING VEHICLES.** Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water department.

**14-130. DEPARTMENT TO HAVE FREE ACCESS.** The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the city system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

**14-131. NONLIABILITY FOR DAMAGES.** The city shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, 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.

**14-132. WATER NOT SUPPLIED FOR MOTORS, SYPHONS, ETC.** No water shall be supplied from the pipes of the city water system for the purpose of driving motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the city council.

**14-133. SPRINKLERS.**

- A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the city council materially affect the pressure or supply of water in the city 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. The city council shall, after determining that such improper use exists, notify the affected 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 part.

**14-134. SCARCITY OF WATER.** In time of scarcity of water, whenever it shall in the judgment of the mayor and the city council be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this part.

**14-135. WASTE OF WATER.**

- A. Users of water from the city water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the city, a user of city water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the city council.
- B. The city council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the city council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
- C. A water user whose right to utilize city water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
- D. After due hearing, the city council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

**14-136. WATER METERS.**

- A. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the city water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.
- B. Meters will be furnished by the city upon application for a connection, and upon payment of such connection fees and other costs as may be established by the city council from time to time by resolution.
- C. Meters shall be deemed to be and remain the property of the city. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the city council after due notice in writing to the parties involved.
- D. The superintendent shall cause meter readings to be taken regularly and shall advise the recorder thereof for the purpose of recording the necessary billings for water service.
- E. Meters may be checked, inspected or adjusted at the discretion of the city, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the city unless special permission is given by the city through its representatives to the customer to do so.
- F. If a customer submits a written request to the superintendent to test his water meter, the city may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the city council, the meter shall be deemed to accurately measure the use of water.
- G. If the city's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the city shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
- H. All damages or injury to the lines, meters or other materials of the city on or near the customer's premises caused by any act or neglect of the customer shall in the discretion 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, meters or to other equipment of the department or collect such costs from the customer.

**14-137. PERMITS FOR INSTALLATION.** It shall be unlawful for any person to lay, repair, alter or connect any water line to the city culinary water system without first having received a construction permit from the office of the recorder or from the water superintendent.

**14-138. APPLICATIONS FOR INSTALLATION PERMIT.**

A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the city water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature or the work to be done for which the application is made. The application shall be granted if the superintendent determines that:

1. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the city. All connections, alterations or installations shall be to the line and grade designated by the water superintendent.

B. Fees for permits or for inspection services shall be of such amounts as the city council shall from time to time determine by resolution.

**14-139. MOVING OR REPLACEMENT OF WATER LINES.** In the event that the city in its sole discretion determines that any water line of the city must be moved or replaced, the city shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

**14-140. WHEN PERMITS SHALL NOT BE ISSUED.** Permission to connect with the city water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the city.

**14-141. DISCONTINUANCE OF SERVICE.** Any customer desiring to discontinue service shall notify the city in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit

balance in favor of the customer as a result of an advance payment of bills or a deposit will be refunded upon discontinuance of service.

**14-142. FIRE HYDRANTS.** Water for fire hydrants will be furnished free of charge by the city. Installation and repairs on such hydrants shall be at the expense of the city and shall be made under the direction of the city. All customers shall grant the city upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the city concludes that hydrants shall be so installed for the protection of the residents of the city.

**14-143. EXTENSION OF WATER MAINS WITHIN THE CITY.** Any person or persons, including any subdivider, who desires to have the water mains 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 description of such 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 water superintendent. The city council may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the city.

**14-144. COST OF EXTENSIONS DETERMINED.** Upon the receipt of such petition and map and before the petition is granted, the city council shall obtain from the water superintendent a certified statement showing the whole cost of expense of making such extension.

**14-145. AMOUNT OF COST TO BE DEPOSITED WITH RECORDER.** If the city council grants the petition, the amount of the cost of making the extension, as certified by the superintendent shall be deposited with the recorder before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the city council shall indicate, after the granting thereof.

**14-146. RETURN OF ANY MONEY - FORFEITURE.**

- A. 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.
- B. In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund.

**14-147. OWNERSHIP OF EXTENSION.** Any such extension shall be deemed the property of the city.

**PART14-150. SERVICE OUTSIDE CITY.**

**14-151. SUPPLY OF WATER SERVICES TO PERSON OUTSIDE THE CITY LIMITS.** The city may furnish water service from its water system to persons outside the city in accordance with the provision of this part.

**14-152. PETITION FOR SERVICE.** Any person located outside the city limits who desires to be supplied with water services from the city water system and is willing to pay in advance the whole expense of extending the water system to his property, including the cost of extending the water main beyond its present location, may make application to the city council by petition containing:

- A. A description of the proposed extension.
- B. A map showing the location thereof.
- C. An offer to pay the whole expense incurred by the city in providing such extension and to advance such expenses as shall be verified to by the water superintendent. The city council and the person or persons 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.
- D. An acknowledgment that the city in granting the petition need supply only such water to the petitioner which from time to time the city council deems beyond the requirements of water users within the city limits, and that such extension shall be the property of and subject to the control of the city.

**14-153. EXTENSIONS MAY BE MASTER-METERED.** When an extension supplying more than one house or user outside the city limits is connected to city water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the city main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates.

**14-154. COST OF EXTENSIONS TO BE DETERMINED BY WATER SUPERINTENDENT.** 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 water mains to the city limits the city shall construct, and shall obtain from the water superintendent 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 city water department, which shall in no event be deemed to be less than ten percent of the cost of materials and labor.

**CHAPTER 14-200. SEWERS.**

**PART 14-210. ADMINISTRATION.**

**14-211. SEWER DEPARTMENT AND SYSTEM.** The sewer department is hereby created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the city's sewage collection and disposal system. The department shall administer the operation and maintenance of the city sewer system.

**14-212. SUPERINTENDENT OF THE SEWER DEPARTMENT.** There is hereby created the position of superintendent of the sewer department.

**14-213. DUTIES OF THE SUPERINTENDENT.** The superintendent of the sewer department shall manage and supervise the city's sewer system under the direction of the city council which from time to time shall by resolution or otherwise prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the mayor relating to the sewer system.

**14-214. APPLICATION FOR SEWER SERVICE.** Any person who desires or is required to secure sewer service when such service is available from the city sewer systems shall apply therefor to the recorder and file an agreement with the city which shall be in substantially the form shown in Appendix A.

**14-215. NONOWNER APPLICANTS - AGREEMENT BY OWNER.** Applications for sewer services made by the tenant or an owner must in addition to the above requirement be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown in Appendix A.

**14-216. RATES AND CONNECTION FEES.** The rates, penalty fee for delinquency in payment and connection fees for sewer services from the city sewer system shall be fixed from time to time by resolution or ordinance of the city council. The city council may from time to time enact rules for levying, billing, guaranteeing and collecting charges for sewer services and all other rules necessary for the management and control of the sewer system.

**14-217. SPECIAL RATES.** The city council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.

**14-218. BOARD OF EQUALIZATION, RATES AND REBATES.** The city council is hereby constituted a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.

**14-219. DELINQUENCY - DISCONTINUANCE OF SERVICE. (Amended by Ord. No. 2011-14)**

- A. The sewer department, or such other person as the city council may designate, shall furnish to each user or mail or leave at his place or residence or usual place of business, a written or printed statement stating the sewer service charges assessed against him once each month or at such other regular intervals as the city council shall direct. The statement shall specify the amount of the bill, the place of payment, and the date due.
- B. If any person fails to pay his sewer charges within 30 days of the date due, the recorder or the sewer superintendent shall give the customer notice in writing of the intent to discontinue the service of water to the premises unless the customer pays the bill in full within five days from date of notice.
- C. If the water service is thereafter discontinued for failure to make payment of the sewer service charges, before the water service to the premises shall again be provided, all delinquent sewer charges must have been paid to the city or arrangements made for their payment that are satisfactory to the city.
- D. In the event water is turned off for nonpayment of sewer charges, 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.
- E. If any person fails to pay his sewer charges within 30 days of the due date, the recorder or the sewer supervisor is hereby authorized 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 the amount of the delinquent fees and service charges and all costs of collection, including court costs and attorney's fees.

**14-220. USE OF SEWER SYSTEM MANDATORY.** It shall be unlawful for the owner or any other person occupying or having charge of any premises within the city which are located within 300 feet of a sewer main to dispose of sewage therefrom by any means other than by use of the city sewer system. It shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool, or septic tank on the property except by written approval of the city council in cases of undue hardship.

**14-221. QUALIFIED PLUMBING NECESSARY.** It shall be unlawful for any person to connect any drain or sewer pipe with the city sewer system unless the person is a duly licensed plumber or unless, in the absence of a duly licensed plumber, any proposed connection to, alteration of, or change of connection to the sewer system shall be first submitted to the sewer superintendent for review and approval. After such approval, the installation or work done shall be subject to inspection by the superintendent or his agent.

**14-222. PERMITS FOR INSTALLATIONS.** It shall be unlawful for any person to directly or indirectly engage in the laying, repairing, altering or connecting of any drain or sewer pipe connected with or part of the city sewer system without first having received a permit from the office of the recorder or the sewer superintendent.

**14-223. WHEN PERMITS SHALL NOT BE ISSUED.** Permits to connect to the city sewer system shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes of the city.

**14-224. REVOCATION OF PERMITS.** All construction permits for sewer connections or installations shall be issued to the plumber who is to do the work or to the owner of the property, subject to the supervision and inspection by the superintendent or his agents. The recorder or superintendent may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

**14-225. PIPES TO BE KEPT IN GOOD REPAIR.** All users of the sewer services shall keep their service pipes, connections, and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the sewer superintendent, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main.

**14-226. QUALITY OF SERVICE PIPE.** All service and other pipes used in conjunction with the sewer 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 at such distances below ground as may be specified by regulations relating to the sewer department. All work, alterations or extensions affecting sewer pipes shall be subject to the acceptance of the sewer superintendent, and no connections with sewer mains shall be made without first obtaining a permit therefor from the recorder.

**14-227. DEPARTMENT TO HAVE FREE ACCESS.** The sewer superintendent and his agents shall at all ordinary hours have free access to places supplied with sewer services from the city system for the purpose of examining the apparatus, ascertaining the sewer service being used and the manner of its use.

**14-228. TRIAL SEWER SURVEY.** In order to determine the feasibility of connecting a basement or proposed basement to the sanitary sewer, the owner or plumber may make an application for a trial sewer survey, the cost of which shall be as established from time to time by resolution of the city council. The result of a trial sewer survey shall not constitute a permit to connect to the sewer and is merely for information purposes.

**PART 14-230. REGULATION AND CONTROL OF SEWER.**

**14-231. PROHIBITED USES.**

- A. Inflammables. It shall be unlawful for any person to injure, break or remove any part or portion of any sewer appliance or appurtenance, or to discharge into a sewer any inflammable gas, gasoline or oil, any calcium carbide or residue therefrom, or any liquid or other materials or substance which will emit an inflammable gas when in contact with water, sewage or fire. Oil separators installed in any building where volatile fluids are used must not be connected directly or indirectly with a sewer.
- B. Waste pipes from enumerated establishments. The contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses containing inflammable substances, car barns, buildings for the stabling or keeping of horses, cows and other animals, or plants using milk or processing milk products, and all similar establishments shall not be disposed of through connection with a sanitary sewer unless such contents are discharged into settling tanks properly trapped and vented. The construction of such tanks must be approved by the city engineer, and must be subject to his inspection, approval, or condemnation before cement is poured and at all times thereafter until completion of such construction. Upon condemnation by the city engineer, the sewage from the tanks shall not be allowed to flow into the sewer until satisfactory alterations have been made and the construction approved by the city engineer.
- C. Obstructive material. It shall be unlawful for any person to empty or discharge into the public sanitary sewer any garbage, refuse or other similar matter or substance likely to obstruct the sewer, or any substance, solid or liquid other than the waste products for which the sewer is provided.
- D. Drainage waters and destructive materials. It shall be unlawful for any person to connect with a public sanitary sewer any drain or pipe which discharges rain water, cellar or surface water, acids, alkalies, lye or other injurious liquids, or the contents of any spring, flowing well, creek, ditch, or other water courses. No boiler or heating plant shall be directly connected to the sanitary sewer. The overflow from boilers or heating plants, when cooled to a temperature not to exceed 120 degrees Fahrenheit, will be allowed to run to a sump, which sump shall be connected to the sewer. The discharge of the contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses which contain inflammable substances, buildings, for the stabling or keeping of horses, cows and other animals, and all similar establishments, shall not be made into or connected with a sanitary sewer, unless such contents are discharged into settling tanks properly trapped and vented. Settling tanks shall be constructed of a material approved by the superintendent and shall be at all times subject to his inspection and approval or condemnation. Upon condemnation by the superintendent, the sewage from said tanks shall not be allowed to flow into sewer

until satisfactory alterations have been made and the construction approved by the superintendent.

**14-232. REGULATIONS.** The city council shall have power to and retains the right to adopt regulations controlling the manner and circumstances under which the sewer system may be used in addition to the regulatory provisions set forth expressly in this chapter.

**14-233. OWNERSHIP OF CONNECTING LINES.** Unless provision is expressly made for ownership of mains or lines by owner of the adjacent property by means of a written agreement, all lines and mains connecting the sewer system to a land owner or resident's premises which are situated on the public way between the main and the property line shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises.

**14-234. SEWER MAN-HOLES.** It shall be unlawful for any person to open any sewer man-hole without permission from the superintendent.

**14-235. DESTRUCTION.** It shall be unlawful for any person to destroy, deface, injure or interfere with the operation of any part or appurtenance of the sewer system.

**CHAPTER 14-300 SECONDARY IRRIGATION (Alpine City Ordinance No. 2001-07;  
Amended by Ordinance No. 2001-15)**

**PART 14-310 Secondary Water Department and System.**

14-311 Water Superintendent.

14-312 Powers and Duties.

14-313 Initial Rates and Connection Fees.

14-314 Special Rates.

14-315 Board of Equalization, Rates and Rebates.

14-316 Use Without Payment Prohibited.

14-317 Connections and Extensions.

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14-319 Waste of Water Prohibited.

14-320 City to Have Unrestricted Access.

14-321 City not Liable for Damage.

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14-324 Private Lanes and Planned Unit Developments

14-325 Taker Only to Use Water.

14-326 Turning on Secondary Irrigation Without Authority.

14-327 Destruction of or Interference with System.

14-328 Introducing Substances.

14-329 Flood-Irrigating from secondary System.

14-330 Wasting Water--Termination.

14-331 Users Outside City Limits.

14-332 Mailing of Billing Statement.

14-333 Failure to Pay for Service--Termination.

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## **CHAPTER 14-300 SECONDARY IRRIGATION**

### **PART 14-310. SECONDARY IRRIGATION DEPARTMENT AND SYSTEM.**

The Secondary Irrigation Department of Alpine City is hereby created. It shall administer the operation and maintenance of the Alpine City Secondary Water System.

**14-311. WATER SUPERINTENDENT.** The Alpine City Secondary Irrigation System shall be under the supervision of the City Public Works Superintendent.

**14-312. POWERS AND DUTIES.** It shall be the duty of the City Public Works Superintendent to supervise, manage, operate, and maintain the City's Secondary Irrigation System in accordance with the provisions of the City ordinances and the rules and regulations adopted by the City Council. It shall be his or her duty to authorize all connections to the City's Secondary Irrigation System, to keep suitable maps and records of the system and of all connections, repairs, and extensions made to the system. He or she shall supervise the maintenance of the Secondary Irrigation System and any and all extensions or repairs thereof, inspect all connections made to the system, and shall make periodic inspections of the system and keep a record showing when each part of the system was inspected. He or she shall, upon request, report to the City Council the condition of the Secondary Irrigation System and shall furnish such information regarding the same as the Mayor, City Administrator and City Council may from time to time require.

**14-313. INITIAL RATES AND CONNECTION FEES.** The rates, penalty fees for delinquency in payment, connection fees, inspection fees and other charges incidental to connection and services from the Secondary Irrigation System shall be fixed from time to time by resolution enacted by the City Council. The City Council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for Secondary Irrigation System services and all other rules necessary for the management and control of the Secondary Irrigation System. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. Rates for Alpine Irrigation Company Shareholders shall comply with the agreement between Alpine City and the Alpine Irrigation Company.

- 14-314. SPECIAL RATES.** The City Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the Secondary Irrigation System under exceptional circumstances, upon such terms and conditions as the City Council may deem proper.
- 14-315. BOARD OF EQUALIZATION, RATES AND REBATES.** The City Council is constituted as a Board of Equalization of Secondary Irrigation rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust.
- 14-316. USE WITHOUT PAYMENT PROHIBITED.** It is unlawful for any person to utilize the Secondary Irrigation System without paying therefor, as herein provided, or, without authority, to open any stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution.
- 14-317. CONNECTIONS AND EXTENSIONS.** No connection shall be made to the City's Secondary Irrigation System and no extension shall be made to any installation served by the secondary irrigation system until a permit has been issued by the City Public Works Superintendent. The City Public Works Superintendent shall not issue a permit until all required fees have been paid.
- 14-318. CONNECTIONS TO BE KEPT IN GOOD REPAIR.** All Secondary Irrigation System users shall keep their service pipe connections and other apparatus in good repair and protected from frost at their own expense, but no person, except under the direction of the City Water Superintendent, shall dig into the street, parking strip, sidewalk, or other public property or right-of-way for the purpose of laying, removing, or repairing any service pipe.
- 14-319. WASTE OF WATER PROHIBITED.** It shall be unlawful for any Secondary Irrigation System user to waste water, or to allow it to be wasted by imperfect stop-taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to continually flow, leak or overflow, or wastefully to run water from faucets or stops or through basins, or other apparatus, or to use the water in such a manner as to cause it to overflow into the neighboring yards, property, streets or sidewalks, or in violation of the rules and regulations set forth by resolution for controlling the Secondary Irrigation System service.

- 14-320. CITY TO HAVE UNRESTRICTED ACCESS.** The City, by its agents, shall at all reasonable hours have reasonable access to places supplied with water from the Secondary Irrigation System for the purpose of examining the apparatus to ascertain the amount of water used and the manner of its use.
- 14-321. CITY NOT LIABLE FOR DAMAGE.** The City shall not be liable for any damage to a Secondary Irrigation System user by reason of stoppage or interruption of the Secondary Irrigation supply caused by fires, scarcity of water, accidents to works or mains, alterations, additions, repairs, or from any other cause. This section shall not be construed to extend the liability of the City beyond that provided under the Utah Governmental Immunity Act.
- 14-322. WATER NOT FOR MOTORS.** No water shall be supplied from the pipes of the City's Secondary Irrigation System for the purposes of driving any motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the City Council.
- 14-323. WATER SHORTAGE.** In time of shortage of water, the Management Committee (See page 6 of the Pressure Irrigation Agreement) and the Mayor, with concurrence of the Council, shall by proclamation, limit the use of Secondary Irrigation to such extent as may be necessary. The Mayor shall have this authority without concurrence of the Council in the case of an emergency. In this event, the proclamation shall be reviewed at the next available regular meeting of the Council. It is unlawful for any person to violate any proclamation made by the Mayor pursuant to this section.
- 14-324. PRIVATE LANES.** All record owners and occupants of all residential properties of lots located within the corporate boundaries of Alpine City living or owning property on private lanes shall have the responsibility of providing the City with the necessary easements for construction and maintenance of the secondary irrigation lines, valves, stops, including, but not limited to, all other secondary water apparatus necessary for delivery of water down private lanes. Many of the private lanes have sub-standard asphalt which contains alligator cracks and other problems. The contractor hired by Alpine City will install an asphalt patch after completing construction of the secondary irrigation facilities. However, the City will not be responsible for any repairs beyond an asphalt patch that meets the standards as identified in contract documents.

- 14-325. TAKER ONLY TO USE WATER.** It shall be unlawful for the owner or occupant of any property served by the Secondary Irrigation System, or any user thereof, to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from his premises or his Secondary Water fixtures.
- 14-326. TURNING ON SECONDARY WATER WITHOUT AUTHORITY.** It shall be unlawful for any person, after the Secondary Water has been turned off from his premises for either non-payment of utility charges as provided for herein or for a violation of the rules and regulations pertaining to the Alpine Water and Secondary Irrigation Systems, to turn on or allow the water to be turned on or used without authorization from the Alpine Public Works Superintendent.
- 14-327. DESTRUCTION OF OR INTERFERENCE WITH SYSTEM.** It shall be unlawful for any person to destroy, deface, damage, inure, or interfere with the operation of any part, pipe, fixture, appliance, or appurtenance of the Alpine Secondary Irrigation System.
- 14-328. INTRODUCING SUBSTANCES.** It shall be unlawful for any person to place, cause to be placed, or to introduce into the Alpine Secondary Irrigation System or any source of water supplying said system any matter, substance, chemical, or compound, without authorization from the Alpine Water Superintendent.
- 14-329. FLOOD IRRIGATING FROM SECONDARY SYSTEM.** It shall be unlawful for any person to use substantial quantities of water from the Secondary Irrigation System for the purpose of flood irrigating any property without permission of the Public Works Superintendent. Except for incidental watering of gardens, shrubs, flowers, and other limited use applications, water from the Secondary Irrigation System used for irrigation of lawns, and other irrigation applications shall be applied through either a sprinkler or drip irrigation system, including sprinklers attached to garden hoses. The City will encourage all users to use the pressurized irrigation system, however, the City will honor the Agreement with the Alpine Irrigation Company.
- 14-330. WASTING WATER - - TERMINATION.** Users of water from the Secondary Irrigation System shall not permit water to be wasted without due efforts to conserve water. If, in the judgment of the Water Superintendent or of any of the officers of the City, a user of the Secondary Irrigation System engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wasteful use has been given,

the Water Superintendent or any officer may refer the matter to the City Council. The Council may thereupon consider terminating the right of the individual to use the Secondary Irrigation System. If the Council elects to consider the matter of termination, the City shall give notice to the water user of the hearing to determine the issue of termination of Secondary Irrigation System. The notice shall be provided at least ten days prior to the meeting of the City council at which termination of Secondary irrigation service is to be considered. The notice shall inform the user of the date, time and place of the meeting and of the alleged actions which lead to the consideration of termination. A water user whose right to utilize Secondary Irrigation is being reviewed shall have opportunity to present his reasons to the Council why his Secondary Irrigation service should not be terminated. After due hearing, the City council shall arrive at a determination. If the determination is to terminate service to the Secondary Irrigation user, the City shall notify the user of the decision and of the period during which the service will remain terminated.

**14-331. SUNDAY WATERING AND WATER FEATURES.** No Sunday watering is allowed. Water features (waterfalls, etc.) are allowed if they are sealed and reticulate the water.

**14-332. MAILING OF BILLING STATEMENT.** The City Billing Department shall mail a written statement to each user or potential user of the Secondary Irrigation System once each month, or at such other interval as is established by the City Council. The statement shall be a single statement for all culinary water and Secondary Irrigation service, other charges as necessary, and shall separately specify the amount of the bill for the Secondary Irrigation System. Payment of the charges for culinary water service shall be accepted only when the charge for Secondary Irrigation service is paid at the same time, to the extent allowed by Utah law.

**14-333. FAILURE TO PAY FOR SERVICE - - TERMINATION.** In case the owner of any of the premises mentioned in Section 14-333, or the tenant or occupant, shall fail to pay the required fees and charges applicable to the Secondary Water System, or violates any provisions of the Chapter, the City, pursuant to the procedure as set forth in this Chapter, may cause the Culinary Water, and Secondary Water, to be shut off from such premises, and the City shall not be required to turn the same on again until all arrears, reconnection fees, and other fees shall be paid in full, to the extent allowed by law.

**14-334. TERMINATION - - NOTICE.** At least ten calendar days prior to a proposed termination of all water or Secondary Irrigation service, the City Billing Department shall give written notice of proposed termination for

nonpayment to the account holder. The ten-day time period shall be computed from the date such notice is deposited in the mail or the date of actual delivery, whichever occurs first. The notice shall be given by first-class mail or delivery to the premises and shall contain a summary of the following information:

- A. The date of proposed termination;
- B. The amount of the delinquency;
- C. A description of the account holder's appeal rights.

**14-335. TERMINATION APPEAL.** Any person whose water or Secondary Irrigation service is to be terminated, may appeal to the City Council by filing a written appeal in the office of the City Administrator within ten days of the effective date of the notice of proposed termination. Any appeal shall be solely for the purpose of reviewing the interpretation given the terms of this chapter by the City Billing Department, and not to vary the terms in any way. Such appeal shall be considered by the City Council within thirty days of receipt of notice. The person filing the appeal shall be provided with not less than five calendar days prior notice of the date, time and location of the hearing before the City Council, and shall be provided with an opportunity to be heard by the City Council. The notice shall be delivered pursuant to the procedure as described in Section 14-335. Upon the filing of the appeal, the City Billing Department shall take no further action with regard to the termination until the City Council makes a final decision on the appeal. If the City Council affirms the decision of the City Billing Department, the services may be shut off immediately.

**14-336. TERMINATION WITHOUT NOTICE.** Notwithstanding any provision or agreement to the contrary, the City may terminate water and/or Secondary Irrigation services without notice where, in the City's judgment, a clear emergency or serious health or safety hazard exists, for so long as such conditions exist, or where there is unauthorized use of or connection to the City water or Secondary Irrigation System.

**14-337. NON-OWNER APPLICANTS - AGREEMENT OF OWNER.** Applications for Secondary Irrigation System service made by persons other than the owner of the property to which the service is to be provided must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in the form provided by the City.

**14-338. SEPARATE CONNECTIONS.** It is unlawful for separately described parcels (pursuant to the records of the Utah County Recorder) to be supplied

from the same city-maintained service valve unless special permission for such combination usage has been granted by the City Council and the premises served are all owned by the same owner.

**14-339. SHUT-OFF VALVES.** Persons connecting to the Secondary Irrigation System shall be required to provide and install a valve independent of the City's shut-off valve with which they may control the Secondary Irrigation service to their premises. At no time will a person be allowed to tamper with or operate the City's shut-off valve unless acting under the direction of the Public Works Superintendent.

**14-340. WATER METERS.** Water meters shall not be installed at each Secondary Irrigation connection; however, the Council may determine that it is necessary to monitor water use through any Secondary Irrigation connection or combination of Secondary Irrigation connections.

**14-341. EXTENSION OF SECONDARY IRRIGATION MAINS WITHIN THE CITY.** Any person or persons, including any subdivider, who is required to have the Secondary Irrigation mains extended with the City, shall do so at their own expense in accordance with the Alpine City development standards. Any such extension shall be deemed the property of the City upon inspection and acceptance by the City.

**14.342. SCHEDULE OF USE.** The Public Works Superintendent may schedule the use of the Secondary Irrigation, in the event it is determined that the use needs to be scheduled in order to meet the demands of the system.

**14-343. CROSS-CONNECTIONS.** It shall be unlawful for any person to connect any part of the Secondary Irrigation System to any part of any culinary water system so as to create a potential cross-connection whereby irrigation water could be introduced into any system that provides culinary water. The use of swing connections will not be permitted.

**PART 14-350. REGULATIONS FOR THE CONTROL OF BACK-FLOW AND CROSS- CONNECTIONS (Ordinance No. 2001-15)**

**14-351. PURPOSE:** The purpose of this ordinance is:

A. To protect the public potable water supply of Alpine City from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminates or pollutants that could backflow into the public water system; and

B. To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems; and,

C. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

**PART 14-352. RESPONSIBILITY.** The Public Water Director shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said Public Works Director an approved backflow-prevention assembly is required at the customer's water service connection; or within the customer's private water system for the safety of the water system, the Public Works Director or his/her designated agent shall give notice in writing to said customer to install such an approved backflow-prevention assembly(s) at specific location(s) on his/her premises. The customer shall immediately install such approved assembly(s) at his/her own expense; and, failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

**PART 14-353. DEFINITIONS.**

**A. WATER COMMISSIONER OR HEALTH OFFICIAL.** The Public Works Director in charge of the water department of Alpine City is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

**B. APPROVED.**

1. The term "approved" as herein used in reference to a water supply shall mean a water supply that has been approved by the health agency having jurisdiction.

2. The term "approved" as herein used in reference to an air gap, double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods shall mean

an approval by the administrative authority having jurisdiction.

**C. AUXILIARY WATER SUPPLY.** Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, etc.; or used waters or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

**D. BACKFLOW.** The term "backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See term Back Pressure (E).

**E. BACKPRESSURE.** The term "backpressure" shall mean any elevation of pressure in the downstream piping system (by pump, elevation or piping or stream and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

**1. Air gap.** The term "air gap" shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case less than 1 inch (2.54 cm).

**2. Reduced Pressure Backflow - Prevention Assembly.** The term "reduced pressure principle backflow prevention assembly" shall mean an assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e., pollutant) or health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.

**3. Double Check Valve Backflow Prevention Assembly.** The term "double check valve backflow prevention assembly" shall mean an assembly composed of two independently acting, approved check valves,

including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated cocks. This assembly shall only be used to protect against a non-health hazard (i.e. pollutant).

**F. CONTAMINATION.** The term “contamination” shall mean an impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

**G. CROSS-CONNECTION.** The term “cross-connection” shall mean any unprotected actual or potential connection or structural arrangement between a public or consumer’s potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

a. The term “direct cross-connection” shall mean a cross-connection which is subject to both backsiphonage and back pressure.

b. The term “indirect cross-connection” shall mean a cross connection which is subject to backsiphonage only.

**H. CROSS-CONNECTION CONTROL BY CONTAINMENT.** The term “service protection” shall mean the appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer’s potable water system.

**I. HAZARD, DEGREE OF.** The term “degree of hazard” shall mean either a pollutional (non-health) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

**1. Hazard - health.** The term “health hazard” shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer’s potable water system that would be a danger to health.

**2. Hazard - plumbing.** The term “plumbing hazard” shall mean an internal or plumbing type cross-connection in a consumer’s potable water

system that may be either a polluttional or a contamination type hazard. This includes but is not limited to cross connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.

**3. Hazard - polluttional.** The term “polluttional hazard” shall mean an actual or potential threat to the physical properties of the water system or the physical properties of the water system or the potability of the public or the consumer’s potable water system but which would not constitute a health of system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

**4. Hazard - system.** The term “system hazard” shall mean an actual or potential threat of severe damage to the physical properties of the public or the consumer’s potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

**J. INDUSTRIAL FLUIDS SYSTEM.** The term “industrial fluids” shall mean any fluid or, solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters and “used waters” originating from the public potable waters system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulating cooling waters connected to an open cooling tower; and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays harbors, seas, irrigation canals or systems, etc; oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

**K. POLLUTION.** The term “pollution” shall mean an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

**L. WATER - POTABLE.** The term “potable water” shall mean any public water supply which has been investigated and approved by the health agency. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the health agency has final judgement as to its safety and potability.

**M. WATER - NONPOTABLE.** The term “non-potable” water shall mean a water supply which has not been approved for human consumption by the health agency having jurisdiction.

**N. SERVICE CONNECTION.** The term “service connection” shall mean the terminal end of a service connection from the public potable water system, (i.e., where the water purveyor may lose jurisdiction and sanitary control over the water at its point of delivery to the customer’s water system). If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter.

**O. WATER - USED.** The term “used water” shall mean any water supplied by a water purveyor from a public potable water system to a consumer’s water system after it has passed through the service connection and is no longer under the control of the water purveyor.

## **PART 14-360. REQUIREMENTS**

**14-361. WATER SYSTEM.** The water system shall be considered made up of two parts: the utility system and the Customer’s system.

**14-362.** Water Purveyor’s System shall consist of the source facilities and the distribution system: and shall include all those facilities of the water system under the complete control of the purveyor, up to the point where the consumer’s system begins.

**14-363.** The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

**14-364.** The distribution system shall include the network of conduits used for the delivery of water from the source to the customer’s system.

**14-365.** The customer’s system shall include these parts of the facilities beyond the termination of the water purveyor’s distribution system that are utilized in conveying utility-delivered domestic water to points of use.

**PART 14-370. POLICY**

**14-371.** No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by Alpine City laws and regulations and this Cross Control Ordinance. Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by this Cross Control Ordinance is not installed, tested and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

**14-372.** The consumer's system should be open for inspection at all reasonable times to authorized representatives of Alpine City to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the Public Works Director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with Alpine City statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

**14-373.** An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

A. In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Public Works Director, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.

B. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.

C. In the case of premises having (1) internal cross-connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping

arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.

**14-374.** The type of protective assembly required under subsections 14-373 A, B and C shall depend upon the degree of hazard that exists as follows:

A. In the case of any premises where there is an auxiliary water supply as stated in subsection 14-373A of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly.

B. In the case of the premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

C. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

D. In the case of any premises where there are unprotected cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly at the service connection.

E. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete inplant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.

**14-375.** Any backflow-prevention assembly required herein shall be a model and size approved by the Public Works Director. The term “Approve Backflow-Prevention Assembly” shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works

Association titled:

AWWA C510-89 - Standard for Double Check Valve Backflow-Prevention Assembly;

AWWA C511-89 - Standard for Reduced Pressure Principle Backflow-Prevention Assemblies;

and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of South California (USCFCCCHR) established in:

Specification of Backflow-Prevention Assemblies - Section 10 of the most current issue of the *Manual of Cross-Connection Control*.

Said AWWA and FCCHR standards and specifications have been adopted by Alpine City. Final approval shall be evidenced by a “Certificate of Compliance” for said AWWA standards; or “Certificate of Approval” for the said USCFCCCHR Specifications; issued by an approved testing laboratory.

The following testing laboratory has been qualified by the water the Public Works Director to test and certify backflow preventers:

Foundation for Cross-Connection Control and Hydraulic Research  
University of Southern California  
University Park  
Los Angeles, CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Public Works Director.

Backflow preventers that may be subjected to backpressure or back siphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory’s current list of approved backflow-prevention assemblies may be used without further testing or qualification.

**14-376.** It shall be the duty of the consumer at any premises where backflow-prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year. In those instances where the Public Works Director deems the hazard to be great enough, he may require field tests at more frequent intervals. These tests shall be at the expense of the water user and shall be performed by Alpine City personnel,

or by a certified tester approved by the Public Works Director. It shall be the duty of the Public Works Director to see that these tests are made in a timely manner. The customer-user shall notify the Public Works Director in advance when the tests are to be undertaken so that an official representative may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made available to the Public Works Director.

**14-377.** All presently installed backflow-prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under part 14-376, be excluded from the requirements of these rules so long as the Public Works Director is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Public Works Director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

**14-378.** The Public Works Director is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this ordinance. All such rules and polices shall be consistent with the provisions of this ordinance and shall be effective immediately after being filed with the City Recorder of Alpine City.

**14.380. PENALTIES.**

- A. Any firm, corporation, person or persons, or any action on behalf of any person, persons, firm or corporation, violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor.
- B. Each person, persons, firm or corporation found guilty of a violation of any provision of this Chapter shall be deemed guilty of a separate offense for every day during which any violation of any provision of this chapter is committed, continued, or permitted by such person, persons, firm or corporation, and shall be punishable as provided in this Chapter.

**CHAPTER 14-400 STORM WATER SEWER MANAGEMENT SERVICES (Ord. No. 2003-01, amended by Ord. No. 202-02 5/22/12.)**

**ARTICLE 14-400. STORM WATER MANAGEMENT (Ordinance No. 2012-02)**

**ALPINE CITY STORMWATER ORDINANCE**

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## 14-401. GENERAL PROVISIONS.

### (1) Background Information.

The Federal Government has established, through its Clean Water Act, environmental protection regulations for water quality and National Pollution Discharge Elimination System permit (NPDES/UPDES) requirements for the City's discharge of its storm water into receiving waters.

### (2) Purpose. It is the purpose of this ordinance to:

- a. Provide and maintain a storm water system for handling storm water runoff.
- b. Protect, maintain, and enhance the environment of Alpine City.
- c. Provide fair, equitable and nondiscriminatory rates and charges for a storm water system and related services which will generate sufficient revenue for operating, improving and maintaining the storm water sewer utility at a level commensurate with storm water management needs. The rates and charges shall be set by considering needed revenues and the amount of impervious surface on developed parcels and the respective storm water runoff characteristic of the parcel, and apply said rates and charges for the same class of customers.
- d. Establish a policy that present and future rates and charges for this service should be fixed with consideration of the differences in cost fairly allocated to the various customers based upon such factors as the intensity of development of the parcel; the types of development on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the utility; the quantity and quality of the runoff generated; and other factors which present a reasonable basis for distinction and which will allow for management of the storm drainage system in a manner that protects the public health, safety and welfare.
- e. Establish responsibilities for controlling and managing storm water runoff.
- f. Protect the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.
- g. Enable the City to comply with the UPDES permit and applicable regulations, 40 CFR Section 122.26 for stormwater discharges.
- h. Allow the City to exercise the powers granted by Utah Code , which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance or resolution to:
  1. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;
  2. Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
  3. Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
  4. Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
  5. Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
  6. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
  7. Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
  8. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

**(3) Administering Entity.** City Engineer shall administer the provisions of this ordinance. Nothing in this ordinance shall relieve any person from responsibility for damage to other persons or property, nor impose upon Alpine City, its officers, agents or employees, any liability for damage to other persons or property.

#### **14-402. DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

1. "As built plans" means drawings depicting conditions as they were actually constructed.
2. "Best management practices" or "BMPs" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by Alpine City and that have been incorporated by reference into this ordinance as if fully set out therein. For purposes of this Title, the relevant BMP's are more particularly defined in Alpine City's *Storm Water Management Plan*.
3. "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
4. City: Alpine City
5. City Council, Council: Alpine City Council
6. City Engineer: The City Engineer of Alpine City, or authorized designee.
7. City Storm Water System: Storm Systems that receives runoff from public right-of-way, natural waterways and systems identified in a City easement.
8. "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Alpine City.
9. "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
10. "Customer" or "person" means any individual public; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies, county; city; political subdivision; or any other governmental or legal entity recognized by law.
11. "Developed parcel" means any parcel, which has been altered by grading or filling of the ground surface, or construction of any improvements or other impervious surface area thereon.
12. "Director" means the director of the Public Works Department or the director's designee.
13. "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
14. "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.
15. "Equivalent residential unit (ERU)" means a configuration of development, or impervious surfaces on a parcel, contributing runoff to the city's storm water drainage system or which represents the estimated

use of the system that is approximately equal to that contributed by a single-family residential parcel. The average square footage of impervious surface area as defined in the Alpine City Storm Drain Master Plan.

16. "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
17. "Erosion and sediment control plan" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
18. General Construction Storm Water Permit: Permit required by the Utah Department of Environmental Quality, Division of Water Quality.
19. "Hotspot" ("priority area") means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
20. "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
21. "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under section 14-410 (2).
22. Irrigation Ditches: Gravity irrigation ditches used by irrigation shareowners having a right of water passageway by ROW, easement or prescription.
23. Land Disturbance Permit: The Alpine City Land Disturbance.
24. "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
25. "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a BMP or stormwater facility if reconstruction is needed in order to restore the BMP or stormwater facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the BMP or stormwater facility.
26. "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
27. "Municipal separate storm sewer system (MS4)" ("Municipal separate stormwater system") means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
28. "National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations" means the provisions of the Federal Clean Water Act establishing specific permit requirements for the control of storm water discharges.
29. "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.
30. "Non-polluted" when used in connection with water or any other referenced medium, means that medium shall not have been contaminated with a pollutant.
31. Notice of Violation (N.O.V.): Whenever the City Engineer finds that a person is in non-compliance with

this ordinance, the Engineer will order compliance by written notice of violation to the responsible person. Requirements in this Notice are at the discretion of the Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and the implementation of Best Management Practices.

32. "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
33. "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.
34. "Parcel" means the smallest separately segregated unit of plot of land, with person(s) identified as owner(s); having boundaries and surface area, which is documented and given a property number by Utah County.
35. "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
36. Pre-Existing Conditions: Conditions of property in its native state or changed under approval by the City or changed property that is grandfathered.
37. "Priority area" means "hot spot" as defined in definition 19.
38. Property Owner: Land owner of property within the boundary of Alpine City.
39. "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system. Runoff: Water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm sewer drainage system.
40. "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
41. "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.
42. "Single-family residential parcel" means any parcel of land which is improved with a dwelling unit.
43. "Soils Report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.
44. "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
45. "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
46. Storm Water Design Standards and Regulations: Current Alpine City storm water standards and regulations as adopted by the City.
47. Storm Drain Master Plan: Current Alpine City Storm Drain Master Plan as adopted by the City.
48. "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.
49. "Stormwater management facilities system" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

50. "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
51. "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.
52. "Storm water sewer system" means the city storm water system comprised of storm water facilities, streets and any other features which store, control, treat and/or convey storm water.
53. "Stormwater utility" means the stormwater utility created by ordinance of the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.
54. "Structural BMPs" means devices that are constructed to provide control of stormwater runoff.
55. "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
56. "Undeveloped parcel" means any parcel which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area which affected the hydraulic properties of the parcel.
57. UPDES: Utah Pollution Discharge Elimination System.
58. "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
59. "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

#### **14-403. STORMWATER SEWER UTILITY.**

- (1) Potential Hazards Declared.** Absent effective maintenance, operation, regulation and control, existing storm water drainage conditions within the city constitute a potential hazard to the health, safety, welfare and property of the city inhabitants. All manmade stormwater facilities and conveyances, and natural storm water drainage within the city limits, except those included under authorization issued to counties by state law for management of certain storm water runoff, constitutes the City's storm water sewer system.
- (2) Stormwater Sewer Utility Established.** There is created and established a storm water sewer utility to be known as the storm water sewer utility.
- (3) Utility Enterprise Fund.** There is created the Storm Water Utility Enterprise Fund. All funds received from such storm water services charges shall be placed in the enterprise fund. The collection, accounting and expenditure of all storm water sewer utility funds shall be in accordance with the existing fiscal policy of the City.
- (4) System of Rates and Charges.** There are hereby imposed storm sewer service fee rates and charges on each parcel of real property within the City. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.
- (5) Method of Determining Contribution of Stormwater.** The method of determining contributions of stormwater shall be in accordance with the City's currently adopted Consolidated Fee Schedule.

**(6) Exemptions and Credits.** Credit for on-site mitigation: A service charge credit shall be available for those non-single family residential customers that exceed the City's storm water development standards and/or reduce the City's downstream costs in providing storm water capacity, provided that, if the City's standards are increased in the future, then only those customers who currently exceed the existing standards will continue to be eligible for a service charge credit. If a request for mitigation credit is granted, the credit shall be applied to all charges from the time of the credit request being accepted by the City, and will be reflected on the next billing thirty days after appeal is granted.

Storm water control facilities located on a parcel may either hold runoff for a period of time and release it at a controlled rate to the storm sewer system (detention), or hold water until it evaporates or infiltrates into the ground (retention).

Credit for improving quality of storm water runoff will be based on implementation of source or treatment controls which reduce or eliminate pollutants from its storm water runoff before it enters the City storm sewer system.

Customers who believe their site conditions warrant a service charge credit may make application to the City by requesting an application package from the City Engineer or his designee, provided that no credit for detention systems shall exceed a 50% reduction of the original service charge amount and no credit for retention systems shall exceed a 90% reduction of the original service charge amount. In no case shall a customer pay less than the minimum rate for one ERU as specified in the currently adopted Consolidated Fee Schedule.

#### **(7) Billing and Collection.**

**Billing.** The department of public utilities shall cause billings for storm water sewer utility services to be rendered periodically to the person who is the owner of the parcel, or the owner's agent, who has signed for water and sanitary sewer service to the parcel. The amounts to be billed shall be included on the existing department of public utilities bill as a separate line item. A storm water-only billing will be sent to those persons who are owners of parcels within the City, but not currently City utility customers. The amount billed shall be in accordance with the current adopted City Fee Schedule.

**Collection.** Collections shall be in accordance with the currently adopted collections policy.

#### **(8) Appeal of Charges.**

1. Any owner or person who considers the City's storm water charge applied to their parcel to be inaccurate, or who otherwise disagrees with the utility rate determinations, may apply to the director for a service charge adjustment. Such a request shall be in writing and state the grounds of such an appeal. The director shall review the case file and determine whether an error was made in the calculation or application of the fee and make an adjustment to the charge, if necessary, to provide for proper application of the City's rates and charges pursuant hereto. In all cases, the decision of the director shall be final unless appealed.
2. Any appeal under this chapter shall be filed in writing with the director no later than twenty (20) days after said billing. Any subsequent appeal shall be brought within twenty (20) days after the date of the appealed decision.
3. Appeal of decisions made by the director may be brought before the City Council, who may reevaluate the issue raised in the appeal. Decisions of the City Council shall be final and conclusive.
4. Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist at law.

#### **14-404. LAND DISTURBANCE PERMITS.**

- (1) When required.** Every person will be required to obtain a land disturbance permit from the City Engineer in the following cases:

- a. Land disturbing activity generally disturbs one (1) or more acres of land.
- b. Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
- c. Land disturbing activity of less than one (1) acre of land, if in the discretion of the City Engineer such activity poses a unique threat to water, or public health or safety;
- d. The creation and use of borrow pits.
- e. Development of a single family home.
- f. Processing of earthen materials such as top soil and gravel screening.
- g. Construction of parking lots.
- h. Commercial projects.

**(2) Drainage channels, waterways and sensitive areas.**

- a. Property owners shall not alter or restrict natural channels and waterways without proper Federal, State and City permits.
- b. Modifications of sensitive areas are subject to and governed by the Alpine City Sensitive Areas and Overlay Zone Ordinance (Development Code Article 3.12). These actions will require a Land Disturbance Permit and approval from all other governing agencies.
- c. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Alpine City boundaries must provide written approval from the state, county or municipality or their agents.
- d. Property owners are responsible for the protection of canals per the relevant sections of this ordinance.
- e. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.

**(3) Building Permit.** No building permit shall be issued until the applicant has obtained a Land Disturbance Permit where the same is required by this ordinance.

**(4) Exemptions.** The following activities are exempt from the permit requirement:

- a. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- b. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- c. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate City, Federal, or State Agency.
- d. Additions or modifications to existing single family structures that do not disturb more than 1 acre of property.

**(5) Application for a Land Disturbance Permit.**

- a. Applications shall be made with the Alpine City Building Department.
- b. Each application shall include the following:
  - 1. Name of applicant;
  - 2. Business or residence address of applicant;
  - 3. Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
  - 4. Address of subject property;
  - 5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
  - 6. A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
- c. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall

not foreclose the City Engineer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

- d. Each application shall be accompanied by:
  - 1. A sediment and erosion control plan.
  - 2. A stormwater management plan providing for stormwater management during the land disturbing activity and after the activity has been completed.
- e. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, as adopted by resolution and found in the City's currently adopted Consolidated Fee Schedule.

**(6) Review and approval of application.**

- a. The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving an application, the City Engineer shall provide one of the following responses in writing:
  - 1. Approval of the permit application;
  - 2. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
  - 3. Denial of the permit application, indicating the reason(s) for the denial.
- b. If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Engineer.

No development plans will be released until the land disturbance permit has been approved.

**(7) Permit duration.** Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction. If the land disturbance permit has expired before construction is complete, it shall be renewed with the associated land disturbance permit fee.

**(8) Notice of construction.** The applicant must notify the City Engineer ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the City Engineer in accordance with section 411 (1).

**(9) Performance bonds.** The City Engineer may, at his discretion:

- a. Require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.
  - 1. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement.
  - 2. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.
  - 3. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City Engineer.

4. Alternatively the City Engineer shall have the right to calculate the cost of construction cost estimates.
- b. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in the State of Utah that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance.
- c. The City Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City Engineer.

#### **14-405. CLEAN STREETS.**

- (1) Building Materials in Street Permit.** It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the City Engineer a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the City Engineer. Any such permit may be revoked by the City Engineer at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the City Engineer, the public interest requires such revocation.
- (2) Placing Trash or Other Obstruction in Streets, Gutters, Sidewalks or on Neighboring Property or Public Open Space.** It shall be unlawful for any developer of subdivisions, contractor, builder or person owning, occupying or having control of any premise to place, or permit to be placed upon the sidewalk, park strip, gutter, neighboring property or public open space or on the half of the street next to such premise or to fail to remove from the streets, gutters or sidewalks:
  - a. Any construction material, dirt, soil, mud, broken ware, glass, filth, rubbish, sweeping, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
  - b. Any vehicles, trailers, lumber, wood boxes, fencing, building materials, dead trees, trees, stumps, merchandise or other thing which shall obstruct such public street, gutter, park strip or sidewalk, or any part thereof, or public open space except as expressly authorized by ordinance, without first obtaining the permission of the Development Review Committee (DRC).
  - c. Any permanent or temporary structure, mechanism, device, vehicle, trash or garbage container or other thing of any kind of character except trees planted pursuant to the provisions of applicable ordinance.
- (3) Obstruction of Stormwater.**
  - a. It is unlawful for any person to obstruct or contribute to the obstruction of the flow of storm water runoff or non-storm water runoff into any sump, retention basin, storm drain, curb and gutter, drain inlet, or any other associated structural controls that convey storm water and/or non-storm water runoff, unless the obstruction is authorized by the City Engineer or his designee and granted with the issuance of a permit signed by the City Engineer or his designee.
  - b. It is unlawful for any person to cause any obstruction that inhibits the normal flow of storm water and/or non-storm water runoff in any curb and gutter, unless the obstruction is authorized by the City Engineer or his designee and granted with the issuance of a permit signed by the City Engineer or his designee.
  - c. It is unlawful for a person to cover over any drain inlet for any reason or purpose, unless the obstruction is authorized by the City Engineer or his designee and granted with the issuance of a permit signed by the City Engineer or his designee.

**(4) Use of Trash Containers, Site Cleanup and Unlawful Use of Non-Site Trash Containers.** It shall be unlawful for any person who is constructing any new structure, building or residence to build such structure, building or residence without having on the premises a trash container sufficiently sized to accommodate construction debris and trash which results from such construction. It shall be the duty of the general contractor, and absent a general contractor, the owner of the building permit, to keep said site free of debris at all time. It shall be unlawful for any person to deposit trash in a construction dumpster without express permission of the general contractor or owner of the building permit.

**(5) Provision for Curb Ramps.** All persons participating in the above named construction shall provide access to the site where curbs are installed. It shall be unlawful for any person to provide access other than through the use of curb ramps. Curb ramps may only be constructed out of wood, steel, cold mix asphalt, or clean gravel two to five inches (2" – 5") in size spread no further in the street than eighteen inches (18") from the curb face. All curb ramps must be removed prior to final inspection to the satisfaction of the City.

**(6) Provision for Sanitary Facilities.** It shall be unlawful for any person who is constructing any new structure, building or residence to build such structure, building or residence without sanitary toilet facilities available to those working on the site. Such lavatory must be placed on the site a minimum of ten (10) feet behind the curb and not on the sidewalk.

#### **14-406. STORMWATER SYSTEM DESIGN AND MANAGEMENT STANDARDS.**

**(1) Irrigation ditches.**

- a. All Alpine Irrigation Company ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe and shall be coordinated with water user.
- b. Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.
- c. Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the Storm Water Design Standards and Regulations and the Land Disturbance Permit.
- d. Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative but are not required to receive written approval of ditch owners. Design and coordination requirements shall comply with the Storm Water Design Standards and Regulations and the Land Disturbance Permit documents.

**(2) Stormwater design and BMP manuals.**

- a. Adoption. The municipality adopts as its stormwater design and best management practices (BMP) manuals the following publications, which are incorporated by reference in this ordinance as is fully set out herein:
  1. Alpine City Storm Water Drainage Design Manual.
  2. Alpine City Storm Drain Master Plan.
  3. Alpine City Storm Water Management Plan
- b. These manuals reference a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manuals may be updated and expanded from time to time, at the discretion of the governing body of the City, upon the recommendation of the City Engineer, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

**(3) General performance criteria for stormwater management.** Unless granted a waiver or judged by the City Engineer to be exempt, the following post construction performance criteria shall be addressed for stormwater management at all sites:

- a. Design of storm drain systems in boundaries and discharges into an Alpine City storm drain system requires direct supervision of a Utah registered professional engineer, and shall carry the seal of the same supervising professional engineer.
- b. All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manuals and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- c. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manuals.
- d. Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- e. Stormwater discharges from “hot spots” may require the application of specific structural BMPs and pollution prevention practices.
- f. Prior to or during the site design process, applicants for land disturbance permits shall consult with the City Engineer to determine if they are subject to additional stormwater design requirements.
- g. The calculations for determining peak flows as found in the BMP manuals shall be used for sizing all stormwater facilities.

**(4) Minimum control requirements.**

- a. Storm water discharge during all construction activities shall comply with the terms of the Land Disturbance Permit, the Storm Water Design Standards and Regulations, and/or requirements set forth by the building Code, and the State of Utah UPDES requirements.
- b. Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the Storm Water Drainage Design Manual unless the City Engineer has granted the applicant a full or partial waiver for a particular BMP under section 14-408.
- c. Runoff rates from one lot to another may not exceed pre-existing conditions or in such a manner that may unreasonably and unnecessarily cause more harm than formerly.
- d. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

**(5) Stormwater management plan requirements.** Property owners are responsible to manage storm water runoff and sediment whether in conduit systems or on the surface that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. The stormwater management plan shall include sufficient information to allow the City Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

- a. Topographic Base Map: A 1" = 500" topographic base map of the site which extends a minimum of 1000 feet beyond the limits of the proposed development and indicates:
- b. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
- c. Current land use including all existing structures, locations of utilities, roads, and easements;
- d. All other existing significant natural and artificial features;
- e. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
- f. Proposed structural BMPs;
- g. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- h. Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Storm Water Drainage Design Manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manuals. Such calculations shall include:
  - i. A description of the design storm frequency, duration, and intensity where applicable;
  - j. Time of concentration;
  - k. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
  - l. Peak runoff rates and total runoff volumes for each watershed area;
  - m. Infiltration rates, where applicable;
  - n. Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
  - o. Flow velocities;
  - p. Data on the increase in rate and volume of runoff for the design storms referenced in the Storm Water Drainage Design Manual; and
  - q. Documentation of sources for all computation methods and field test results.
- r. Soils Information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- s. Maintenance and Repair Plan. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
- t. Landscaping Plan. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Utah.

**(6) Maintenance Easements.** The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

**(7) Maintenance Agreement.** The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:

- a. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
- b. Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a qualified individual who will submit a sealed report of the inspection to the City Engineer. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
- c. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manuals.
- d. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Engineer.
- e. Provide that if the property is not maintained or repaired within the prescribed schedule, the City Engineer shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City Engineer's cost of performing the maintenance shall be a lien against the property.

**(8) Dedication.** The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

**(9) Sediment and Erosion Control Plans.** The applicant must prepare and implement a sediment and erosion control plan for all construction activities that complies with section 14-406 (9) below.

- a. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the state of Utah. The plan shall also conform to the requirements found in the Storm Water Drainage Design Manual, and shall include at least the following:
- b. Project Description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- c. A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- d. All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- e. A general description of existing land cover. Individual trees and shrubs do not need to be identified.
- f. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and

buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

- g. Approximate limits of proposed clearing, grading and filling.
- h. Approximate flows of existing stormwater leaving any portion of the site.
- i. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- j. Location, size and layout of proposed stormwater and sedimentation control improvements.
- k. Proposed drainage network.
- l. Proposed drain tile or waterway sizes.
- m. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- n. The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMP's.
- o. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- p. Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City Engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the City Engineer. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.
- q. Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- r. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

#### **14-407. POST CONSTRUCTION.**

**(1) As built plans.** All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Utah. A final inspection by the City Engineer is required before any performance security or performance bond will be released. The City Engineer shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMP's have been made and accepted by the City Engineer.

**(2) Landscaping and stabilization requirements for individual residential lots.** For individual lots in residential construction, final stabilization must be completed within two years of the issuance of the Certificate of Occupancy.

"Final stabilization" is achieved when the following conditions are met:

- a. All soil disturbing activities at the site have been completed
- b. A uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures.

For individual lots in residential construction, final stabilization means that either the homebuilder has completed final stabilization as specified above, or the homebuilder has established temporary

stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner. The homeowner is obligated, by this ordinance, to complete the requirements for final stabilization within two years.

**(3) Landscaping and stabilization requirements for all other construction activities.** Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the City Engineer. The following criteria shall apply to revegetation efforts:

- a. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
- b. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
- c. Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.
- d. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

**(4) Inspection of stormwater management facilities.** Periodic inspections of facilities shall be performed as provided for in section 406.

**(5) Records of installation and maintenance activities.** Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 3 years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times upon request.

**(6) Failure to meet or maintain design or maintenance standards.** If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City Engineer, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City Engineer shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City Engineer may take necessary corrective action. The cost of any action by the City Engineer under this section shall be charged to the responsible party.

#### **14-408. WAIVERS.**

**(1) General.** Every applicant shall provide for post construction stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for approval.

**(2) Conditions for waiver.** The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.

- b. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City Engineer.
- c. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

**(3) Downstream damage, etc. prohibited.** In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not lead to any of the following conditions downstream:

- a. Deterioration of existing culverts, bridges, dams, and other structures;
- b. Degradation of biological functions or habitat;
- c. Accelerated stream bank or streambed erosion or siltation;
- d. Increased threat of flood damage to public health, life or property.

**(4) Land disturbance permit not to be issued where waiver requested.** No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

#### **14-409. EXISTING LOCATIONS AND DEVELOPMENTS.**

**(1) Requirements for all existing locations and developments.** The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance and which discharge or have the potential to discharge to the municipal stormwater facilities:

- a. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manuals and on a schedule acceptable to the City Engineer.
- b. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- c. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
- d. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- e. Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

- 1. Ponds
  - a. Detention pond
  - b. Extended detention pond
  - c. Wet pond
  - d. Alternative storage measures
- 2. Constructed wetlands
- 3. Infiltration systems
  - a. Infiltration/percolation trench
  - b. Infiltration basin
  - c. Drainage (recharge) well
  - d. Porous pavement
- 4. Filtering systems
  - a. Catch basin inserts/media filter
  - b. Sand filter
  - c. Filter/absorption bed
  - d. Filter and buffer strips
- 5. Open channel
  - a. Swale

**(2) Requirements for existing problem locations.** The City Engineer shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such

locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

- (3) Inspection of existing facilities.** The City Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.
- (4) Corrections of problems subject to appeal.** Corrective measures imposed by the City Engineer under this section are subject to appeal under section 14-413 of this ordinance.

#### **14-410. ILLICIT DISCHARGES.**

- (1) Scope.** This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.
- (2) Prohibition of illicit discharges.** No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

Uncontaminated discharges from the following sources:

- a. Water line flushing or other potable water sources,
- b. Surface runoff from storm events,
- c. Roof runoff,
- d. Landscape irrigation or lawn watering with potable water,
- e. Diverted stream flows,
- f. Rising ground water,
- g. Groundwater infiltration to storm drains,
- h. Uncontaminated pumped groundwater,
- i. Foundation or footing drains,
- j. Crawl space pumps,
- k. Air conditioning condensation,
- l. Springs,
- m. Natural riparian habitat or wet-land flows,
- n. Swimming pools (if dechlorinated - typically less than one PPM chlorine),
- o. Emergency Firefighting activities, and
- p. Any other uncontaminated water source.
- q. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety.
- r. Dye testing is an allowable discharge if the City Engineer has so specified in writing.
- s. The prohibition shall not apply to any non-storm water discharge permitted under a UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

**(3) Prohibition of illicit connections.**

- a. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

**(4) Dumping.** It is unlawful for any person to dump, or allow to be dumped into any sump, detention basin, storm drain, curb and gutter, drain inlet, or any other storm drainage structure that conveys storm water and/or non-storm water, any type of debris, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or base product, solid or liquid waste product, hazardous waste product, concrete or related products, and/or human or animal waste.

**(5) Reduction of stormwater pollutants by the use of best management practices.** Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants and/or to remove such pollutants from the municipal separate storm sewer system. Compliance with all terms and conditions of a valid UPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

**(6) Notification of spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

**14-411. ENFORCEMENT.**

**(1) Enforcement authority.** The City Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this section.

- a. With the issuance of a Land Disturbance Permit, the City Engineer shall be permitted to enter and inspect facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by Alpine City ordinance enforcement, by Utah County Health Department or by other means identified in permits or terms set forth in development applications. All inspections shall be documented and written reports prepared that contain the following information:

- 1. The date and location of the inspection;
- 2. Whether construction is in compliance with the approved stormwater management plan;
- 3. Variations from the approved construction specifications;
- 4. Any violations that exist.

- b. Building Official Enforcement. The Building Official is not permitted to perform a building inspection if the site is not in conformance with any aspect of this ordinance.

**(2) Notification of violation.**

- a. **Written Notice.** Whenever the City Engineer finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City Engineer may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- b. **Consent Orders.** The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (D) and (E) below.
- c. **Show Cause Hearing.** The City Engineer may order any person who violates this ordinance or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- d. **Compliance Order.** When the City Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- e. **Cease and Desist Orders.** When the City Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
  1. Comply forthwith; or
  2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

**(3) Conflicting standards.** Whenever there is a conflict between any standard contained in this ordinance and in the BMP manuals adopted by the municipality under this ordinance, the strictest standard shall prevail.

**(4) Violations.** Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City Engineer, shall be guilty of a Class B Misdemeanor.

**14-412. PENALTIES.**

**(1) Authority.** Under the authority provided in Utah Code Annotated 10-8-84 and 10-3-703, the municipality declares that any person violating the provisions of this ordinance may be assessed a Class B Misdemeanor. Each day of violation shall constitute a separate violation.

**(2) Measuring civil penalties.** In assessing a civil penalty, the City Engineer may consider:

- a. The harm done to the public health or the environment;
- b. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- c. The economic benefit gained by the violator;
- d. The amount of effort put forth by the violator to remedy this violation;

- e. Any unusual or extraordinary enforcement costs incurred by the municipality;
- f. The amount of penalty established by ordinance or resolution for specific categories of violations; and
- g. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

**(3) Recovery of damages and costs.** In addition to the civil penalty in subsection (2) above, the municipality may recover;

- a. All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
- b. The costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

**(4) Other remedies.** The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

**(5) Remedies cumulative.** The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

#### **14-413. APPEALS.**

**(1) Appeals to Alpine City Council.** Pursuant to Utah Code 10-3-703.7. Annotated, any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to an administrative law judge appointed for that purpose by the Alpine City Council.

**(2) Appeals to be in writing.** The appeal shall be in writing and filed with the City Recorder within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

**(3) Hearing in the public.** Upon receipt of an appeal, the Alpine City Council shall hold a hearing within thirty (30) days. Ten (10) days notice by registered mail shall be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the Alpine City Council shall be final.

**(4) Appealing decisions of the municipality's governing body.** Any alleged violator may appeal a decision of the Alpine City Council pursuant to the provisions of Utah Code 10-3-703.7(5) Annotated.

**PART 14-401 FINDINGS ON STORM WATER RUNOFF HARM:** The City Council has determined that the City's physical growth and urban development has and will continue to increase the amount of storm water runoff collected and routed, using the City's storm water drainage system and facilities. The City Council finds that the storm water runoff causes property damage and erosion, carries concentration of nutrients, chemicals, heavy metals, oil and toxic materials into receiving waters and ground waters; degrades the integrity of City streets, curbs, gutters and other infrastructure conveying storm water; reduces the citizens' access to emergency services and imposes hazards to both life and property. Additionally, the Federal Government has established, through its Clean Water Act, environmental protection regulations for water quality and NPDES permit requirement for the City's discharge of its storm water into receiving waters.

**14-402 PURPOSES AND OBJECTIVES:** In view of the foregoing, the purposes and objectives of this Chapter are to:

1. Provide and maintain a storm water system for handling storm water runoff;
2. Provide fair, equitable and nondiscriminatory rates and charges for a storm water system and related services which will generate sufficient revenue for operating, improving and maintaining the storm water sewer utility at a level commensurate with storm water management needs. The rates and charges shall be set by considering needed revenues and the amount of impervious surface on developed parcels and the respective storm water runoff characteristic of the parcel, and apply said rates and charges for the same class of customers; and
3. Establish a policy that present and future rates and charges for this service should be fixed with consideration of the differences in cost fairly allocated to the various customers based upon such factors as the intensity of development of the parcel; the types of development on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the utility; the quantity and quality of the runoff generated; and other factors which present a reasonable basis for distinction and which will allow for management of the storm drainage system in a manner that protects the public health, safety and welfare.

**PART 14-403 METHOD OF DETERMINING CONTRIBUTION OF STORM WATER:**

1. Contributions of storm water from nonresidential properties and residential properties larger than four-plexes have been determined through aerial photography, records of the City, records of the County Recorder's Office and land surface evaluation and measurement of the number of square feet of impervious surface.
2. Contributions of storm water from residential parcels up to and including four-plexes have been determined through a statistically significant sample of impervious areas within these classifications.

**PART 14-404 DEFINITIONS:** For the purpose of this chapter, the following terms, phrases and words shall have the following meanings:

1. "City" means Alpine City.
2. "Council" means the City Council.
3. "Customer" or "person" means any individual public; public or private corporation and its officers; partnership; association; firm; trustee;

executor of an estate; the State or its departments, institutions, bureaus, agencies, county; city; political subdivision; or any other governmental or legal entity recognized by law.

4. "Developed parcel" means any parcel, which has been altered by grading or filling of the ground surface, or construction of any improvements or other impervious surface area thereon.
5. "Director" means the director of the department of public works or the director's designee.
6. "Equivalent residential unit (ERU)" means a configuration of development, or impervious surfaces on a parcel, contributing runoff to the city's storm water drainage system or which represents the estimated use of the system that is approximately equal to that contributed by a single-family residential parcel. A single-family residential parcel has been determined to contain an average of two thousand five hundred square feet of impervious surfaces. One ERU is equal to two thousand five hundred square feet of impervious surface area.
7. "Non-polluted" when used in connection with water or any other referenced medium, means that medium shall not have been contaminated with a pollutant.
8. "Parcel" means the smallest separately segregated unit or plot of land, with person or persons identified as owner(s); having boundaries and surface area, which is documented and given a property number by Utah County.
9. "National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations" means the provisions of the Federal Clean Water Act establishing specific permit requirements for the control of storm water discharges.
10. "Single-family residential parcel" means any parcel of land which is improved with a dwelling unit.
11. "Storm water" means water produced by storms, surface drainage, snow and ice melt, spring flows, groundwater and other water handled by the storm water sewer system.
12. "Storm water facilities" means any facility, improvement, development, property or interest therein made, constructed or acquired for the purposes of controlling storm water quantity and quality.
13. "Storm water sewer system" means the city storm water system comprised of storm water facilities, streets and any other features which store, control, treat and/or convey storm water.

14. "Storm water sewer utility" or "utility" means the utility created through this chapter which maintains, regulates and improves storm water facilities and programs within Alpine City.

15. "Undeveloped parcel" means any parcel which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area which affected the hydraulic properties of the parcel.

**14-405 POTENTIAL HAZARDS DECLARED.** The City Council finds and declares that absent effective maintenance, operation, regulation and control, existing storm water drainage conditions within the city constitute a potential hazard to the health, safety, welfare and property of the city inhabitants. All manmade storm water facilities and conveyances, and natural storm water drainage within the city limits, except those included under authorization issued to counties by state law for management of certain storm water runoff constitutes the city's storm water sewer system.

**14-406 STORM WATER SEWER UTILITY CREATED RESPONSIBILITIES.** There is created and established a storm water sewer utility to be known as a storm water sewer utility.

**14-407 OWNERSHIP OF CITY STORM WATER FACILITIES AND ASSETS.** The city's storm sewer assets to be transferred to the utility shall be determined by the mayor, or the mayor's designee, and transferred to the utility. Until such transfer, the utility shall operate, maintain and improve all city storm sewer facilities used for the conveyance of storm waters, through, under or over lands, watercourses beginning at a point where the storm waters first enter the storm sewer system of the city and ending in each instance at a point where the storm water exit from the system.

**14-408 NO POLLUTED WATERS DISCHARGED TO STORM SEWERS.** The only substances dischargeable under this chapter into the city's storm sewer are storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water or non-polluted water. Such waters may be discharged only into storm sewers, which have adequate capacity for the accommodation of such waters. Such discharged water shall comply with the city's storm water quality standards.

**14-409 SYSTEM OF RATES AND CHARGES.**

1. There are hereby imposed storm sewer service fee rates and charges on each parcel of real property within the city. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.

**14-410 BILLING AND COLLECTION.**

**A. BILLING.** The department of public utilities shall cause billings for storm water sewer utility services to be rendered periodically to the person who is the owner of the parcel, or the owner's agent, who has signed for water and sanitary sewer service to the parcel. The amounts to be billed shall be included on the existing department of public utilities bill as a separate line item. A storm water-only billing will be sent to those persons who are owners of parcels within the city, but not currently city utility customers.

1. Single-family residential and duplex parcels shall constitute one ERU and are charged \$3.30 per month.
2. All tri-plex and four-plex residential parcels are charged \$3.30 per month.
3. Undeveloped parcels shall have no charges assess against such parcels.
4. The charge for all other parcels shall be based upon the total square feet of measured impervious surface divided by four thousand two hundred square feet or on ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the ERUs for a parcel by the rate of \$3.30 per month.

**B. COLLECTION.**

1. In the event partial payment is made on a combined bill, the payment shall be applied to each service on a pro rata basis.
2. In the event of delinquency, fees and charges levied in accordance herewith shall be a debt due the city. If this debt is not paid within thirty days after billing, it shall be deemed delinquent and subject to recovery in a civil action and/or said department shall have the right to terminate water and sewer services to the premises. Any uncollected amount due from the person or persons who own the parcel on any inactive, terminated or discontinued account may be transferred to any active account under the same person's or person's name(s) and upon failure to pay such bill after at least five days' prior written notice, water and other city services to that account and parcel may be discontinued.
3. Restoration of Service. Water sewer, garbage and storm service shall not be restored until all charges have been paid in full.
4. Utility Enterprise Fund. There is created the storm water utility enterprise fund. All funds received from such storm water services charges shall be placed in the enterprise fun and left separate and apart from all other city funds. The collection, accounting and expenditure of all storm water

sewer utility funds shall be accordance with the existing fiscal policy of the city.

### **C. APPEAL OF CHARGES.**

1. Any owner or person who considers the city's storm water charge applied to their parcel to be inaccurate, or who otherwise disagrees with the utility rate determinations, may apply to the director for a service charge adjustment. Such a request shall be in writing and state the grounds of such an appeal. The director shall review the case file and determine whether an error was made in the calculation or application of the fee and make an adjustment to the charge, if necessary, to provide for proper application of the city's rates and charges pursuant hereto. In all cases, the decision of the director shall be final unless appealed.
2. Any appeal under this chapter shall be filed in writing with the director no later than twenty days after said billing. Any subsequent appeal shall be brought within twenty days after the date of the appealed decision.
3. Appeal of decisions made by the director may be brought before the City Council, who may reevaluate the issue raised in the appeal. Decisions of the City Council shall be final and conclusive.
4. Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist at law.

