

**ORDINANCE NO. 1213**

**AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE CITY UTILITIES CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO SYSTEM OF RATES AND CHARGES FOR STORMWATER FEES.**

**WHEREAS**, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

**WHEREAS**, the Stormwater Utility Code of the Draper City Municipal Code has been established to provide regulations concerning System of Rates and Charges for Stormwater utility fees; and

**WHEREAS**, the City Council of Draper City adopted Stormwater Utility Code to guide the methods of determining service fee rates; and

**WHEREAS**, the City Council of Draper City finds good cause to revise the terms and provisions of City Utilities Code regarding the Stormwater utility fees applied to roads located on private parcels; and

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1. Findings.** The City Council of Draper City has made the following findings that the proposed text amendment regarding the Stormwater Utility Code in regards to Service Fees Imposed on Private road parcels adjacent to single family or duplex residential parcels: 1) The proposed amendment meets the goals of establishing a viable and fair method of financing the construction, management, operation, and maintenance of the storm drain system. 2) The proposed amendment furthers the specific purpose statement of the Stormwater Utility Ordinance. 3) The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the Stormwater Utility Ordinance. 4) The purposed amendment will not create a conflict with any other section or part of this title or the general plan. 5) The proposed amendment will not be deleterious to the health, safety, and general welfare of the general public.

**Section 2. Revision.** Stormwater Utility Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

**Section 3. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

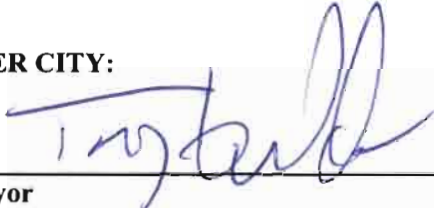
**Section 4. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH,  
THIS 7<sup>th</sup> DAY OF June, 2016.

ATTEST:

  
\_\_\_\_\_  
City Recorder

DRAPER CITY:

  
By: \_\_\_\_\_  
Mayor



**EXHIBIT A**

## 16-2-100: SYSTEM OF RATES AND CHARGES:

A. Service Fees Imposed: The city will impose stormwater fee rates and charges on each parcel of real property within the city except streets and storm drain facilities operated and maintained by or for the stormwater utility, the county or the state of Utah. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future storm drain facilities.

B. Methods Of Determining Use, Need And Impact To Storm Drain System:

1. Use, need, and impact to the storm drain system for nonresidential parcels and residential parcels that are not single-family or duplex residential parcels have been ascertained through aerial photography by evaluating land surface and measuring the amount of impervious surface.
2. Use, need and impact to the storm drain system from residential parcels have been established by estimating residential impervious areas.

C. Method Of Determining Service Fee Rates: Stormwater utility fees shall be applied to each parcel of real property within the city including city owned properties, except streets, government owned utilities, and state or county storm drain facilities. Service fees shall be set forth in Draper City's consolidated fee schedule and may be differentiated according to the following classifications:

1. Residential Parcels: Single-family residential and duplex parcels shall constitute one ERU per month.
2. Undeveloped Parcels: Undeveloped parcels shall have no charges applied.
3. Other Parcels: Charges for all other parcels, except those described in subsection (4) below, shall be computed by multiplying the total ERUs for a parcel by the monthly rate. Total ERUs shall be calculated by dividing total square feet of impervious surface by three thousand (3,000), rounded to the nearest whole number.
4. Private Road Parcels: Parcels consisting of a private road adjacent to single family or duplex residential parcels will not be subject to stormwater utility fees.

**Affidavit of Posting**

**SALT LAKE/UTAH COUNTY, STATE OF UTAH**

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1213** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 7<sup>th</sup> day of June, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

**Posted:** June 20, 2016 through July 11, 2016

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", is written over a horizontal line.

Rachelle Conner, MMC  
City Recorder  
Draper City, State of Utah