

ORDINANCE 2022 - 08

**AN ORDINANCE CREATING TITLE 8, CHAPTER 4, ARTICLE II
OF THE CODY CITY CODE
TO ESTABLISH STORM DRAINAGE UTILITY CHARGES**

Title 8, Chapter 4, Article II shall be hereby created in its entirety as follows and become effective September 1, 2022:

TITLE 8, CHAPTER 4 – STORMWATER DRAINAGE

ARTICLE II. DETERMINATION OF CHARGES AND APPEAL OF CHARGES

8.4.4: USER CHARGE IMPOSED

A. All persons responsible for impervious and semi-impervious surfaces within the City that contribute runoff to the stormwater system will be responsible for paying a stormwater user charge as set forth in the City's utility fee schedule as adopted and amended from time to time by the City Council.

B. The City will impose a monthly stormwater user charge on each parcel of real property served by a City utility account within the City except governmentally-owned streets. The user charges shall fund the administration, planning, design, construction, operation, maintenance, upgrade and repair of existing and future stormwater facilities.

8.4.5: RATES

A. Stormwater user charges shall be determined by multiplying the number of stormwater ERU's per parcel served by a City utility account by the stormwater base fee of five dollars (\$5.00) per month.

B. Residential utility accounts will be charged one (1) stormwater ERU.

C. Commercial utility accounts will be charged based on the following equation, with the minimum charge for commercial accounts being one (1) stormwater ERU:

Account Parcel Size SqFt [divided by] 7,000 SqFt [equals] # of stormwater ERU's
(whole number, rounded up above 0.5)

D. The maximum charge for a commercial utility account will be fifty (50) stormwater ERUs, regardless of the amount of stormwater ERU's determined by C. above.

8.4.6: APPEAL OF STORMWATER ERU DETERMINATION

A. Any commercial utility account customer who disagrees with the stormwater ERU determination for his or her parcel may apply to the Director for an adjustment to the charges. The request must state the grounds for the adjustment and must be filed in writing with the Director no later than thirty days after receipt of the billing. The Director shall review the request and basis for the stormwater ERU calculation to determine whether an adjustment is warranted. The Director may approve an adjustment to the stormwater ERU determination.

B. The request for adjustment shall contain the following information:

1. The name, address, phone number, email, and City account number of the commercial utility account customer submitting the appeal.
2. A site plan of the parcel served by the utility account identifying the total parcel size in square feet, and labeling the dimensions of the impervious area and semi-impervious areas identified in 3. and 4. below.
3. The total amount of impervious area (in square feet) on the parcel served by the utility account.
4. The total amount of semi-impervious area (in square feet) on the parcel served by the utility account.
5. The number of stormwater ERU's the customer believes should be assigned to the account using the equation shown in D. below.

C. Within thirty (30) days of receipt of the request, the Director shall perform a site visit and/or a review of aerial photography available, and shall evaluate the accuracy of the information provided, including the amounts of impervious area and semi-impervious area.

D. If the information provided is deemed accurate, the number of stormwater ERU's will be calculated and verified by the Director as follows:

$$\frac{((\text{Impervious Area SqFt}) [\text{plus}] (0.7 [\text{times}] \text{Semi-impervious Area SqFt})) [\text{divided by}] 3,500 \text{ SqFt}}{[\text{equals}] \text{ \# of stormwater ERUs (whole number, rounded up above 0.5)}}$$

E. If the number of stormwater ERUs determined by D. above is less than the number of ERUs being charged at the time of the appeal, then billing for future user charges will be lowered. No credits will be given for previous charges billed or paid prior to the date of the Director's determination.

F. If the number of stormwater ERUs determined by D. above is greater than the number of ERUs the being charged at the time of the appeal, then no change to future user charges will be made.

G. A written appeal of a Director's determination may be made to the City Administrator within thirty (30) days after the date of the Director's decision. The decision of the City Administrator shall be final.

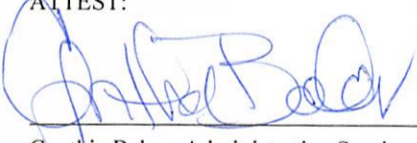
** END OF CHAPTER 4, ARTICLE II **

This Ordinance shall become effective at the final passage after third reading and publication in the Cody Enterprise as required by law.

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|---------------------------|------------|-------|
| PASSED ON FIRST READING: | 07/19/2022 | _____ |
| PASSED ON SECOND READING: | 8/2/2022 | _____ |
| PASSED ON THIRD READING: | 8/16/2022 | _____ |



Matt Hall, Mayor

ATTEST:


Cynthia Baker, Administrative Services Officer