

CHAPTER 102

STORMWATER MANAGEMENT SYSTEM AND FACILITIES

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102.01 PURPOSE. The purpose of this chapter is to establish a Stormwater Utility which shall be responsible for stormwater management within the corporate boundaries of the City of Clive and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

102.02 DEFINITIONS.

1. “Commercial/Industrial” means any developed land whereon multiple family dwellings, commercial retail and office, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, public and private school buildings, churches, hospitals and convalescent centers have been constructed.
2. “Customers of the Stormwater Utility” includes all persons, properties and entities served by and/or benefiting from the utility’s acquisition, management, maintenance, extension and improvement of the public storm water management system and facilities.
3. “Developed Land” means land that has been altered from its natural state by construction or installation of more than 500 square feet of impervious surface area as defined in this chapter.
4. “Duplex Dwelling” means a building containing only two (2) dwelling units and designed for and occupied exclusively by not more than two (2) families with separate housekeeping and cooking facilities for each. In the application of storm water service charge rates, duplex dwelling properties shall be treated as two (2) single family dwellings.
5. “Equivalent Residential Unit (ERU)” means the median average impervious coverage of a detached dwelling unit property in the City of Clive as determined by the City, and shall be used as the basis for determining storm water service charges. Three thousand six hundred and sixty-seven (3,667) square feet of impervious surface area shall be one equivalent unit.
6. “Impervious Surface Area” means those areas which prevent or impede the infiltration of stormwater into the soil as it enters in natural conditions prior to development. Common impervious surface areas include,

but are not limited to, rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

7. “Multiple Family Dwelling” means a building or portion thereof containing more than three (3) dwelling units designed for or occupied by more than three (3) families with separate housekeeping and cooking facilities for each. In the application of storm water service charge rates, multiple family dwelling properties shall be treated as commercial/ industrial.

8. “Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coli form bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

9. “Service Charge” means the periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City of Clive stormwater utility. Service charges are based on measurable parameters which influence the stormwater utility’s cost of providing services and facilities, with the most important factor being the amount of impervious surface area on each parcel of developed property. The service charge shall be determined from time to time by resolution of the City Council.

10. “Single Family Dwelling” means a building containing only one (1) dwelling unit and designed for and occupied exclusively for residence purposes by only one (1) family.

11. “Stormwater Management Systems and Facilities” addresses the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, regulation and funding of plants, structures and property used in the collection, retention, detention and treatment of stormwater or surface water drainage.

12. “Substantial Completion” represents the date when the construction has been completed and the City of Clive has acknowledged that the construction has been completed in accordance with the approved plans and specifications through the issuance of a temporary certificate of occupancy or permanent certificate of occupancy.

13. “Townhome Dwelling” means a dwelling unit which is detached or attached horizontally, and not vertically to one or more other dwelling units,

wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of storm water service charge rates, each townhome dwelling shall be treated as one (1) single family dwelling.

14. “Undeveloped Land” means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state shall be deemed undeveloped. Undeveloped land shall have less than 500 square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area that would prevent infiltration of stormwater or cause stormwater to collect, concentrate or flow in a manner materially different than that which would occur when the land was in an unaltered natural state.

102.03 SCOPE AND RESPONSIBILITY FOR THE STORMWATER UTILITY. The City of Clive stormwater utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainage ways, channels, ditches, swales, storm sewer, culverts, inlets, catch basins, pipes, dams, head walls and other structures, natural or man-made, within the corporate boundaries of the City of Clive which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City of Clive owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system which (1) are located within public streets, rights-of-ways and easements; (2) are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or (3) are located on public lands to which the City of Clive has adequate access for operation, maintenance and improvement of systems or facilities. Operation, maintenance and improvement of stormwater systems and facilities which are located on private property or public property not owned by the City of Clive and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant.

102.04 DIRECTOR OF PUBLIC WORKS. The Director or Public Works has the following powers and duties related to the City of Clive Stormwater Utility:

1. Operations and Maintenance. Operation and maintenance of the stormwater management systems and facilities.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. Maintain a complete and accurate record of all stormwater management systems and facilities.
4. Policies. Recommend to the City Council policies to be adopted and enforced to implement the provisions of this chapter.

102.05 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Stormwater Management Systems and Facilities. Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the stormwater management systems or facilities.
2. Illicit Discharges. No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City of Clive stormwater management system and facilities, including but not limited to pollutants or waters containing any pollutants, other than stormwater.
3. Manholes. Open or enter any manhole, structure or intake of the stormwater system, except by authority of the Director of Public Works.
4. Connection. Connection of any private stormwater system to the City's stormwater management system and facilities, except by authority of the Director of Public Works.

102.06 RIGHT OF ENTRY. The Director of Public Works and other authorized employees of the City of Clive bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private stormwater discharges directly or indirectly entering into any public stormwater management system or facility in accordance with the provisions of this chapter.

102.07 PENALTIES. The following penalty provisions shall apply to violations of the Stormwater Utility chapters (of this Code of Ordinances).

1. Notice of Violation. Any person found to be violating any provisions of these chapters shall be served by the City of Clive with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently remedy all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 thereof, shall be subject to a civil penalty as set forth in the Schedule of Civil Penalties in Chapter 4 of this Code of Ordinances. Each day which said violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(Ch. 102 – Ord. 841 – Nov. 05 Supp.)

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