

Chapter 8

STORMWATER AND FLOOD MANAGEMENT UTILITY



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7-8-1: LEGISLATIVE INTENT:  

(A) The purpose of this chapter is to promote the protection of the public health, safety, and welfare from damage from stormwater runoff and floods by requiring that property owners in the city pay for a share of the cost of the facilities reasonably necessary to manage such storms and floods. Floods from stormwater runoff may occur which exceed the capacity of storm drainage facilities constructed and maintained by funds made available under this chapter. This chapter does not imply that property liable for the fees and charges established herein will always be free from stormwater flooding or flood damage. This chapter does not purport to reduce the need or the necessity for any property owner to obtain flood insurance.

(B) It is the intent of the city council in enacting this chapter:

1. To promote public health, safety, and welfare by permitting the movement of emergency vehicles during flooding periods, and minimizing flood losses and the inconvenience and damage resulting from uncontrolled and unplanned stormwater runoff in the city;
2. To establish major drainageway master plans for storm and flood waters, a flood management program and to provide for their implementation;
3. To establish a stormwater and flood management utility and fund to finance, coordinate, design, construct, manage, operate, and maintain the stormwater and flood management system;
4. To establish reasonable stormwater and flood management fees based on the use of land located within the city; and

5. To encourage and facilitate reasonable urban water resources management techniques, including, without limitation, detention of stormwater and floods, reduction of the need to construct storm sewers, reduction of pollution and enhancement of the environment.

(C) The city council further finds, determines and declares that the owners of real property within the city are the ultimate beneficiaries and users of the drainage facilities and system contemplated by this chapter and should fund and thereby provide the facilities and maintenance capability necessary for the reasonable control of stormwater and management of floods, and also fund and thereby provide the facilities required to convey such stormwater from the various drainage basins to city's major drainageways. (Ord. 53, Series of 1985)

7-8-2: DEFINITIONS:

The following words used in this chapter have the following meanings, unless the context clearly indicates otherwise:

CITY: The city of Littleton, Colorado.

CITY MANAGER: The city manager of the city of Littleton or his designee.

FACILITIES: All structures, equipment and all uses of land that are made in conjunction with or that are related or incidental to the construction, installation or use of the structures and equipment necessary to contain, reduce pollutant loading and control stormwater including, without limitation, curbs and gutters, cross pans, pipes, inlets, conduits, channels, bridges, detention/retention ponds, temporary erosion control best management practices, permanent structural and nonstructural postconstruction storm water quality enhancement best management practices.

FEE: The fee created in this chapter for the funding of the utility.

IMPERVIOUS SURFACE: Surfaces on or in a lot or parcel of real property where the infiltration of storm water into the earth has been reduced by the works of man.

UTILITY: The storm water and flood management utility as same is created by this chapter. (Ord. 53, Series of 1985; amd. Ord. 30, Series of 2005)

7-8-3: MAJOR DRAINAGEWAY MASTER PLANS; ESTABLISHMENT OF STORM

DRAINAGE BASINS:

(A) The city manager shall develop major drainageway master plans for the city, based on engineering studies, that indicate the location of all facilities in the city, including those facilities that currently exist and those determined to be needed and that are intended to be constructed in the future. The plans shall include all drainage basins and major drainageways that directly or indirectly affect drainage within the city as specified in subsection (G) of this section. The city manager may solicit public participation during the formulation of any major drainageway master plan and other phase of implementation of this chapter.

(B) The purpose of the major drainageway master plans prescribed by this section are to identify and mitigate present and future drainage and flooding problems in the city by means of presenting in an orderly fashion the general data and information essential in understanding the relationship between rainfall and storm runoff. The major drainageway master plans shall serve as the official

designation of facilities, drainageways and basins shown thereon. The plans may be altered from time to time to conform to existing and/or proposed conditions.

- (C) The city manager may undertake supplementary studies to determine the estimated cost of constructing the facilities shown on any major drainageway master plan, including the expense of any necessary land acquisition.
- (D) The city council shall adopt major drainageway master plans by motion. No substantial modifications thereof may be made unless the council first approves them.
- (E) After adoption of any major drainageway master plan, the director of public services shall retain a copy on file for public inspection during normal business hours. Further, major drainageway master plans shall become part of the city's storm drainage design and technical criteria manual as same is established in section ~~7-7-3~~ 7-7-6 of this title.
- (F) In the annual proposed city budget, the city manager shall submit to the city council a proposed budget for construction of public facilities, containing a statement of all fund amounts currently in the storm water and flood management account, an estimate of anticipated revenues for the ensuing budget year, and a list of the public projects proposed to be constructed or developed.
- (G) The names of the storm drainage basins for which major drainageway master plans shall be adopted and which will be managed by the utility are:
 - 1. Big Dry Creek;
 - 2. Slaughterhouse Gulch;
 - 3. Little's Creek;
 - 4. Lee Gulch;
 - 5. Rangeview Basin;
 - 6. No Name Gulch;
 - 7. Dad Clark Gulch;
 - 8. Centennial Basin;
 - 9. Bow Mar Basin;
 - 10. Three Lakes Tributary;
 - 11. South Platte River;

12. South Jefferson County Drainage Basin Number 6100; and
13. South Jefferson County Drainage Basin Number 6200. (Ord. 53, Series of 1985)

7-8-4: LAND DEVELOPMENT MUST CONFORM TO MAJOR DRAINAGEWAY

MASTER PLANS:

- (A) No developer of land in the City shall fail to provide on his property all facilities so as to comply with any of the requirements or specifications of any applicable major drainageway master plan and the requirements as specified by the City's Director of Public Services Works pursuant to ~~Section 7-7-7 of this Title.~~ the city's storm drainage design criteria, as referenced in 7-7-6 of this Title.
- (B) Before the City Manager issues a City building permit for the construction of any building or structure other than a single-family dwelling and appurtenant structures which are not part of a larger development, the property owner or building permit applicant shall submit to the City Manager a detailed storm water and flood management plan. The City Manager shall not issue the permit until the City Manager determines, based upon generally accepted engineering principles in storm water and drainage control, that the plan meets the requirements of this Chapter, the City's "Storm Drainage Ordinance," and the provisions of the major drainageway master plan(s) that relates to the storm drainage basin(s) in which the property is located.
1. Storm water and flood management plans shall establish, locate, or otherwise define the alignment and boundary of any natural drainageway, drainage facility, or drainage basin on the property; include drawings, profiles, and specifications for the construction and installation of channels, detention/retention ponds, pipe systems, and all other facilities reasonably necessary to ensure that storm waters and floods (including drainage from other lands that will contribute runoff to the property) will be controlled, or reasonably mitigated as provided in the City's "Storm Drainage Ordinance" and "Storm Drainage Design and Technical Criteria Manual".
 2. On-site detention storage shall be provided for all developments, other than individual single-family lots that are not part of a larger development, in accordance with the requirements and standards established in the City's "Storm Drainage Ordinance" and "Storm Drainage Design and Technical Criteria Manual".
 3. No owner shall fail to implement his approved storm water and flood management plan.
- (C) The City Manager may waive any or all of the requirements of this Section for particular developments or impose additional requirements, if such waivers or additional requirements are reasonably necessary due to the existence of such conditions as specified in ~~Section 7-7-4 of this Title.~~ the city's storm drainage design criteria, as referenced in 7-7-6 of this Title.
- (D) No owner of a parcel of land through which a natural drainageway flows as shown on any major drainageway master plan shall obtain a building permit to develop the property, unless said owner first grants to the City at no charge a permanent easement to construct, maintain or reconstruct the channel facilities along the drainageway.

- (E) In order to guarantee the construction of any facility shown on an approved storm water and flood management plan submitted under this Section, the owner of the land shall submit to the City a financial guarantee in a form satisfactory to the City Attorney for the construction of the facility, before any building permit is issued. (Ord. 53, Series of 1985)

7-8-5: STORM WATER AND FLOOD MANAGEMENT UTILITY:

- (A) There is hereby created a utility in the Department of Public Services under the control of the City Manager, empowered to implement the provisions of this Chapter.
- (B) The owner of each parcel of land in the City shall pay the fee prescribed in Section [7-8-8](#) of this Chapter for the construction, operation, maintenance, and replacement of the public storm water and flood management system and its facilities. (Ord. 53, Series of 1985)

7-8-6: USE OF FEES:

- (A) The utility shall hold all funds received by the City under this Chapter in a separate account and make expenditures thereof only for the purpose of:
1. Administration, engineering, construction, installation, repair, maintenance, improvement, replacement, and reconstruction of facilities in the city necessary to reasonably handle stormwaters and floods in the city; and
 2. The purchase of interests in real property, including without limitation fee simple ownership and easements, in land that may be necessary to construct facilities and otherwise implement the purposes of this chapter.
- (B) The city may pledge fees collected under this chapter and those anticipated to be collected to the retirement of the principal and interest of revenue or general obligation bonds issued by the city for financing any of the activities set forth in subsection (A) of this section.
- (C) The city may pledge fees collected under this chapter and those anticipated to be collected to participate with the urban drainage and flood control district or other public entity or private party having a common interest in storm drainage projects or facilities. (Ord. 53, Series of 1985)

7-8-7: BILLING AND PAYMENT OF FEES:

- (A) The city shall cause billings for the fee to be rendered periodically at the rates established in section [7-8-8](#) of this chapter.
- (B) The fee charged in each billing period and any notices relating to the utility shall be effective upon mailing said billing or notice to the last known address of the property owner as shown on the county assessor's and city's records. (Ord. 53, Series of 1985)

- (C) Payment of fees and charges imposed for the use of the utility prescribed by this chapter shall be due August 15 of each year. Charges shall be billed at the same time as with the sanitary sewer bill as may be in effect pursuant to [chapter 5](#) of this title. (Ord. 1, Series of 1996¹)
- (D) If fee rates are changed or the property owner institutes or terminates service other than on established billing dates, the bill will be prorated. (Ord. 53, Series of 1985)

7-8-8: STORM DRAINAGE FEE SCHEDULE:

- (A) Annual fees, to be set annually by council resolution, shall be paid by the property owner. For purposes of the fee schedule to be adopted by council resolution, "vacant and undisturbed" shall mean that there are no permanent facilities, structures or improvements existing on the property, whether or not such facilities, structures or improvements are being or have been utilized. (Ord. 08, Series of 2015)
- (B) It shall be unlawful for any owner of commercial, industrial, public, church or school property to fail to notify the city manager when any undeveloped, grassed landscaped or cultivated portion of his property, which has been subject to the undeveloped area rate, has been modified in any manner so as to create additional impervious surface. (Ord. 53, Series of 1985)

7-8-9: CERTAIN PROPERTIES EXEMPT FROM FEES:

The following land uses are exempt from utility fees:

- (A) All public park land;
- (B) All public or private ponds, lakes, reservoirs, rivers, creeks; natural watercourses, or irrigation ditch/canal rights of way;
- (C) All public or private streets, highways, rights of way, and alleys;
- (D) All railroad rights of way included within the city's defined railroad depression project; and
- (E) All cemeteries. (Ord. 53, Series of 1985)

7-8-10: RESPONSIBILITY FOR ACCEPTED FACILITIES:

- (A) All public facilities constructed, installed or provided hereunder shall, upon acceptance of the same by the city, become the property of the city, and the city thereafter shall be responsible for the operation and maintenance of the same.
- (B) The city shall maintain all accepted public facilities located within public lands, rights of way and easements and may maintain other accepted public facilities located within or adjacent to the

city. Such public facilities do not include facilities not accepted by the city for maintenance, or privately owned and/or maintained drainage facilities. (Ord. 53, Series of 1985)

7-8-11: DELINQUENCY, COLLECTION AND ADMINISTRATIVE APPEALS:

- (A) Due Date: Any balance due for storm fees and charges imposed by this chapter shall be due and payable in full by August 15 of each year. If payment is not received within five (5) calendar days after this date, it shall be delinquent, whereupon a delinquency charge of fifteen percent (15%) shall be imposed. If August 15 or August 20 falls on a Saturday, Sunday, or legal holiday, the payment due date shall be the next regularly scheduled business day. (Ord. 21, Series of 2015)
- (B) Nonpayment: All storm charges and delinquency charges shall be a lien upon the billed property from the date said fees become due until said fees are paid. The owner of every structure or premises shall be liable for the fees, which lien or liability may be enforced by the city by action at law or suit to enforce the lien. In case the tenant in possession of any premises pays the fees, it shall relieve the property owner from such obligations and lien, but the city shall not be required to seek payment from any person whomsoever other than the property owner. No change of ownership shall affect the violation of this section, and the failure of any owner to discover that he purchased property against which a lien for fees or delinquency charges exists shall in no way affect his liability for such payment in full. Said delinquent payments, and the lien created thereby, shall be enforced by assessment upon the property and premises so served and by certification thereof to the county treasurer for collection.
- (C) Authority Of Finance Director: The finance director may formulate and promulgate rules and regulations for the administration of this chapter, not inconsistent with the provisions of this chapter, with respect to the billing and collection of utility fees, delinquency charges and other matters relating to the administration of customer accounts. Said rules and regulations may regulate, without limitation, the forms and procedures for giving notice to customers; policies for adjusting billed amounts as necessary to correct errors or for administrative efficiency or to achieve equity; procedure for appeals; and procedures for documentation of liens. (Ord. 9, Series of 2012)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) This ordinance and the combined single billing procedures established herein shall become effective on January 1, 1996.