

ORDINANCE 2022 - 07

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

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

TITLE 8, CHAPTER 4 – STORMWATER DRAINAGE

Article I. GENERAL

8.4.1: PURPOSE AND OWNERSHIP

A. The City Council finds and declares that absent effective maintenance, operation, regulation, and control, the existing stormwater drainage conditions in all areas within the City constitute a potential hazard to the health, safety and general welfare of the City. The City Council further finds that natural and manmade stormwater drainage facilities and conveyances constitute a stormwater drainage system and that effective improvement, regulation and control of stormwater through formation, by the City, of a Stormwater Drainage Utility is required.

There is hereby created and established a Stormwater Drainage Utility. The utility will have the regulatory authority and responsibility for planning, design, construction, maintenance, operation, and administration of stormwater facilities within the City.

B. The City shall own all public stormwater facilities located in City Rights-of-Way and City property used for the conveyance of stormwaters through, under or over lands or watercourses, beginning at a point where the stormwaters first enter the stormwater system of the City and ending in each instance at a point where the stormwaters exit from the system.

C. Stormwater facilities located on City property that are identified in a maintenance agreement as provided through a subdivision or site plan approval process are considered private stormwater facilities, and will be the responsibility of the party(ies) identified in the maintenance agreement.

8.4.2: DEFINITIONS

A. For the purposes of Chapter 4 Stormwater Drainage, the following terms, phrases, and words shall mean:

“City” means City of Cody, a municipal corporation of the State of Wyoming.

“Council” means Cody City Council.

“County” means Park County.

“Customer” or “person” means any individual; 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.

“Developed parcel” means any parcel whose surface has been altered by grading, filling, or construction of any improvement.

“Director” means the Public Works Director of the City of Cody or the Director’s designee.

“Equivalent residential unit (ERU)” means the amount of impervious surface area that is equal to that of an average single family residential parcel, and is equal to three thousand five hundred (3,500) square feet of impervious surface area.

“Impervious surface” means any hard surfaced area of a parcel that prevents the absorption or infiltration of stormwater into the underlying soil. The following surfaces shall be considered impervious: areas occupied by roofed structures, areas surfaced with concrete, areas surfaced with asphalt pavement, and any other surface type that exhibits similar runoff characteristics.

“Parcel” means the smallest, separately segregated unit of land having an owner. A parcel has boundaries and surface area, and is documented with a parcel identification number by Park County.

“Private stormwater facilities” means any facility, improvement, development or property made for controlling and conveying stormwater runoff located on private property, or any such facility located on City property that is subject to a maintenance agreement assigning maintenance and operation responsibility to a party other than the City.

“Public stormwater facilities” means any facility, improvement, development or property made for controlling and conveying stormwater runoff that is operated and maintained by the City.

“Semi-impervious surface” means any surface area of a parcel that retards the absorption or infiltration of stormwater into the underlying soil, or that causes stormwater to run off in greater quantities than it would from a natural surface in the same location. The following surfaces shall be considered semi-impervious: areas surfaced with road base, gravel, or similar aggregate mixture; natural dirt surfaces that are compacted to such a degree that they do not support vegetative cover on more than fifty percent of the surface area.

“Single family residential parcel” means any parcel of land containing a single-household or two-household dwelling unit provided that in the case of a two-household unit, the ownership is undivided.

“Stormwater” means water produced by storms, surface drainage, snow and ice melt, and other water handled by the stormwater system.

“Stormwater Drainage Utility” or “utility” means the utility created by this chapter which operates, maintains, regulates, improves and upgrades the stormwater facilities and programs within the City of Cody.

“Stormwater Drainage System” means all manmade stormwater facilities and conveyances, and natural stormwater systems including stream channels, drainage courses or similar that are maintained by the City and that store, control, and/or convey stormwater.

“Undeveloped parcel” means any parcel that has not been altered by grading, filling, or construction.

8.4.3: ADMINISTRATION

A. The Stormwater Drainage Utility shall be administered by the Public Works Director of the City of Cody.

B. The administrative services department shall provide for the general accounting of the Stormwater Drainage Utility enterprise fund. This fund shall be charged with all money derived from the sale of stormwater drainage bonds, from stormwater drainage utility rate and fee revenues, from special taxation (if any), sale of surplus Stormwater Drainage Utility materials, and for money that may be transferred from the general fund or any other fund of the City. This fund shall be credited for all authorized expenditures for the City’s Stormwater Drainage Utility.

**** END OF CHAPTER 4, ARTICLE I ****

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

PASSED ON FIRST READING: 7/19/2022
PASSED ON SECOND READING: 8/2/2022
PASSED ON THIRD READING: 8/16/2022


Matt Hall, Mayor

ATTEST:

Cynthia Baker, Administrative Services Officer