

ORDINANCE NO. \_\_\_\_\_

**ENTITLED: "AN ORDINANCE CREATING CHAPTER 13.32, STORMWATER RUNOFF MANAGEMENT SYSTEM, OF TITLE 13, PUBLIC SERVICES, OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING, ESTABLISHING THE STORMWATER RUNOFF MANAGEMENT SYSTEM, IMPOSING A USER FEE FOR NECESSARY FUNDING AND REPEALING OBSOLETE PROVISIONS."**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:**

Section 1. That Chapter 13.32, Stormwater Runoff Management System, of Title 13, Public Services, of the Municipal Code of the City of Cheyenne, Wyoming is hereby created to read.

**Chapter 13.32 - STORMWATER RUNOFF MANAGEMENT SYSTEM.**

**13.32.010 – Authority; purpose; general provisions; severability.**

- A. This chapter is promulgated in accordance with W.S. 15-1-103(a)(xxx), (xli) and W.S. 15-7-101(a)(iii), the purpose of which is to protect the public health, safety and welfare:
1. From the damage of stormwater runoff and floods by requiring that owners of developed property in the city pay for a share of the cost of the drainage facilities necessary to manage stormwaters and floods affecting the city; and
  2. By efficiently controlling stormwater runoff, facilitating mobility and access to homes and businesses throughout the community during precipitation events and by complementing and supporting related city programs and objectives.
- B. This chapter shall not be construed to affect or otherwise alter any of the authorities, duties or obligations established under federal or state law or the city code and is intended to compliment other legal authority in the safe and efficient management of stormwater runoff in the city. To the extent any other provision of the city code conflicts with the provisions of this chapter, those provisions are superseded by this chapter to the extent of the conflict.
- C. No action shall be undertaken by the city that would interfere with the historical, appropriated or beneficial use of any Wyoming water right.
- D. As provided in this chapter, the office of stormwater management shall develop, implement, operate and adequately and equitably fund the acquisition, construction, operation and maintenance of the stormwater runoff management system under this

chapter, and under Chapter 13.28 of the city code and ensure compliance under the Clean Water Act, 33 U.S.C. § 1251 et seq. in consultation with the city engineer.

- E. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of any such chapter are severable.

**13.32.020 - Definitions.**

A. As used in this chapter:

1. "Manager" means the person responsible for the management of the office for stormwater runoff management and of the city's stormwater runoff management system;
2. "City" means as defined by Section 1.04.020(A) of the city code;
3. "Developed property" means any parcel of land that has been modified by the action of any person to reduce the land's natural ability to absorb and hold rainfall. These modifications include, but are not limited to, clearing, grading, cementing, filling or compacting the natural ground, or erecting or constructing buildings, parking lots, driveways, patios, decks, walkways and athletic courts.
4. "Drainage facilities" means all structures and 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 for the city to contain and control stormwater runoff including, but not limited to, conduits, channels, bridges, pipes and detention ponds;
5. "Governing body" means as defined by Section 1.04.020(A) of the city code;
6. "Hard surface" means any area of a developed property that prevents or delays stormwater runoff from entering the soil or that causes stormwater runoff to flow faster than it would under natural conditions;
7. "Office" means the office of stormwater management within the department as designated by the mayor as provided by Section 13.25.030(A) of this chapter;
8. "Person" means any individual, partnership, corporation, joint stock company or any other association or entity, public or private;

9. "Property owner" means any person whose name appears upon the official written instrument that demonstrates the person as a legal owner of a developed property;
10. "Stormwater runoff" means water that is derived from rainfall, snowmelt or any other form of precipitation or source that flows over land or any hard surface. As used in this chapter, "stormwater runoff" shall also include surface water runoff; and
11. "Stormwater runoff management system" means the drainage facilities owned or operated by the city that are designed or used for collecting or transporting stormwater runoff, including but not limited to municipal streets, roads with drainage systems, storm drains, catch basins, ditches, human-made channels and storm drains, but which does not include any combined sewer or part of a publicly owned treatment works. For the purposes of this chapter, "stormwater runoff management system" shall include the storm drain system as defined by Section 13.28.040(O) of the city code.

**13.32.030 - Office for stormwater runoff management created; equipment and facilities; duties and authority.**

- A. There is created the office of stormwater management which shall operate under the city department designated by the mayor. The office shall be provided with such personnel, equipment and other resources as may be necessary for the performance of its duties as prescribed by this chapter.
- B. The office shall be responsible for supervising and administering the stormwater runoff management system, which responsibilities shall include:
  1. The planning, design and oversight of the drainage facilities of the city, including the construction of improvements and betterments to the stormwater runoff management system and coordinating with other city departments as necessary;
  2. Programming for routine maintenance and minor improvements to the stormwater runoff management system;
  4. The review and approval of any new development permits within the city to ensure compliance with stormwater runoff management system requirements;
  5. Evaluation of any water quality concerns for discharges to the stormwater runoff management system in accordance with Chapter 13.28 of the city code; and
  6. In consultation with the director of the department designated under subsection (A) of this section, the performance of all appropriate management system functions including the hiring of staff, the selection of special consultants, entering into contracts for services and construction of drainage facilities, and administering any purchase, lease,

sale or other transaction for the proper management of the stormwater runoff management system. This paragraph shall not apply to any staff or employees of the department of public works or any other department as provided by subsection (C) of this section.

- C. The office is authorized to coordinate with the department of public works for conducting routine maintenance and minor improvements to the stormwater runoff management system and with other city departments to meet the obligations imposed by this chapter.

**13.32.050 – Imposition of user fee for diversion and management of stormwater runoff; exception.**

- A. Unless otherwise prohibited by law and except as provided by subsection (E) of this section, there shall be a monthly fee imposed on each and every developed property within the city to be paid by the property owner thereof for the use of and discharge to the city's stormwater runoff management system.
- B. The fee imposed under this section shall be established by ordinance of the governing body, which fee shall be subject to the following requirements:
  - 1. The fee shall be imposed on the property owner of each developed property regardless of characteristics or ownership of the property, except the fee shall not be imposed on the city for any city public right-of-way property or city owned property; and
  - 2. The fee to be imposed on the owner of each developed property shall be uniform in nature and based on the hard surface of each particular parcel of land.
- C. The fee imposed under subsection (B) of this section shall be included in the utility bill issued by the board of public utilities under Section 13.04.150 of the city code. In the event a developed property does not receive city utility services, a new account shall be created for the property owner who shall be billed separately by the board of public utilities for the stormwater runoff management fee. Upon request of the property owner, the board of public utilities shall bill the occupant or tenant for the fee, but if the fee is not paid when due by the occupant or tenant, the owner shall be responsible for payment. A property owner may request third party notification on all billing activity on rental or leased properties.
- D. The manager shall analyze the operating and maintenance expenses and capital improvement needs of the stormwater runoff management system on an annual basis and recommend to the governing body any changes to the stormwater runoff management fee amount. The manager may contract with a third-party consultant for determining the appropriate fee amount subject to the requirements imposed by subsection (B) of this section.

- E. A property owner shall not be required to pay the user fee imposed under this section if, independent from the city, the owner operates a regulated municipal separate storm sewer system (MS4), which system does not discharge into, use or otherwise rely upon the stormwater runoff management system.

**13.32.060 - Stormwater runoff management system account; created.**

- A. The stormwater runoff management system account is created. The account shall consist of all revenues from the user fees imposed in accordance with this chapter, any monies directed to the account by the governing body and all monies collected from any federal grants and other contributions, grants, gifts, bequests and donations to the account. The city treasurer shall credit annually to the account interest on funds in the account and is authorized and directed to receive and credit to the account any grant, donation or bequest that is made to the city for the support of the stormwater runoff management system. Funds in the account shall not revert to any other city account or the general fund and may not be transferred for any other purpose. Accounting and reporting procedures shall be consistent with state law and annually reported to the governing body by the manager or the director of the department designated under Section 13.32.030(A) of this chapter.
- B. Funds in the stormwater runoff management system account shall only be used to pay for the costs associated with the operation or administration the stormwater runoff management system and upon appropriation by the governing body, including any expenses incurred by the office and any other department of the city related to the operation or administration of the system. Any expense incurred under Chapter 13.28 of city code to ensure compliance under the Clean Water Act, 33 U.S.C. § 1251 et seq., may also be paid using funds in the account.

**13.32.070 - Appeals.**

- A. Any property owner who believes that the stormwater user fee assessed against their developed property was assigned or computed incorrectly may object in writing to the manager for a review of the user fee. Upon receipt of an objection, the manager, or his or her designee, shall promptly respond to the property owner on whether the fee was imposed appropriately. For the purposes of this section, a challenge may only be brought for the following reasons:
  - 1. An alleged error regarding the square footage of the hard surface attributed to the owner's parcel of developed property;
  - 2. An alleged mathematical error in calculating the stormwater user fee amount; or
  - 3. The identification of the parcel owner invoiced was allegedly made in error.

- B. Any credit that may be authorized after the review process under this section shall only be effective against billings after the date of credit authorization.

**13.32.080 - Penalties for nonpayment; trespass and damages.**

- A. It is unlawful for any person, without authority to do so, to tamper with any part, portion or component of the stormwater runoff management system, or to in any way molest, damage or trespass upon equipment or premises belonging to the city connected with the stormwater runoff management system.
- B. Any property owner failing to pay the user fee required by this chapter as part of the monthly utility bill issued by the board of public utilities shall be subject to any of the penalties authorized under Section 13.04.180 of the city code.
- C. The penalties authorized under this subsection are supplemental in nature and intended to be in addition to any other remedy as provided by law.

**13.32.090 - Flood insurance; governmental immunity.**

This chapter shall not be construed to imply that property liable for the fee established in this chapter will always be free from stormwater runoff flooding or flood damage. Floods from stormwater runoff may occasionally occur which exceed the capacity of drainage facilities constructed and maintained by funds made available under this chapter. The city is immune from liability in accordance with the Wyoming Governmental Claims Act and this chapter does not purport to reduce the need or the necessity for any person in obtaining flood insurance.

Section 2. That Chapter 13.16, Storm Sewers, of Title 13, Public Services, of the Municipal Code of the City of Cheyenne, Wyoming is hereby repealed.

~~**13.16.010 – Storm sewer construction.**~~

~~Storm sewer construction shall be accomplished under the authority of the city engineer.~~

~~**13.16.020 – Permit fees and permits required.**~~

~~The city engineer shall collect all fees due and issue building permits prior to commencement of construction. Permit fees shall be established by the board with the approval of the governing body.~~

~~Special appurtenances shall pay a fee of one percent of the total estimated cost of such appurtenance in place. Should a contractor elect to work on a Saturday, Sunday or legal holiday, special permits at a rate established by the board and approved by the governing body per day shall be required. Such permits shall be paid for at least twenty four (24) hours in advance of issuance.~~

**~~13.16.030—Licenses required.~~**

~~Contractors constructing storm sewer facilities shall obtain a sewer and water main facility contractor's license in accordance with the city code.~~

Section 3. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases.

Section 4. That this ordinance shall be in full force and effect upon approval and publication but no sooner than January 1, 2026.

**FIRST READING:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

**THIRD AND FINAL READING:** \_\_\_\_\_

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PATRICK COLLINS, MAYOR

(SEAL)

ATTEST:

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KRISTINA F. JONES, CITY CLERK

Published: \_\_\_\_\_  
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