

Chapter 14.18 - STORM DRAINAGE UTILITY

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Chapter 14.18 - STORM DRAINAGE UTILITY



Sections:

14.18.010 - Purpose.



- A. The purpose of the storm drainage utility division is to:
1. Provide for the effective management and financing of a storm drainage system within the city;
 2. Provide a mechanism for mitigating the damaging effects of uncontrolled and unplanned stormwater runoff;
 3. Improve the public health, safety, and welfare by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems;
 4. Authorize the establishment and implementation of a master plan for storm drainage, including design, coordination, construction, management, operation, maintenance, inspection, and enforcement;
 5. Establish reasonable storm drainage service charges based upon each property's contribution of stormwater runoff to the system and use and benefit of services and facilities; and
 6. Encourage and facilitate urban water resources management techniques, including detention of stormwater runoff, minimization of the need to construct storm drains, and the enhancement of the environment.
- B. In order to accomplish such purpose, a storm drainage service charge shall be made on each developed lot or parcel in the city. Each property's contribution to runoff shall be the primary consideration in setting the service charge.
- C. The city's storm drainage service charges shall be fair and reasonable and bear a substantial relationship to the cost of providing service and facilities. Similar properties shall pay similar storm drainage service charges. Charges shall reflect the net impervious acreage of each property. Rate studies to assist in establishing charges shall be conducted.

(Ord. 2061 § 1 (part), 1993)

14.18.020 - Definitions.



For the purposes of this chapter, the words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning:

"Approved plans" means plans approved under the city's municipal code.

"Building department" means the building department of the city.

"City" means the city of Redding, California.

"City manager" means the city manager of the city.

"Council" means the council of the city.

"County" means the county of Shasta, California.

"Developer" means a person, firm, partnership, corporation, or other entity that excavates, fills, builds structures, or otherwise improves or changes a specific parcel or tract of land.

"Director" means the director of municipal utilities of the city.

"Drainage code" means the "storm drainage utility code" of the city as contained in this chapter of the Redding Municipal Code.

"Erosion control plan" means a plan required by an ordinance, rule, or regulation for controlling the movement of soils due to storm runoff created by construction activities.

"Existing" means present or in effect as of the time of the adoption of this chapter.

"Facilities" means various drainage works that may include inlets, conduits, manholes, energy dissipation structures, channels, ditches, pipelines, outlets, retention/detention basins, and other structural components.

"Impervious acreage factor" (IAF) means a factor for each land use which, when multiplied by a parcel's actual acreage, derives the estimated impervious surface of that parcel of real property.

"Impervious surface" means surfaces on or in a lot or parcel of real property which reduce the rate of infiltration of stormwater into the earth. Examples of impervious surfaces include asphalt paving, roofs and concrete walkways.

"Mobile home park" means a tract of land containing one or more mobile home lots.

"Multifamily residential" means a common-wall dwelling, with kitchen and bathroom(s) intended for permanent private occupancy by one or more persons or a single-family, for living and sleeping purposes.

"National Flood Insurance Program" means the federal program to provide subsidized insurance for flood damage to properties in flood plains. The program includes a number of regulations restricting what can be done in a flood plain.

"Notice" means a written or printed communication conveying information or warning.

"Open space" land use shall be defined as land use classifications, parks and golf, agriculture, greenway, recreation and undesignated.

"Order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) or any matter issued by the utility engineer or city manager or person

designated by them pursuant to any provision of this chapter.

"Premises" means the lot or parcel and the buildings situated thereon.

"Private" means that property or facilities owned by individuals, corporations and other organizations, and not by city, state or federal governments.

"Public" means that property or facilities owned by city, state or federal governments.

"Residential dwelling unit" means a living space in either a single-family (detached) or a multifamily (common-wall) dwelling, with kitchen and bathroom(s) intended for permanent private occupancy by one or more persons or a single-family, for living and sleeping purposes.

"Risk manager" means the risk manager for the city.

"Single-family residential" means a detached living space, with kitchen and bathroom(s) intended for permanent private occupancy by one or more persons or a single-family, for living and sleeping purposes.

"Storm drain" means a drain which carries stormwater, surface runoff, street washwaters, and drainage, but which excludes sanitary sewage and industrial wastes.

"Storm drainage system" means all facilities, structures, and natural watercourses used for collecting and conducting stormwater to, through, and from drainage areas to the points of final outlet, including but not limited to any and all of the following: inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees and pumping stations.

"Storm drainage utility code" means this chapter of the Redding Municipal Code.

"Storm drainage utility division" means the storm drainage utility division of the department of municipal utilities of the city.

"Street cleaning" means the regular, periodic removal of silts, leaves, pollutants and other debris from the public streets of the city.

"Undeveloped land" means a parcel of land that is without any building, structure or improvement.

"Utility engineer" means the city engineer or his or her representative designated to assist the director of municipal utilities assigned to administer the functions of the storm drainage utility division.

(Ord. 2374 § 16 (part), 2006; Ord. 2283 § 6(A), 2001; Ord. 2061 § 1 (part), 1993)

14.18.030 - Organization of storm drainage utility division.



The storm drainage utility division shall have the responsibility for operating existing and new stormwater facilities; implementing and enforcing the provisions of this chapter; and other related duties as directed by the city manager.

(Ord. 2061 § 1 (part), 1993)

14.18.040 - Storm drainage utility division functions.



- A. The storm drainage utility division shall be responsible for the planning, design, and construction of the public storm drainage system in the city and shall inspect, operate, and maintain them. For the purpose of this chapter, storm drainage system is as defined in Section 14.18.020.
- B. Street cleaning shall be performed by the storm drainage utility division to reduce chemicals, hazardous materials, debris, and other pollutants from entering the storm drainage system.
- C. The storm drainage utility division shall be responsible for public information designed to educate and inform the general public on the need to reduce surface pollution.
- D. The storm drainage utility division shall be responsible for monitoring all state and federal regulations relating to storm drainage management and surface pollution reduction.

(Ord. 2061 § 1 (part), 1993)

14.18.050 - Rules and regulations.



In order to accomplish the purpose of this chapter to protect the drainage facilities, improvements and properties owned by the city; secure the best results from the construction, operation and maintenance thereof; and prevent damage and misuse of any of the drainage facilities, improvements, or properties within the city, the utility engineer under the direction of the director of municipal utilities may make and enforce rules and regulations that are approved by the city council, and are necessary and reasonable:

- A. To prescribe the manner in which storm drains, ditches, channels, and other stormwater facilities are to be designed, installed, adjusted, used, altered, or otherwise changed;
- B. To prescribe inspection and other fees permitted by this chapter;
- C. To prescribe the manner in which such facilities are operated;
- D. To facilitate the enforcement of this chapter;
- E. To prescribe the collection procedures and timing of service charge bills;
- F. To protect the drainage facilities, improvements, and properties controlled by the storm drainage utility division, and to prescribe the manner of their use by any public or private person, firm, or corporation;
- G. To protect the public health, safety and welfare.

(Ord. 2374 § 16 (part), 2006; Ord. 2283 § 6(B), 2001; Ord. 2061 § 1 (part), 1993)

14.18.060 - Erosion, siltation and sedimentation.



- A. The storm drainage utility division shall be responsible for controlling erosion, siltation, and sedimentation that will adversely affect storm drains, drainage ditches, watercourses, and other drainage facilities after the improvements have been constructed and are accepted for maintenance and operation.
- B. The storm drainage utility division shall not be responsible for erosion, siltation, and sedimentation for projects of other governmental agencies having erosion control plans unless the agencies do

not fulfill their surveillance and enforcement policies.

(Ord. 2061 § 1 (part), 1993)

14.18.070 - Prohibited discharges.



The willful or negligent disposal of petroleum products (oil and grease), pesticides, fertilizers, household or industrial chemicals, industrial process wastewater, domestic sewage, animal waste, or other pollutants onto private or public property or into the storm drainage system is prohibited.

(Ord. 2061 § 1 (part), 1993)

14.18.080 - Compliance by industrial users with federal and state standards.



- A. All industrial activities shall comply with the strictest of any applicable federal or state standards or regulations covering discharge of stormwater or surface water, including but not limited to those adopted pursuant to the Clean Water Act, PL 95-217, as amended, and the National Pollutant Discharge Elimination System (NPDES).
- B. Any industrial activity not complying with the standards or regulations as required by subsection thereof may be required by the director to develop and implement a compliance schedule for any measures or facilities as may be necessary to meet said standards and regulations.
- C. Industrial activities required to obtain NPDES permits regulating the discharge of stormwater and surface water to the city's storm drainage systems shall notify the director that they are subject to such permit. Notice shall be made in writing within thirty days before such activity commences. The NPDES permit holders shall notify the director immediately by telephone upon discovery of any discharge in violation of their permit.
- D. The director or a representative shall have access to the site of the industrial activity regulated by a NPDES industrial stormwater permit, for purposes of inspection and monitoring, upon notice to the designated representative of the NPDES permit holder.

(Ord. 2061 § 1 (part), 1993)

14.18.090 - Multiple fund projects.



Where a public improvement is funded by the city and other agencies or organizations, and storm drainage is not a primary part of that project, the storm drainage utility division's responsibility for the storm drainage costs shall be in proportion to the city's share of the total cost of the project, unless otherwise agreed.

(Ord. 2061 § 1 (part), 1993)

14.18.100 - Flood control structures.



The maintenance of pump stations which are built as a part of the city's storm drain system shall

be a function of the storm drainage utility division.

(Ord. 2061 § 1 (part), 1993)

14.18.110 - Private facilities.



- A. The owner shall be responsible for stormwater drainage facilities located on their private property where runoff will principally be collected within that property. The owner shall clean and maintain the facility or channel as required to ensure proper operation consistent with the rules and regulations of the storm drainage utility division.
- B. Where public facilities are in easements, the owner of the property is responsible for aesthetic maintenance such as lawn mowing, litter pickup, etc. The owner shall place no structures or plantings that interfere with the drainage facility or its operation and maintenance. The owner shall not deposit any clippings, debris, or other material in the storm drain system, either public or private.

(Ord. 2061 § 1 (part), 1993)

14.18.120 - Public facilities.



The storm drainage utility division shall be responsible for the inspection, maintenance, and operation of drainage facilities on all streets, boulevards, alleys, viaducts, sidewalks, curbing, street crossings, grade separations, and other public ways and easements, and highway structures and appurtenances belonging to the city, and all drains, ditches, culverts, canals, streams, levees, tunnels, and appurtenances thereof.

(Ord. 2061 § 1 (part), 1993)

14.18.130 - Ancillary improvements.



The utility engineer upon approval of the director may authorize the construction of curbs, pavements, channels, watercourses, conduits, culverts or other structures necessary to properly operate and maintain storm water facilities.

(Ord. 2283 § 6(C), 2001; Ord. 2061 § 1 (part), 1993)

14.18.140 - Routine and remedial maintenance.



The utility engineer shall provide for inspection and routine maintenance of facilities under the control of the storm drainage utility division. In addition to street sweeping, maintenance may include catchbasin cleaning, grating and casting repair, inlet and outlet structure repair, bridge surface drainage systems cleaning, channel clearing, erosion repair, and other incidentals. The utility engineer shall provide for remedial maintenance of facilities based on the severity of the problem and potential hazard to the public. Remedial maintenance of bridge surface drainage systems and state highway drainage facilities shall remain the responsibility of agencies other than the storm drainage utility division.

(Ord. 2283 § 6(D), 2001; Ord. 2061 § 1 (part), 1993)

14.18.150 - Emergency situations.



Nothing in this chapter shall be construed to prevent immediate action by the director in emergency situations.

(Ord. 2061 § 1 (part), 1993)

14.18.160 - Land and facilities affected outside the city.



Where stormwater drains from lands outside the city, facilities within the city shall be designed in accordance with this chapter as if the entire drainage area was within the city.

(Ord. 2061 § 1 (part), 1993)

14.18.170 - National flood insurance program.



- A. The storm drainage utility division shall assist the planning department in the administration of the National Flood Insurance Program.
- B. The storm drainage utility division shall assist the development services department in the review of detailed site plans submitted with applications for permits for development in areas of special flood hazard. The review shall be based on the Flood Insurance Study and the Floodway Boundary and Floodway Map furnished by the Federal Emergency Management Agency. The storm drainage utility division shall provide the planning department with such information as required. It will assist in appeals, public information, map reviews, flood profile determinations, and other calculations and consultations required in the administration of the program.

(Ord. 2374 § 16 (part), 2006; Ord. 2061 § 1 (part), 1993)

14.18.180 - Flooding—Liability.



Floods from stormwater runoff may occasionally occur which exceed the capacity of storm drainage systems constructed, operated, or maintained by funds made available under this chapter. This chapter does not imply that property subject to the fees and charges established herein will always be free from stormwater flooding or flood damage, or that storm drainage systems capable of handling all storm events can be cost-effectively constructed, operated, or maintained. Nor shall this chapter create a liability on the part of, or cause of action against, the city or any officer or employee thereof for any flood damage that may result from such storms or the runoff thereof. Nor does this chapter purport to reduce the need or the necessity for obtaining flood insurance.

(Ord. 2061 § 1 (part), 1993)

14.18.190 - Master plan.



The utility engineer shall establish and maintain a master plan for a storm drainage system to handle the stormwater runoff.

(Ord. 2061 § 1 (part), 1993)

14.18.200 - Encroachment permits and plan review.



- A. It is unlawful for any person or organization to construct, enlarge, alter, repair, relocate, or demolish a storm drain, natural watercourse, or other drainage facility, without first filing an application and obtaining an encroachment permit from the department of transportation and engineering. An application shall be made by the owner of the property involved, or an authorized agent employed in connection with the proposed work. Permits for minor repairs, as defined in Section 14.18.050 of the rules and regulations, shall not be required. Minor repairs are that work that merely restores a facility to its former function and has no potential to disrupt the functioning of that facility or to cause increased erosion or other negative impact on the public or the environment.
- B. Encroachment permits are required and may be granted by the department of transportation and engineering for the following improvement categories:
 - 1. Connection into the public storm drainage system, except unimproved creeks or streams;
 - 2. Improvements which are or will become public facilities owned and maintained by the city;
 - 3. Improvements within dedicated but unimproved street rights-of-way;
 - 4. Improvements which are, or will be, public retention or detention facilities.
- C. Connection into a storm drainage system shall be performed only by contractors who meet the following requirements:
 - 1. They shall have the appropriate license issued by the city, county or state;
 - 2. They have posted a bond with the city in the amount determined by the department of transportation and engineering; and
 - 3. They provide insurance as required by the city's risk manager.

(Ord. 2374 § 16 (part), 2006; Ord. 2363 § 1, 2006; Ord. 2061 § 1 (part), 1993)

14.18.210 - Construction of storm drains.



In appropriate circumstances as determined by the city, where private developers construct a main storm drain pipeline at the city's requirement greater in size than is needed for the private developer's own development, the city may contribute to the cost of such oversizing or increased depth.

Where the city's master storm drain plan requires a storm drain pipeline to be constructed greater in size than required for the applicant's development, the city shall assume the incremental cost of oversizing the storm drain to satisfy the master storm drain plan. The city will pay the invoice pipe price difference between the size needed for the development and the size recommended in the master storm drain plan, plus fifteen percent, provided an agreement is entered into with the city prior to commencement of work and when funds are available. All agreements and/or contracts shall be approved by the city council before work commences.

(Ord. 2061 § 1 (part), 1993)

14.18.220 - Right of entry for survey and examination.

- A. After presenting proper credentials and securing permission, the employees of the storm drainage utility division or its agents, including contractors and their employees, consultants and their employees, may enter upon lands within the city to make surveys and examinations to accomplish the necessary preliminary findings to establish a master plan and for detailed analysis to prepare final plans and specifications for the proposed improvements.
- B. Where improvements are constructed and accepted that require periodic maintenance or inspection upon the lands by the storm drainage utility division, the owner of such lands shall grant the city a perpetual easement and right-of-entry around and access to any storm drainage system.

(Ord. 2061 § 1 (part), 1993)

14.18.230 - Inspection and surveillance.

The utility engineer shall inspect premises and enforce all laws relating to construction, alteration, repair, removal, demolition, equipment, use, location, and maintenance of the storm drainage system except as may be otherwise provided for.

(Ord. 2061 § 1 (part), 1993)

14.18.240 - Notice of violations.

When the utility engineer finds the storm drainage system or the construction thereof is contrary to the approved plans or presents an unsafe or dangerous condition in connection with the provisions of this chapter or of any law or ordinance relating to the same subject matter, the utility engineer shall give notice to the owner of the premises.

(Ord. 2061 § 1 (part), 1993)

14.18.250 - Establishment of connection charges and service rates.

The city council may from time-to-time, at its discretion and by resolution, fix, alter, change, amend, or revise all connection charges and service rates in connection with the storm drainage system.

(Ord. 2061 § 1 (part), 1993)

14.18.260 - Rates—Standards.

In fixing and establishing storm drainage rates for service within the corporate limits of the city, the city council shall be guided by and must conform to and abide by the provisions of this section. Storm drainage rates shall be sufficient to produce sufficient revenue to pay all the costs of operation and

maintenance of the storm drainage utility division and the storm drainage system, and to discharge and pay all costs in connection with the additions and betterments to the storm drainage system, and to discharge and pay all costs of depreciation and obsolescence of the storm drainage system, and to discharge and pay the bonded indebtedness, including the principal and interest amounts thereof, incurred by the city to construct the storm drainage system, and to establish and maintain a reserve fund.

(Ord. 2061 § 1 (part), 1993)

14.18.270 - Funding.



Funding for storm drainage utility division activities may include, but shall not be limited to:

- A. Storm drainage service charge;
- B. Permit and inspection fees;
- C. Direct Charges. This charge will be collected from the owner(s) and developer(s) for the cost of designing and constructing storm drainage systems and administrative costs and related expenses where the storm drainage utility division designs and/or constructs or contracts for the construction of such systems;
- D. Development Fees. The storm drainage impact fee is set forth in RMC Section 16.20.110. The fee is based upon a calculation of net impervious acres attributable to each type of new development;
- E. Special Benefit Charge. This charge will be collected from owners of new development in localized areas that require storm drainage facilities not considered a part of the regional development of storm drainage systems. Any such charge, as an additional development impact fee, must comply with the provisions of the State Mitigation Fee Act, beginning with Government Code Section 66000, and must be adopted by ordinance pursuant to State Health and Safety Code Section 5471;
- F. Other income obtained from federal, state, local, and private grants, or revolving funds.

(Ord. 2283 § 6 (part), 2001: Ord. 2061 § 1 (part), 1993)

14.18.280 - Storm drainage fund.



All revenues generated by or on behalf of the storm drainage utility division, including storm drainage service charges, permit and inspection fees, and direct charges and interest earnings on those revenues, shall be deposited in a storm drainage fund and used exclusively for storm drainage utility division purposes.

(Ord. 2061 § 1 (part), 1993)

14.18.290 - Storm drainage service charge.



A storm drainage service charge is imposed on each developed lot and parcel of land within the city, and the owner thereof, excepting therefrom streets, arterials, alleys, viaducts, sidewalks, curbing,

street crossings, grade separations, other public ways and easements, and highway structures and appurtenances belonging to the city. Charges and fees set forth in this chapter shall be adopted by resolution of the city council.

- A. Undeveloped land and open-space shall be exempted from storm drainage service charges.
- B. Public and private residential road and freeway rights-of-way shall be exempted from the storm drainage service charge because they function as part of the storm drainage system.

(Ord. 2061 § 1 (part), 1993)

(Ord. No. 2504, § 1, 2-18-2014)

14.18.300 - Classification of property user groups.



There shall be the following classifications based on use of property for determination of the storm drainage service charge:

- A. Commercial:
 - 1. Industrial, service commercial, retail, and highway commercial,
 - 2. Office, office residential, airport service,
 - 3. Mobile home parks;
- B. Public or institutional;
- C. Residential:
 - 1. Single-family residential,
 - 2. Multifamily residential.

(Ord. 2061 § 1 (part), 1993)

14.18.310 - Land use impervious acreage factor (IAF).



Land uses are identified and recognized for purposes of this chapter, each of which has an assigned impervious acreage factor (IAF). The land use of each property shall be assigned based on the records of the county recorder or auditor, the city, or through field examination or photogrammetric analysis.

Impervious Acreage Factor

(based on parcel area)

A. Commercial	
1. Industrial, service commercial, hotel, retail and highway commercial.	0.950
2. Office, office residential, motel, and airport service	0.800

B. Public or institutional	0.700
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(Ord. 2061 § 1 (part), 1993)

14.18.320 - Monthly service charge.



- A. The total impervious acreage for all developed parcels shall be calculated using the IAF for each, or actual measurements, or any other approved methods.
- B. The annual revenue requirement of the storm drainage utility division will then be allocated to developed residential and nonresidential lands in proportion to their total impervious acreage to determine an annual revenue requirement per impervious acre based upon the fee schedule in effect.
- C. The revenue requirement per impervious acre will be the allocated monthly revenue requirement for impervious acre multiplied by twelve.
- D. The service charge for commercial and public or institutional land use classifications shall be calculated based on the total impervious acreage for the developed parcels using the IAF for each, or actual measurements, or any other approved methods, times the revenue requirement per impervious acre.
- E. The service charge for single-family residential shall be based on the estimated impervious area of .08 acres per unit for that land use classification times the revenue requirement per impervious acre.
- F. The service charge for multifamily residential shall be based on the estimated impervious area of .05 acres per unit for that land use classification times the revenue requirement per impervious acre.

(Ord. 2061 § 1 (part), 1993)

(Ord. No. 2504, § 1, 2-18-2014)

14.18.330 - Billing and collection.



Billing, collection, and imposing of service charges shall be as directed by the city council.

(Ord. 2061 § 1 (part), 1993; Ord. No. 2504, § 1, 2-18-2014)

14.18.340 - Board of appeals.



- A. A board consisting of the director, the utility engineer, and the city attorney, or representatives appointed by them, shall serve as the board of appeals to hear and determine any appeal filed with the storm drainage utility division.
- B. The city council shall have full authority to affirm, modify, reverse, or set aside the interpretation, ruling, or order appealed from, or to grant a variance, and its decision shall be final.

(Ord. 2061 § 1 (part), 1993)