

1 Therefore, to help alleviate existing and future degradation of the state's waters and the associated
2 risks to public health and safety, and to comply with federal stormwater management
3 requirements, stormwater conveyance systems must be maintained and improved.

4 **45-60-3. Declaration of purpose.** – The purpose of this chapter is to authorize the cities
5 and towns of the state to adopt ordinances creating stormwater management and utility districts
6 (SMUD), the boundaries of which may include all or part of a city or town, as specified by such
7 ordinance. Such ordinances shall be designated to eliminate and prevent the contamination of the
8 state's waters and to operate and maintain existing stormwater conveyance systems.

9 **45-60-4. Powers of councils.** – The city or town council of any city or town in the state,
10 by itself or pursuant to chapter 45-43, and in accordance with the purposes of this chapter, are
11 hereby authorized to adopt ordinances creating storm water management and utility districts,
12 which will be empowered, pursuant to such ordinance, to:

- 13 (1) establish a fee system;
- 14 (2) prepare long range stormwater management master plans;
- 15 (3) retrofit existing structures to improve water quality or alleviate downstream flooding
16 or erosion;
- 17 (4) properly maintain existing structures within the district;
- 18 (5) borrow for capital improvement projects by issuing bonds or notes of the city or town;
- 19 (6) hire personnel to carry out the functions of the districts;
- 20 (7) receive grants or funding from state and federal water quality programs. The fee
21 system shall be reasonable and equitable so that each contributor of runoff to the system,
22 including state agencies, shall pay to the extent to which runoff is contributed. Criteria for
23 implementing a stormwater management and utility district shall be in accordance with
24 regulations and model ordinances promulgated under this chapter.

25 Cities or towns that have not adopted a soil erosion and sediment control ordinance as
26 provided under chapter 45-46 are not eligible to establish stormwater management and utility
27 districts under this chapter.

28 SECTION 2. This act shall take effect upon passage.

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LC01685
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES

- 1 This act would enable cities and towns to create Stormwater Management Districts and
- 2 would give and towns powers to manage them.
- 3 This act would take effect upon passage.

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