CHAPTER 101

STORMWATER UTILITY

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101.01 PURPOSE. The purpose of this chapter is to establish a Stormwater Utility and provide a means of funding the construction, operation and maintenance of storm water management facilities, including but not limited to, detention and retention basins, storm water sewers, inlets, ditches and drains, and cleaning of streets The Council finds that the construction, operation and maintenance of the City's storm and surface water drainage system should be funded through charging users of property which may connect or discharge directly, or indirectly, into the storm and surface water drainage system.

101.02 DEFINITIONS. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. "Connection" means the physical act or process of tapping a public storm water sewer or drainage line or joining onto an existing side sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system. A property, whether unimproved or containing impervious surface, is presumed to discharge storm water to the storm and surface water drainage system, and to generate a demand for storm and surface water drainage services.

2. "Occupant" means the person residing or doing business on the property. In a family household situation, the occupants responsible for the obligations herein imposed are the adult heads of the household, jointly and severally. In a dwelling or office sharing situation, the adult occupant legally responsible for the management or condition of the property is responsible.

3. "Storm and surface water drainage system" means any combination of publicly owned storm and surface water quantity and quality facilities, pumping or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water comprising the total publicly owned storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.

4. "User" means any person who uses property that maintains connection to, discharges to the storm and surface water drainage system, or otherwise receives services from the City for stormwater management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.

101.03 STORMWATER DRAINAGE SYSTEM DISTRICT ESTABLISHED. Pursuant to the authority of Section 384.84(5) of the *Code of Iowa*, the entire City is hereby declared a Stormwater Drainage System District for the purpose of establishing, imposing, adjusting and providing for the collection rates for the operation and maintenance of stormwater management facilities. The entire City, as increased from time to time by annexation, shall constitute a single Stormwater Drainage System District.

(Code of Iowa, Sec. 384.84[5])

101.04 CHARGES AND FEES IN GENERAL. The Council may adopt by ordinance the charges, rates, and fees for the use of the City's storm and surface water drainage system, and for services provided by the City relating to that system. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City's storm and surface water drainage system, and for services of the City.

101.05 STORMWATER UTILITY USER CHARGE. Each user shall pay a monthly user charge for the operation and maintenance of the storm and surface water drainage system service provided by the City based on the primary purpose of such user's property. The following fees shall be charged to each user:

Residential Dwelling	$13.50
Commercial	$13.50
Educational	$13.50
Governmental	$13.50
Religious/Non-profit	$13.50
Industrial	$13.50
Undeveloped Property (per user)	$13.50

If a user occupies several parcels of undeveloped property, such user shall only be required to pay a total fee of $13.50 monthly for all such undeveloped parcels.

101.06 PAYMENT OF BILLS. All Stormwater Drainage System District charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. All City services may be discontinued in accordance with the provisions contained in Section 92.05 if the account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

(Code of Iowa, Sec. 384.84[2b and 2d])

101.07 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and maintenance of the storm water management facilities. Any such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84[3a])

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