

## CHAPTER 101

# STORM WATER DRAINAGE UTILITY

101.01 Purpose

101.02 Definitions

101.03 Storm Water Drainage System District Established

101.04 Rates Categories

101.05 Rates

101.06 Use of Fund

101.07 Governing Board

**101.01 PURPOSE.** The purpose of this chapter is to establish a Storm Water 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 on 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 natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.
2. "Customer" means, in addition to any person receiving storm water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.
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 the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and other publicly owned facilities for the collection, conveyance, treatment, and disposal of 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, or otherwise receives services from the City for storm water management. An occupant who receives services from the City for storm water management is deemed the user. If the property is not occupied, the person who has the right to occupy it is deemed the user.

**101.03 STORM WATER 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 Storm Water Drainage System District for the purpose of establishing, imposing,

adjusting, and providing for the collection of rates for the operation and maintenance of storm water management facilities. The entire City, as increased from time to time by annexation, shall constitute a single Storm Water Drainage System District.

**101.04 RATES CATEGORIES.** Billing rates are divided into categories, as follows:

1. Residential: single-family residential and duplex family dwelling units used for residential (i.e., non-commercial) purposes.
2. Commercial: triplex and multi-family dwelling units (including condominiums, apartment units, and town homes).
3. Commercial and Industrial Uses:
  - A. Small: commercial (including not-for-profit commercial users) with less than a 7,000 square foot impervious coverage area.
  - B. Medium: commercial (including not-for-profit commercial users) with more than 7,000 and less than a 30,000 square foot impervious coverage area.
  - C. Large: commercial (including not-for-profit commercial users) with more than a 30,000 square foot impervious coverage area.

Triplex and multi-family dwelling units shall pay the applicable commercial rate, but the residential rate shall not be imposed on individual dwelling units. Square footage is determined by adding the square footage of both contiguous and noncontiguous impervious coverage areas together to measure the total square footage of impervious coverage areas on the property.

**101.05 RATES.** The billing rates are as follows:

| Category            | Monthly Rate |
|---------------------|--------------|
| Residential         | \$ 2.00      |
| Commercial – Small  | \$ 4.00      |
| Commercial – Medium | \$ 10.00     |
| Commercial – Large  | \$ 20.00     |

**101.06 USE OF FUND.** The money paid and collected pursuant to this chapter shall be held by the City in a special fund to be expended only for the purpose of constructing, operating, managing, repairing, and maintaining all kinds of conduits, drains, storm water detention devices, flow impediments, ponds, ditches, sloughs, filter strips, rip-raps, erosion control devices, and any other things and activities useful to the proper control management, collection, drainage, and disposition of storm water in the City.

**101.07 GOVERNING BOARD.** The governing board of the Storm Water Drainage Utility is the City Council. The Storm Water Drainage Utility shall be under the direction, management, and control of the City Administrator, who shall function as its Director. In that capacity, the Director shall supervise the day-to-day operation of the Storm Water Drainage Utility, shall enforce this chapter and the provisions of all ordinances and regulations adopted pursuant to this chapter and shall carry out the policy directives of the Council acting in its role as governing body of the Storm Water Drainage Utility.

[The next page is 525]