

## STORM WATER MANAGEMENT UTILITY

### §204A.1 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. *Bonds* means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.
- B. *User* means any person owning, operating, or otherwise responsible for property within the city which directly or indirectly discharges stormwater or surface or subsurface waters to any portion of the stormwater management system, including direct or indirect discharges to the city's stormwater drainage system, or which is directly or indirectly protected by the city's flood protection system or stormwater drainage system. The term "user" means any person responsible for the direct or indirect discharge of stormwater or surface or subsurface waters to the city's stormwater drainage system.
- C. *Costs of construction* means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs of the following:
  - (1) Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore;
  - (2) Physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith;
  - (3) Architectural, engineering, legal and other professional services;
  - (4) Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation;
  - (5) Any taxes or other charges which become due during construction;
  - (6) Expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
  - (7) Principal and interest on any bonds; and

(8) Miscellaneous expenses incidental thereto.

- D. *Debt service* means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt.
- E. *Director* means the city engineer as director of the stormwater management utility.
- F. *Equivalent residential unit or ERU* means the average impervious area of residential developed property per dwelling unit located within the city as periodically determined and established as provided in this division, which has been determined by the City to be 2,973 square feet of impervious surface area.
- G. *Operating budget* means the annual operating budget for the stormwater management utility adopted by the city council for the succeeding fiscal year.
- H. *Revenues* means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the city, all as calculated in accordance with sound accounting practice.
- I. *Stormwater drainage system, or "system"*, means the system of creeks, ditches, drainage channels, pipes, basins, street gutters, and lakes within the city on city owned property to the extent authorized by any conveyance, through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited. This does not include, rivers, streams, creeks or natural drainage area, easements or drainage ways situated on private property.
- J. *Stormwater management utility or utility* means the enterprise fund utility created by this division to operate, maintain and improve the system and for such other purposes as stated in this division.

May 9, 2016 – Ordinance 2810

**§204A.2 Declaration of purpose; establishment of district.**

- A. The city council finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the city and its residents that a stormwater management utility district be established within the city. Consequently, pursuant to I.C. § 384.84(1), a stormwater management utility district, to be known as The Waukee Stormwater Management Utility, is established, and it is ordained and declared that the property located within the City Limits of the City of Waukee

shall be and constitute the stormwater management utility district, and that the utility shall comprise and include elements of the city's stormwater drainage and flood protection systems which provide for the collection, treatment and disposal of stormwater, surface water, and groundwater. It is further found, determined, and declared that the elements of the stormwater management utility are of benefit and provide services to all real properties within the incorporated city limits, including property not directly served by the stormwater drainage system, and that such benefits and services may include but are not limited to the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazard to property and life resulting from stormwater runoff and flooding; improvement in general health and welfare through reduction of undesirable stormwater conditions and flooding; and improvement to the water quality in the stormwater and surface water system and its receiving waters.

- B. It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety and convenience of the city and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge stormwater or surface or subsurface waters, directly or indirectly, to the city stormwater drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair, replacement and debt service for construction of the stormwater drainage and flood protection improvements comprising the stormwater management utility.

**§204A.3 Powers, duties and responsibilities.**

The stormwater management utility shall have the following powers, duties, and responsibilities:

- A. Prepare ordinances as needed to implement this division and forward the ordinances to the city council for consideration and adoption, and adopt such regulations and procedures as are required to implement this division and carry out its duties and responsibilities.
- B. Administer the acquisition, design, construction, maintenance and operation of the utility system, including capital improvements designated in the comprehensive drainage plan.
- C. Administer and enforce this division and all ordinances, regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility system, including but not limited to the quantity, quality and/or velocity of the stormwater conveyed thereby.
- D. Inspect private systems as necessary to determine the compliance of such systems with this division and any ordinances or regulations adopted pursuant to this division.

- E. Prepare and revise a comprehensive drainage and flood protection plan for periodic review and adoption by the city council.
- F. Review plans, approve or deny, inspect and accept extensions to the stormwater drainage system.
- G. Establish and enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by state, regional and/or federal agencies as adopted or amended.
- H. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the utility, and make recommendations regarding adjustments to such fees, charges, fines and other revenues.
- I. Prepare an annual operating budget for the utility and make recommendations regarding the financing of the cost of extending and replacing the system.

§204A.4 **Organization.** The city council shall be the governing body of the stormwater management utility. The stormwater management utility shall be under the direction, management and control of the Public Works Director who shall function as its director. In that capacity, the director shall supervise the day-to-day operation of the stormwater management utility, shall enforce this division and the provisions of all ordinances and regulations adopted pursuant to this division and shall carry out the policy directives of the city council acting in its role as governing body of the stormwater management utility.

§204A.5 **Stormwater Service Charges Required.** Every customer whose premises is served by a connection with the stormwater management system and facilities of the City of Waukee, either directly or indirectly, shall pay to the City stormwater service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the stormwater management system and facilities and at least sufficient to pay the principal and interest related to Bonds issued for the purpose of financing all or part of those costs, and sufficient to comply with any covenants or conditions associated with any such Bonds so issued.

§204A.6 **Effective Date of Stormwater Service Charges.** Stormwater service charges shall accrue beginning July 1, 2006 and shall be billed monthly thereafter to all customers.

§204A.7 **Basic Rate.** Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, as a part of the customers combined service account with the Waukee Utility Billing Department, at the same time payment for other City utilities are made, the following charges per Equivalent Residential Unit associated with the customer's property:

A. Undeveloped. A flat storm sewer availability charge at the rate of \$0.00 per month.

B. Residential. A storm sewer availability charge, regardless of the amount of the consumption by such customer, will be based on the following schedule:

Commencing July 1, 2018 - \$6.00 per month

C. Commercial/Industrial. A storm sewer availability charge will be based on the following schedule:

Commencing July 1, 2018 - \$6.00 per ERU per month

The number of Equivalent Residential Units (ERU) on each property shall be calculated by the Engineering Department based on the most recent aerial photograph available to the City of Waukee and/or impervious surface data from an approved Site Plan for the property.

Stormwater fee billing will begin upon water meter installation.

April 4, 2016 – Ordinance 2803

April 16, 2018 – Ordinance 2885

October 15, 2018 – Ordinance 2904

§204A.8 **Rate Appeals.** Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

A. An appeal must be filed in writing with the City of Waukee City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.

B. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

C. In response to an appeal, the City Administrator may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.

D. A decision of the City Administrator which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be

served on the appellant by registered mail, sent to the billing address of the appellant.

E. All decisions of the City Council shall be final.

§204A.9 **Exemption From Fees; Special Conditions.** In special conditions, the City Administrator of the City of Waukee may, upon a written request for an exemption of fees filed with the Utility Billing Department, grant fee payment and collection variances after determining that granting the variance would be in the City's best interest, will improve efficiency, safety and is practical. Upon granting of any variance, the City Administrator shall file notice with the City Council giving reason(s) for the variance.

§204A.10 **Billing for Stormwater Service.** Billing and payment for stormwater services shall be in accordance with the following:

- A. **Bills Issued.** The Utility Billing Department shall prepare and issue bills for stormwater service on or before the last day of the month following each monthly billing period which shall be billed on the Customers combined service account.
- B. **Bills Payable.** Bills for stormwater service shall be due and payable at Waukee City Hall by the twentieth (20<sup>th</sup>) of the month following the end of each monthly billing period.
- C. **Late Payment Penalty.** Bills not paid when due shall be considered delinquent. A late payment penalty of one and one-half percent (1 ½ %) of the amount due shall be added to each delinquent bill.
- D. **Returned Checks.** A fee, as set forth in the fee schedule established by the City Council of the City of Waukee, shall be charged for all checks not honored by the bank.

§204A.11 **Lien for Non-Payment.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for stormwater service charges to the premises. Stormwater service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and may be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

§204A.12 **Lien Notice.** A lien for delinquent stormwater service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate person by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

§204A.13 **Discontinuance of Service.** After giving reasonable notice, the Director of Public Works may discontinue water service to any customer who has failed to pay the amounts due and owing under this chapter and who has not contested the payment therefore in good faith.

§204A.14 **Annual Revision of Rates.** The City will review the stormwater service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

June 5, 2006 – Ordinance 2582