

CHAPTER 170

STORM WATER DRAINAGE UTILITY

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170.01 PURPOSE. The purpose of this chapter is to establish a Storm Water Drainage 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.

170.02 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 the creation or maintenance of impervious surface(s) that causes or may 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 drainage system.
2. **“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 associated therewith, 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 within the City, to which sanitary sewage flows are not intentionally admitted.

3. **“Unit”** means each household, place of commerce, education, government, religion, or industry, whether in a single building on a single lot, or in a multiple-use building on a single lot or multiple lot complexes. Each unit shall be charged individually, but where the complex is billed under one combined service account, the recipient of that bill shall be deemed the user and receive the total combined storm water drainage system district charge for that complex.

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. The occupant of occupied property is deemed the user. But where a complex is billed under one combined service account, the recipient of that bill shall be deemed the user and receive the total combined storm water drainage system district charge for that complex. If the property is not occupied, the person who has the right to occupy it shall be deemed the user. If it is not possible, after reasonable inquiry, to determine the rightful occupant of the occupied property, the owner(s), individually or severally, shall be deemed to be the user(s). The City of Urbana, as the owner of public properties within the City, shall be exempt from the provisions of this chapter.

5. **“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 2,000 square feet of impervious surface area.

6. **“Impervious Area”** means the number of square feet of hard-surfaced areas which either prevent or retard the entry of water into soil mantle, or cause water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions as undeveloped property; including but not limited to: roofs, roof extensions, patios, porches, driveways, sidewalks, pavement and athletic courts.

170.03 STORM WATER DRAINAGE UTILITY ESTABLISHED. Pursuant to the authority of Section 384.84(5) of the Code of Iowa, as most recently amended, the entire territorial limits of the City is hereby declared to fall within the jurisdiction of the Storm Water Drainage Utility 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 the area covered by this Storm Water Drainage Utility.

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

170.04 RATES. Each user shall pay for storm and surface water drainage service provided by the City. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on each “Unit”. The rate/charges shall be billed as part of the User’s combined service account. (*Combined Service Account* meaning a customer service account for the provision of two or more utility services.) The City may adopt rules, charges, rates, and fees for the use of the City’s storm and surface water system and for services provided by the City related thereto. Such rules may include delinquency fees, interest charges and/or penalties. 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 Storm Water Management Facilities/Storm and Surface Water Drainage System(s), the costs of bond repayment, regulation, administration, and the services of the City.

The following charges per Equivalent Residential Unit (ERU) associated with the users's property:

1. Undeveloped. A flat storm sewer availability charge at the rate of \$0.00 per month.
2. Single-Family and Townhome Residential: \$3.00 per ERU per month up to a maximum of 2 ERUs.
3. Commercial/industrial/multi-family: \$3.00 per ERU per month up to a maximum of 15 ERUs.

Example Fee Calculation:

Home+garage sq ft = 2,900

$2,900 / 2000(1 \text{ ERU}) = 1.45 \text{ ERUs} * \$3 \text{ per ERU} = \$4.35 \text{ billed for storm sewer.}$

The number of Equivalent Residential Units (ERU) on each property shall be calculated by the City Clerk based on the most recent aerial photograph available to the Benton County Assessor's Office and/or impervious surface data as prepared by a licensed engineer or surveyor for the property. Stormwater fee billing will begin upon water meter installation.

Rate Appeals.

City staff will review all rate and ERU inquiries from customers to ensure the ERU has been correctly applied to a property. Following this review, any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the City of Urbana City Clerk and include all necessary information to support the request for an appeal.
2. If it is deemed necessary, 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.
3. Using the information provided by the appellant, the City Clerk shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
4. In response to an appeal, the City Clerk may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
5. A decision of the City Clerk 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.
6. All decisions of the City Council shall be final.

The stormwater management fee shall not apply:

1. To properties owned by the United States, or any publicly owned rights of way used for the purposes of streets, sidewalks, trails or other public utilities.

170.05 PAYMENT OF BILLS. All Storm Water Drainage Utility charges shall be 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 combined service account becomes delinquent, and the provisions contained in Sections 92.07 and 92.08 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account.

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

170.06 LIEN FOR NONPAYMENT. 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])

170.07 USE OF GENERATED REVENUES. The City shall hold all funds generated from the enactment of this Ordinance in one fund to be used for the management, construction and/or maintenance of Municipal Storm Water management systems.