

Chapter 13.33 STORMWATER MANAGEMENT AND DRAINAGE SYSTEMS UTILITY

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13.33.010 Purpose and objective.

The city council finds, determines and declares that the stormwater drainage system, which provides for the collection, treatment, storage, and disposal of stormwater provides benefits and services to all property within the city limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters. (Ord. 2005-64 § 1 (part)).

13.33.020 Creation of a stormwater management and drainage systems utility.

The function of the stormwater management and drainage systems utility within the department of public works is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems; to fund activities of stormwater management, and include design, planning, regulations, education, coordination, construction, operations, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare, and safety. (Ord. 2005-64 § 1 (part)).

13.33.030 Definitions.

A. “Adjustment” means a modification in a nonresidential customer’s stormwater service fee for certain activities that impact stormwater runoff or impacts the city’s costs of providing stormwater management.

B. “Apartment/condominium property” means a lot or parcel of real estate on which is situated a building containing three or more single-family dwelling units.

C. “Developed agricultural property” means a lot or parcel of real estate used as a “farm”, as defined in Section 17.04.220 which may contain one or greater dwelling units and/or other building structures but does not include undeveloped properties.

D. “Director” means the director of the department of public works or designee.

E. “Duplex” means a lot or parcel of real estate for property tax purposes on which is situated a building containing two single-family dwelling units.

F. “Equivalent residential unit (ERU)” means a value, equal to two thousand six hundred square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the city of Davenport.

G. “Impervious area” means areas that have been paved and/or covered with buildings and materials, which include, but are not limited to, concrete, asphalt, rooftop, gravel, and blacktop.

H. “Nonresidential properties” means all properties not encompassed by the definition of residential shall be defined as nonresidential. Nonresidential properties shall include:

Developed agricultural properties;

Apartment building properties;

Condominiums properties;

Mobile home parks;

Commercial property;

Industrial property;

Institutional property;

Governmental property;

Churches;

Schools;

Federal, state and local properties; and

Any other property not mentioned in the lists of properties.

I. "Residential property" means all single-family and duplex properties within the city of Davenport.

J. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

K. "Stormwater facilities" means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins and other structural components.

L. "Storm sewer" means a sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.

M. "Stormwater service charge" means a charge assessed to users of the city's stormwater collection, impounding and transportation system.

N. "Stormwater drainage system" means all man-made facilities, structures, and natural watercourses owned by the city of Davenport, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

(Ord. 2005-64 § 1 (part)).

13.33.040 Funding the stormwater management and drainage systems utility.

Funding for the stormwater management and drainage systems utility's activities may include, but are not limited to: stormwater service charges; stormwater permits and inspection fees; other funds or income obtained from federal, state, locals, and private grants, or loans. (Ord. 2005-64 § 1 (part)).

13.33.050 Stormwater management and drainage systems utility fund.

All service charges and all sources of revenue generated by or on behalf of the stormwater management and drainage system utility shall be deposited in a stormwater management and drainage system utility

enterprise fund and used exclusively for management of the stormwater drainage system stormwater management and drainage systems utility. (Ord. 2005-64 § 1 (part)).

13.33.060 Stormwater management and drainage systems utility budget.

City council shall adopt an operating and capital budget for the stormwater management and drainage systems utility each fiscal year. The stormwater management and drainage systems utility budget shall set forth revenues for such fiscal year and estimated expenditures for operations, maintenance, improvements, replacement and debt service. (Ord. 2005-64 § 1 (part)).

13.33.070 Rate structure and stormwater service charge.

A stormwater service charge shall be assessed to each and every lot and parcel of land within corporate limits of the city of Davenport, that is tributary directly or indirectly to the stormwater drainage system of the city and the owner thereof that contains impervious area. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect and is hereinbefore provided, and in the amount determinable as follows:

A. Any property, lot, parcel of land, building or premises that is tributary directly or indirectly to the stormwater system of the city, shall be subject to a charge based upon the quantity of impervious area situated thereon. All properties having impervious area within the city of Davenport will be assigned an equivalent residential unit (ERU) or a multiple thereof, with all properties having any impervious area receiving at least one ERU, which shall be considered the base rate.

1. Residential properties. All residential will be assigned one ERU.

2. Nonresidential properties. Nonresidential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by two thousand six hundred square feet (one ERU). This division will be calculated to the first decimal place and rounded according to mathematical convention.

B. Base Rate. City council shall, by this chapter, establish the base rate per ERU for the stormwater management and drainage systems utility service charge. The base rate shall be calculated to insure adequate revenues to fund the expenditures of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system within the city limits. The base rate of one dollar and sixty cents per month per ERU is established with the following equation:

(Ord. 2005-64 § 1 (part)).

13.33.080 Stormwater only accounts.

Stormwater only accounts are properties that do not contain water and/or sanitary sewer and/or solid waste services but do contain impervious area or hard surface. New and additional stormwater only accounts will be determined by building and zoning departments and building permit system. The city of Davenport building division will make available all building permits for new construction to the director of public works or designee. (Ord. 2005-64 § 1 (part)).

13.33.090 Necessity for charges.

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with federal, state, and local laws and regulations that a system of charges for stormwater service be established which allocates the cost of providing stormwater service to each user in such a manner that the allocated costs are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined. (Ord. 2005-64 § 1 (part)).

13.33.100 Powers of director of public works.

Stormwater service charges incurred pursuant to this ordinance may be collected by the public works director or designee who is also responsible for the regulation, collection, rebating and refunding of such stormwater charges. (Ord. 2005-64 § 1 (part)).

13.33.110 Right to appeal.

A nonresidential property owner may challenge the ERU multiple assigned to the property by filing an appeal with the director of public works for adjustment thereof, stating in writing the grounds for the appeal. The public works director shall cause appropriate investigation thereof and report the findings to the appellant. The public works director shall consider the appeal and determine whether an adjustment of the ERU multiple for any such lot or parcel is necessary, and adjust such ERU multiple if appropriate. Said appeal must be filled within thirty days of notice of the initial establishment or change of the city's calculation of a property's impervious area being mailed to the owner's address as shown in the property tax system of the city. (Ord. 2005-64 § 1 (part)).

13.33.120 Collection.

Each stormwater service charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises that are tributary directly or indirectly to the stormwater system of the city, and, if the same is not paid within sixty days of invoice date, it shall be certified to the county treasurer, who shall place a lien on said property as allowed by law and be collected in the same manner as property taxes. (Ord. 2005-64 § 1 (part)).

13.33.130 Adjustments to stormwater service charges.

Increase adjustments (debit) can be made to nonresidential service charges by property owners adding additional impervious area such as rooftops, parking lots, driveways and walkways. Decrease (credit) adjustments can be made to nonresidential service charges by property owners performing activities that reduce the impact of stormwater runoff to the stormwater system or lessen the burden. (Ord. 2005-64 § 1 (part)).

13.33.140 Billing and collections.

A. Due Date/Penalty. All comprehensive stormwater service charges are due and payable thirty days after the date of billing. A penalty of five percent shall be added to a comprehensive stormwater service charge when the charge is not paid in said thirty days.

B. Certification. The finance director shall certify to the county treasurer any comprehensive stormwater service charge, which is owed after a sixty-day payment period. All certified service charges constitute a lien upon the premises served by the stormwater system for which the service charges were made and shall be collected in the same manner as property taxes. Failure to send or receive a bill for comprehensive stormwater service charge is not a defense to the collection of the service charges.

C. Limits and Corrections to Billing. If the department of public works has undercharged a customer because of a billing error, the department may only bill the customer for the portion of the unbilled stormwater services used in the two year period immediately prior to the date the department remedies the billing error. If the department determines, however, that a customer has been overcharged because of a billing error, the division will adjust the customer's account back, for a period not to exceed two years, from the date the division remedies the billing error. If, the department, during the one year period described in the first paragraph, has attempted to verify a discrepancy in billing and the customer has not responded to requests by the department to reconcile the discrepancy, the division will bill the customer for the unbilled stormwater services used in the four year period immediately prior to the date the department remedies the billing error.

D. This section does not apply to circumstances where an act or omission of an act by the property's agent results in no calculation or an inaccurate calculation of stormwater service charges. (Ord. 2005-64 § 1 (part)).