

CHAPTER 141

STORM WATER DRAINAGE UTILITY SYSTEM DISTRICT

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141.01 STORM WATER DRAINAGE UTILITY SYSTEM DISTRICT.
 It is found and determined to be necessary and conducive to the protection of the public health, safety, welfare and convenience that all of the City of Forest City, Iowa, shall be and is hereby declared to be a Storm Water System District within the meaning and intent of, and for the purpose authorized by, Section 384.84(1) Code of Iowa; that is, to establish and collect rates for a storm water drainage utility system. On an annual basis, the Council may approve the capital expenditures for the Storm Water System District.

141.02 CLASSIFICATIONS.

1. There shall be established three classifications within the Storm Water Drainage Utility System as follows:

A. Residential Unit shall mean any of the following which have either an electric service, water service, or both:

- (1) A single family dwelling including, if applicable, an attached driveway or parking lot with a minimum lot size of 6,000 square feet of which no more than 37% is impervious.
- (2) Each apartment, townhouse or condominium within a multi-family dwelling including, if applicable, an attached driveway or parking lot.
- (3) Mobile home dwelling including, if applicable, an attached driveway or parking lot.

Residential Unit shall also mean an unattached parking lot or other impervious area located within the RS-Residential Single-family District, RM-Residential Multi-family District or RMO-Residential Multi-family Optional District and MH-Mobile Home Zoning Districts. For the purpose of this paragraph, Residential Unit will be defined by dividing the total impervious square footage by 2,200 to arrive at the number of residential units.

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- B. Non-residential Units shall mean all other real estate dwelling including, if applicable, an attached driveway or parking lot which is not classified as residence and not classified as agricultural which have either an electric service, water service, or both. Non-Residence shall also mean an unattached parking lot or other impervious area located within the AC-Arterial Commercial District, BC-Business Commercial District, LI-Light Industrial District, HI-Heavy Industrial Zoning Districts. For the purpose of this section, Nonresidential Unit will be defined dividing the total impervious square footage by 3,520 to arrive at the number of Nonresidential Units.
- C. Agricultural means any real estate located within the Storm Water Drainage Utility System assessed as agricultural by the Hancock or Winnebago County Assessors.
2. Any property, regardless of its classification, which has its own drainage system and does not in any way use or otherwise impact the City's storm sewer system shall not be required to pay any fees under this chapter.
3. In the case of conflicts in classification, or appeals by affected property owners, the Council shall make the final determination as to the classification after following the procedure delineated hereafter:
- A. Any person who disagrees with the classification shall submit, in writing, the following information:
- (1) The address of the property and the current owner.
 - (2) The current classification.
 - (3) The classification sought.
 - (4) The reason for the change in classification.
- B. The Street Committee shall meet after giving notice to the affected property owner of the time, date and location of the meeting. At said meeting the affected property owner may submit additional information to the committee.
- C. The Street Committee shall make its recommendations to the Council. At the meeting in which the Street Committee gives its recommendations to the Council, the Council shall either approve or deny the same or ask for additional information.
- D. The Street Committee may make any additional procedural rules it deems necessary to carry out these appeals.

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1. With respect to each Residential Unit, a monthly rate of \$5.00 shall be charged, paid and collected as the rate for the storm water drainage utility system, from May 1, 2006.
2. With respect to each Non-residential Unit, a monthly rate of \$8.30 per meter shall be charged, paid and collected as a rate for a storm water drainage utility system, from May 1, 2006.

(Ord. 668 – Apr. 06 Supp.)

3. There will be no charge for real estate classified as agricultural.

141.04 DELINQUENCY, COLLECTION, INTEREST AND PENALTIES.

1. Charges imposed under this chapter are deemed delinquent when not paid in full by the due date provided in a billing for the charge.
2. It shall be unlawful and a violation of this chapter for any person to discharge wastewater into the City's Storm Water Utility System. It is also unlawful and a violation of this chapter to maintain a connection to or use the City's Storm Water Utility System without paying the appropriate charges and fees established in this section or any rule adopted pursuant hereto. Even if no billing is received, such charges shall be due and owing and the user is obligated to pay any charges in a timely fashion.
3. Delinquent charges may be collected pursuant to the same procedure as with delinquent utility bills by the City, with the assistance of City legal counsel, without further action or authorization by the Council.
4. Delinquent charges may be recovered by the City in the same manner as provided in the water billing procedure ordinance.
5. In addition to remedies provided for collection of a debt, the City may seek a temporary or permanent injunction prohibiting continued occupancy of premises, requiring disconnection of the premises from the public storm water utility system, and termination of water and sewer service to the user's premises.
6. The Council may prescribe by Resolution and Order, a schedule of interest and penalty charges, to be imposed upon delinquent charges.
7. In a collection action under this chapter, the City shall be entitled to its costs and reasonable attorney fees, including at trial and on appeal, if it is the prevailing party.

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8. In addition to the right of the City to bring a civil action to collect any delinquent charges or enforce any provision of this chapter, the City may take any of the following actions to secure payment:

- A. The City may refuse to issue any permit to any person who is delinquent in any payment due under this chapter.
- B. The City may terminate provision of storm and surface water service premises used by the user.
- C. The City may terminate sanitary sewer service to premises used by the user.
- D. The City may terminate water service to the premises used by the user.

Termination of service pursuant to this subsection shall be according to procedures adopted under Section 92.05, Code of Ordinances, Forest City, Iowa. If the City terminates service as provided in this section, the cost of such disconnection shall be added to the amount of any other delinquent charges and shall be recoverable in the same manner as are such charges.

9. The owner and the tenant must comply with the same procedure as set out in Section 92.07, Code of Ordinances, Forest City, Iowa. All obligations of the owner and tenant shall be the same as stated in Iowa Code Section 384.84(3)(d).

10. Where a lien against the property can be imposed when the owner is liable, it shall exist from the date the bill was last brought current in the same manner as with a lien for water service. The provisions of Section 92.05, Code of Ordinances, Forest City, Iowa, shall apply to delinquent storm water utility bills.

141.05 USE OF FUND. The money paid and collected pursuant to Section 141.02 shall be held by the City in a special fund to be expended only for the purpose of constructing, operating, repairing and maintaining all kinds of conduits, drains, storm water detention devices, flow impediments, ponds, ditches, sloughs, streams, filter strips, rip-raps, erosion control devices and any and all other things useful to the proper control, management, collection, drainage and disposition of storm water in the City of Forest City.

141.06 VIOLATION. Violation of the provisions of this chapter shall constitute a municipal infraction, punishable as set out in Section 4.01, Forest City Municipal Code.

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141.07 EFFECTIVE DATE. After its final passage, approval, and publication as provided by law, the ordinance codified by this chapter shall be in full force and effect as of April 1, 2003.

(Ch. 141 - Ord. 621 - Feb. 03 Supp.)