

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAC CITY, IOWA, 2006 BY ADDING A NEW CHAPTER PERTAINING TO STORM WATER DISTRICT UTILITY

BE IT ENACTED BY THE city Council of the City of Sac City, Iowa:

SECTION 1. NEW CHAPTER. The code of Ordinances of the City of Sac City, Iowa, 2006 is amended by adding Article 6 under Chapter 3 of TITLE III of the municipal code book, entitled STORM WATER UTILITY, which is hereby adopted to read as follows:

**TITLE III CHAPTER 3 ARTICLE 6
STORM WATER UTILITY**

3-3.0601 Purpose

3-3.0602 Definition

3-3.0603 Storm Water System District Established

3-3.0604 Rates

3-3.0605 Payment of Bills

3-3.0606 Lien for Nonpayment

3-3.0601 PURPOSE. The purpose of this chapter is to establish a Storm Water Utility and to 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 that may connect or discharge directly, or indirectly, into the storm and surface water drainage system.

3-3.0602 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 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 the 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 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 grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the

collection, conveyance, treatment and disposal of the storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.

4. “User” shall mean 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. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.

5. “Unit” shall mean each household, each place of commerce/education/government/religion, or each industry, whether in a single building on a single lot or in a multiple-use building on a single lot or multiple lot complex. 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.

3-3.0603 STORM WATER 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 System District for the purpose of establishing, imposing, adjusting and providing for the collection 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 System District.

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

3-3.0604 RATES. Each customer shall pay for storm and surface water system 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 residential, commercial, and industrial customer within the City of Sac City. The Council 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 relating to that system. Such rules may include delinquency and interest charges and 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 system, the costs of bond repayment, regulation, administration, and services of the City. The rates for the foregoing functions shall be collected by imposing a monthly rate of \$3.00 on every City residential unit, \$7.00 on every commercial/governmental/religious unit, \$15.00 on every school unit, \$15.00 on all hospitals, nursing homes & assisted living facilities & \$10.00 on every industrial unit. Agricultural use and vacant lots are exempt from the requirements of this chapter.

3-3.0605 PAYMENT OF BILLS. All Storm Water System District charges are due and payable under the same terms and conditions provided for payment of Sanitary Sewer bills. A five (5) percent late fee will be assessed on all delinquent bills *(Code of Iowa Sec. 384.84(2b) and (2d)).*

3-3.0606 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. The City will follow its current policy and 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))

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after the latter of its final passage, approval and publication as provided by law.

PASSED AND APPROVED

First Reading _____ **06**

Second Reading _____ **06**

Third Reading _____ **06**

Lonnie Rubendall, Mayor

ATTEST:

Sandy Tellinghusen, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2006.

City Clerk