

ORDINANCE NO. 275

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STATE CENTER, IOWA:

**Section 1. NEW CHAPTER.** The Code of Ordinances of the City of State Center, Iowa, is amended by adding a new chapter, numbered 100, entitled STORM WATER UTILITY, which is hereby adopted to read as follows:

**CHAPTER 100  
STORM WATER UTILITY**

- 100.01 Purposes
- 100.02 Definitions
- 100.03 Storm Water Drainage System District Established
- 100.04 Rates
- 100.05 Payment of Bills
- 100.06 Lien for Nonpayment

**100.01 PURPOSE.** The purpose of this chapter is to establish a Storm Water 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.

**100.02 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 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 and responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "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 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.

**100.03 STORM WATER DRAINAGE 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 Drainage 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 Drainage System District.

*(Code of Iowa, Sec. 384.84[5])*

**100.04 RATES.** Each customer shall pay for storm and surface water drainage 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 State Center. For purposes of this ordinance, a multiple-family dwelling, such as an apartment building, shall be considered a residential property, with the occupants of each unit being a customer and the property owner being the customer for each apartment which on the billing date has no other customer for billing purposes. 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 following fees shall be charged to each city utilities customer each billing cycle according to the primary use of the property:

Residential	\$3.00
Commercial	\$6.00
Educational	\$6.00
Governmental	\$6.00
Religious/ Non-profit	\$6.00
Industrial	\$10.00

Agricultural or unimproved property shall be exempt from the requirements of this chapter. Property that does not have a meter for water usage is not charged the stormwater utility fee regardless of its level of development.

**100.05 PAYMENT OF BILLS.** All Storm Water Drainage System District charges shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Chapter 92 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 Section 92.06 through 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])

**100.06 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])

**Section 2. REPEALER.** All ordinances or part of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 3. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid, unconstitutional or unenforceable for any reason, such adjudication shall not affect the validity or enforcement of the remaining provisions.

**Section 4. EFFECTIVE DATE.** This Ordinance shall become effective from and after its final passage, approval and publication as provided by law.

[Iowa Code §380.6, 7(3)  
§362.3]

Passed by the Council on this 19 day of April, 2006 and approved this 19 day of April, 2006.

The City of State Center, Iowa

Attest: Henrietta E. Bogan  
City Clerk

Jake Osgood  
Mayor

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Seal)

Henrietta E. Bogan, City Clerk