

CHAPTER 22 STORM WATER DRAINAGE SYSTEM DISTRICT UTILITY

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6-22-1 **NEW CHAPTER.** The Code of Ordinances of the City of Maquoketa is amended by adding a new chapter, numbered 22, to Title VI, Physical Environment that is entitled, “Storm Water Drainage System District Utility.”

6-22-2 **PURPOSE.** The purpose of this chapter is to establish a Storm Water Drainage System District 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, curb and gutter, 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.

(Ord. 1129, Passed February 7, 2016)

6-22-3 **DEFINITIONS.** The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

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. “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, curb and gutter, 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.

(Ord. 1129, Passed February 7, 2016)

3. "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.

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.

6-22-4 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 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 a single Storm Water Drainage System District.

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

6-22-5 RATES. Each user 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 user within the City. The service charges shall be billed as part of a combined service account which means a customer service account for the provision of two or more utility services. 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 cost of operation, maintenance, acquisition, extension and replacement of the City's system, the cost of bond repayment, regulation, administration, and services of the City. The rates for the foregoing functions shall be collected by imposing monthly rates of \$3.50 on every City residential unit, \$7.00 on every commercial/educational/ governmental/religious unit, and \$15.00 on every industrial unit. Agricultural use of land is exempt from the requirements of this chapter.

6-22-6 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 Section 6-3-5 and Section 6-4-24 of this Code of Ordinance. All City services may be discontinued in accordance with the provisions contained in Section 6-3-5A and 6-4-26 if the combined service account becomes delinquent, and the provisions contained in Sections 6-3-5 and 6-4-9 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account.

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

6-22-7 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 384.84[3a])

6-22-8 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

6-22-9 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.

6-22-10 EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.