

CHAPTER 103

STORMWATER SERVICE CHARGES

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103.01 STORMWATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the stormwater management system and facilities of the City of Clive, either directly or indirectly, shall pay to the City stormwater service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the stormwater management system and facilities.

103.02 EFFECTIVE DATE OF STORMWATER SERVICE CHARGES. Stormwater service charges shall accrue beginning August 1, 2005, and shall be billed monthly thereafter to all customers.

103.03 BASIC RATE. Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, through its collection agent, the Clive Water Department, at the same time payment for City water is made, the following charges per Equivalent Residential Unit associated with the customer's property (an ERU means the median average impervious coverage of a detached dwelling unit property in the City of Clive, which has been determined by the City to be 3,667 square feet of impervious surface area):

1. Undeveloped. A flat storm sewer availability charge at the rate of \$0 per month, regardless of the amount of consumption by such customer.
2. Residential. A storm sewer availability charge, regardless of the amount of the consumption by such customer, will be based on the following schedule:

Fiscal Year 2005/2006 - \$2.25 per month

Fiscal Year 2006/2007 - \$2.75 per month

Fiscal Year 2007/2008 - \$3.25 per month

Fiscal Year 2008/2009 - \$3.75 per month

The monthly rate for each fiscal year beyond 2008/2009 will be determined by resolution of the City Council prior to July 1st of each year.

3. Commercial/Industrial. A storm sewer availability charge will be based on the following schedule:

Fiscal Year 2005/2006 - \$2.25 per ERU per month

Fiscal Year 2006/2007 - \$2.75 per ERU per month

Fiscal Year 2007/2008 - \$3.25 per ERU per month

Fiscal Year 2008/2009 - \$3.75 per ERU per month

The monthly rate for each fiscal year beyond 2008/2009 will be determined by resolution of the City Council prior to July 1st of each year.

The number of Equivalent Residential Unit (ERU) on each property shall be calculated by the Community Development Department based on the most recent aerial photography available to the City of Clive and/or impervious surface data from an approved Site Plan for the property.

103.04 RATE APPEALS. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the City of Clive City Manager. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.
2. Using the information provided by the appellant, the City Manager shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
3. In response to an appeal, the City Manager may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
4. A decision of the City Manager which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.
5. All decisions of the City Council shall be final

103.05 EXEMPTIONS FROM CHARGES. Exemptions from charges are those permitted as follows:

1. Property owned by a public governmental entity, such as:
 - A. The State of Iowa;
 - B. The County of Polk and Dallas;
 - C. The City of Clive;
 - D. Des Moines Water Works; and

- E. Des Moines Wastewater Reclamation Association.
2. Railroad right-of-way (tracks); and
3. A subdivided lot until a substantially completed structure has been built on the lot

103.06 BILLING FOR STORMWATER SERVICE. Billing and payment for stormwater services shall be in accordance with the following:

1. **Bills Issued.** The City Clerk shall prepare and issue bills for stormwater service on or before the first day of the month following each monthly billing period.
2. **Bills Payable.** Bills for stormwater service shall be due and payable at the office of the City Clerk by the fifteenth (15th) of the month following the end of each monthly billing period.
3. **Late Payment Penalty.** Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.
4. **Returned Checks.** A fee, as set forth in the fee schedule established by City Council of the City of Clive, shall be charged for all checks not honored by the bank.

103.07 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for stormwater service charges to the premises. Stormwater service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and may be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

103.08 LIEN NOTICE. A lien for delinquent stormwater service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

103.09 DISCONTINUANCE OF SERVICE. After giving reasonable notice, the Director of Public Works may discontinue water service to any customer who has failed to pay the amounts due and owing under this chapter and who has not contested the payment therefore in good faith.

103.10 ANNUAL REVISION OF RATES. The City will review the stormwater service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the

stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

(Ch. 103 – Ord. 842 – Nov. 05 Supp.)