

ORDINANCE NO. 2024-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING CHAPTER 101 RELATING TO THE STORM WATER DRAINAGE UTILITY

WHEREAS, an update is needed to Chapter 101 of the City code to define the size of an Equivalent Residential Unit (ERU); and

WHEREAS, the schedule of rate increases is necessary to fund stormwater system improvements; and

WHEREAS, language is needed for lien for non-payment of stormwater utility fees.; and

WHEREAS, one ERU is defined as 3,000 square feet of impervious surface; and

WHEREAS, adding Section 101.08 allows the City to pursue overdue fees by going through the lien process with the county.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapter 101 of the Windsor Heights Code of Ordinances relating to the Storm Water Drainage Utility by deleting ~~striketrough~~ language and adding underlined language as follows:

CHAPTER 101 STORM WATER DRAINAGE UTILITY

101.01 Purpose	101.05 Use of Fund
101.02 Storm Water Drainage Utility Established	101.06 Governing Board
101.03 Rate Categories <u>Equivalent Residential Unit (ERU) Defined</u>	101.07 Storm Water Site Plan Review Required
101.04 Rates	101.08 <u>Lien for Nonpayment</u>

101.01 PURPOSE.

The purpose of this chapter is to establish a Storm Water Drainage 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 or properties receiving the indirect benefit of drainage diverted into the City's system.

101.02 STORM WATER DRAINAGE UTILITY ESTABLISHED.

It is found and determined to be necessary and conducive to the protection of the public health, safety, welfare, and convenience that a storm water drainage utility is created for all of the City of Windsor Heights, Iowa, 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 system.

101.03 RATE CATEGORIES.

~~—The billing rates are divided into categories, as follows:~~

~~—1. Residential: Parcels as defined by the County Assessor data base; Use Class R and Use Class F parcels.~~

~~—2. Commercial: Non-residential~~

101.03 EQUIVALENT RESIDENTIAL UNIT (ERU), DEFINED:

“ERU” shall be used as the basis for determining stormwater management fees. Less than or equal to three thousand (3,000) square feet of impervious surface area shall be one ERU. Every additional increment of one (1) square foot to one thousand five hundred (1,500) square feet of impervious surface area shall be one half (0.5) ERU. Properties shall be charged in increments of one half ERU with a minimum charge of 1 ERU per property billed monthly. Residential and non-residential properties shall pay the same rate per ERU.

101.04 RATES.

~~—The billing rates for the categories as defined in Section 101.03 are as follows:~~

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Category	Monthly Rate
Residential	\$5.50 per unit per month
Non-Residential	\$5.50 per unit per month

101.04 RATES.

The billing rates per ERU as defined in Section 101.03 are as follows:

Effective July 1, 2024: \$9.00 per ERU

Effective July 1, 2026: \$9.50 per ERU

Effective July 1, 2028: \$10.00 per ERU

Effective July 1, 2030: \$10.50 per ERU

101.05 USE OF FUND.

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

101.06 GOVERNING BOARD.

The governing board of the Storm Water Drainage Utility is the City Council. The Storm Water Drainage Utility shall be under the direction, management, and control of the City Administrator, who functions as its director. In that capacity, the City Administrator shall supervise the day-to-day operation of the Storm Water Drainage Utility, shall enforce this chapter and the provisions of all ordinances and regulations adopted pursuant to this chapter and shall carry out the policy directives of the Council acting in its role as governing body of the Storm Water Drainage Utility.

101.07 STORM WATER SITE PLAN REVIEW REQUIRED.

A storm water site plan review shall be required for projects in order to ensure that the goals of the City's storm water program are met. Storm water site plan requirements and associated fees are adopted by resolution and available for review from the City Clerk or the City Building Inspector.

101.08. LIEN FOR NONPAYMENT

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

SECTION 2. Repealer. All ordinances or parts 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 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. Effective Date. This ordinance shall be effective July 1st, 2024 after the final passage, approval and publication as provided by law.

Passed and Approved this 6th day of May, 2024.

1st Reading: 4.1.2024

2nd Reading: 4.15.2024

3rd Reading: 5.6.24

Publish Date: 5.10.24

ATTEST:

Ordinance was approved and passed
on 5.6.24. This will be updated with a
signed and sealed copy.

(SEAL)

Mike Jones, Mayor

Adam Strait, City Clerk