

## CHAPTER 102

# STORM WATER DRAINAGE UTILITY

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**102.01 STORM WATER DRAINAGE UTILITY ESTABLISHED.** Pursuant to the authority of the *Code of Iowa*, the entire City is hereby declared a Storm Water Drainage System 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 City finds, determines and declares that the Storm Water Drainage Utility System provides benefits and services to all property within the City limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, retention, treatment and release of storm water for quality and quantity management that minimize impacts on receiving waters. The entire City, as increased from time to time by annexation, shall constitute a single Storm Water Drainage System. The Storm Water Drainage System shall be operated as a public utility from with revenues will be derived subject to the provisions of this chapter. The administrator of the Storm Water Drainage System shall be the City Administrator of the City of Clarion. *(Ord. 535 –Aug. 11 Supp.)*

### 102.02 DEFINITIONS.

1. “Developed property” means property altered from its natural state by the construction or installation of a structure or impervious surface thus increasing the amount of rainwater or surface water runoff.
2. “Exempt property” includes public streets, alleys and sidewalks; all undeveloped property.
3. “Owner” shall mean the legal owner(s) of record as shown on the tax rolls of Clarion, except where there is a recorded land sale contract, the purchaser thereunder shall be deemed the owner.
4. “Residential property” means all single-family and duplex properties within the City of Clarion.
5. “Service charges” means the periodic rate, fee or charge applicable to a parcel of developed property, which charge shall be reflective of the service provided by the storm water utility. Service charges are based on measurable parameters which influence the storm water utility’s cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of developed property.
6. “Storm sewer” means a sewer, which carries storm water, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes.
7. “Storm water” means storm water runoff, snowmelt runoff, and surface runoff and drainage.

8. “Storm Water Drainage System” means any combination of publicly owned storm and surface water quality and quantity facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force main, 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 collection, conveyance, treatment and disposal of storm and surface water system within the City of Clarion to which sanitary sewage flows are not intentionally admitted.

9. “Storm water management” means the tasks required to control storm water runoff using storm water management systems, to protect the health, safety, and welfare of the public, and comply with relevant State and Federal regulations.

10. “Storm Water Utility” means the utility established under this chapter for the purpose of managing storm water and imposing charges for the recovery of costs connected with such storm water management.

11. “Undeveloped property” describes land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface.

12. “Unit” means each household, each residence, 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 complexes. Each unit shall be charged individually per address, 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 charge for that complex.

13. “User” means the owner and/or occupant of any developed property within the limits of Clarion, and shall mean any person who uses property which maintains connection to, discharges to, or otherwise receives services from the City for storm water management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the person who has the right to occupy it shall be deemed the user.

*(Ord. 535 – Aug. 11 Supp.)*

### **102.03 STORM WATER UTILITY FUND.**

1. Funding for the Storm Water Utility’s activities may include, but are not limited to: storm water service charges; storm water permits and inspection fees; other funds or income obtained from federal, state, local, and private grants, or loans.

2. Each user shall pay for the Storm 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 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 Water Drainage System, for the 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 to the City. The rates for the foregoing functions shall be collected by imposing a monthly rate as follows, beginning April 15, 2017 and increasing by \$.50 on April 15, 2019:

\$3.50 on each City residential property unit

\$4.00 on each multiple-family complex unit

\$11.00 on each commercial unit located outside the C-1 zoning district as established by the zoning ordinance of the City of Clarion

\$16.00 on every commercial unit located within the C-1 zoning district as established by the zoning ordinance of the City of Clarion

\$26.00 for each industrial, educational, governmental, institutional or religious unit. Agricultural use of land is exempt from the requirements of this chapter.

Any property, lot, parcel of land, building or premises that is tributary directly or indirectly to the storm water system of the city, shall be subject to a charge if there is impervious area on the property. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect. All properties having impervious area within the City of Clarion will be charged a fee.

*(Ord. 567 – May 17 Supp.)*

**102.04 CREDITS.** The Council may adopt policies by resolution for adjustment of the storm water drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of storm water drainage fees shall not be made retroactively.

**102.05 EXEMPTIONS.** The following land uses are exempt from storm water drainage fees:

1. Public rights-of-way.
2. Vacant, unimproved land with ground cover.
3. Parks, cemeteries and golf courses.
4. Undeveloped agricultural land which does not contribute storm water runoff into the City's storm drainage system.

**102.06 BILLING AND COLLECTIONS.** Bills for the charges for the use and service of the storm water drainage system shall be prepared by the City, in accordance with its usual and customary practices. The time of preparing such bills and the period covered thereby shall be in accordance with the practices of the City. All bills shall be payable to the City.

**102.07 REVENUES, DEPOSITS, AND DISBURSEMENTS.** The revenues derived from the rates and charges shall be deposited with the City Administrator in the Storm Water Drainage Fund. The revenues shall be used solely for the purpose of paying the costs of administration, operation, and maintenance of the storm water drainage facilities, including street sweeping, and to pay the interest and principal on any bonds of the City which have been issued or shall be issued on account of the construction of said facilities, and to maintain an equipment and replacement fund for use at anytime in making repairs to the storm water drainage facilities.

**102.08 UNPAID CHARGES; ASSESSMENT.** On or before November 1 of each year, the City Administrator shall certify a list of unpaid accounts showing the names and addresses of all unpaid storm water drainage accounts up to September 30 of that year. On or before November 25, the City Council shall assess the unpaid accounts against the property receiving the use and service of the storm water drainage system, which assessments, including interest at the lawful rate from October 1 to May 31 following, shall be certified against the affected properties as shown in the assessment tabulation, and shall be collected in the same manner as other special assessments. The sum collected, together with interest, shall be credited to the Storm Water Drainage Fund.

**102.09 PERIODIC REVIEW OF CHARGES.** The City Council will review the storm water drainage charge system established herein on an annual basis. Thereafter, the Council may periodically revise the rate charged for storm drainage service to reflect any change in the cost of providing said service.