
CHAPTER 103
STORM WATER MANAGEMENT UTILITY

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103.01 PURPOSE.

The purpose of this chapter is to establish a stormwater utility which shall be responsible for stormwater management within the corporate boundaries of the City of Pleasant Hill and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

103.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Bonds" means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the cost of construction.
2. "Customers of the stormwater utility" include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension and improvement of the public stormwater management systems and facilities.
3. "Director" means the director of the stormwater management utility.
4. "Dwelling unit" means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
5. "Duplex/condo dwelling" means a building containing only two (2) dwelling units and designed for and occupied exclusively by not more than two (2) families. In the application of stormwater service charge rates, duplex/condo dwelling properties shall be treated as two (2) single-family dwellings.
6. "Equivalent residential unit" or "ERU" means the average impervious area of residential developed property per dwelling unit located within the City as periodically determined and established as provided in this chapter, which has been determined by the City to be 3,500 square feet of impervious surface area.
7. "Exempt Property" includes properties as outlined in section VII of this chapter. All other properties shall be subject to the stormwater utility fees.
8. "Multiple-family dwelling" means a building or portion thereof containing three (3) or more dwelling units designed for or occupied by three (3) or more families. In the application of stormwater service charge rates, each multiple-family dwelling unit shall be treated as one single family dwelling.
9. "Operating budget" means the annual operating budget for the stormwater management utility adopted by the City Council for the succeeding fiscal year.
10. "Revenues" means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

11. "Single-family dwelling" means a building containing only one (1) dwelling unit and designed for and occupied exclusively for residence purposes by only one (1) family.
12. "Stormwater drainage system" means the system of publicly or privately owned or operated rivers, creeks, ditches, drainage channels, pipes, basins, street gutters, and lakes within the City through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited.
13. "Stormwater management utility" or "utility" means the enterprise fund utility created by this chapter to operate, maintain and improve the system and for such other purposes as stated in this chapter.
14. "Townhome dwelling" means a dwelling unit which is detached or attached horizontally and not vertically to one of more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of stormwater service charge rates, each townhome dwelling shall be treated as one single-family dwelling.
15. "User" means any person owning, operating, or otherwise responsible for property within the City which directly or indirectly discharges stormwater or surface or subsurface waters to any portion of the stormwater management system, including direct or indirect discharges to the City's stormwater drainage system, or which is directly or indirectly protected by the City's flood protection system or stormwater drainage system. The term "user" means any person responsible for the direct or indirect discharge of stormwater or surface or subsurface waters to the City's stormwater drainage system.

103.03 STORM WATER SERVICE CHARGES REQUIRED.

Every customer whose premises is served by a connection with the stormwater management system and facilities of the City of Pleasant Hill, either directly or indirectly, shall pay to the City stormwater service charges hereinafter established and specific for the purpose of contributing towards the cost of construction, maintenance and operation of the stormwater management system and facilities.

103.04 EFFECTIVE DATE OF STORMWATER SERVICE CHARGES.

Stormwater service charges shall accrue beginning July 1, 2015 and shall be billed monthly thereafter to all customers.

103.05 BASIC RATE.

Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, as a part of the customers combined service account with Des Moines Water Works, at the same time payment for other City utilities are made, the following charges per Equivalent Residential Unit (ERU) associated with the customer's property:

1. Undeveloped. A flat storm sewer availability charge at the rate of \$0.00 per month.
2. Residential. A storm sewer availability charge will be based on the following schedule:
Fiscal Year 2015/2016 - \$3.00 per month
3. Commercial/industrial: A storm sewer availability charge will be based on the following schedule:

Fiscal Year 2015/2016 - \$3.00 per ERU per month up to a maximum of 65 ERUs

The monthly rate may be adjusted as a result of the Annual Review of Rates as detailed in Section 103.10 of this chapter; the Council may choose to adjust the monthly ERU rate as necessary. Such rate adjustments shall be approved by Ordinance of the City Council.

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 Pleasant Hill and/or impervious surface data as prepared by a licensed engineer or surveyor for the property. Stormwater fee billing will begin upon water meter installation.

103.06 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 Pleasant Hill 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 on 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.

103.07 EXEMPTIONS FROM CHARGES.

Exemptions from charges are those permitted as follows:

1. City, State, and Federal roads, bridges, highways, streets, rights-of-way, sidewalks, and pathways;
2. City owned facilities including but not limited to parks, buildings, open spaces, and parking lots;
3. Railroad right-of-way (tracks);
4. A subdivided lot until a substantially completed structure or other surface improvements have been constructed on the lot; and
5. If a written request is made, in special conditions the City Manager of the City of Pleasant Hill may grant fee payment and collection variances after determining that granting the variance would be in the City's best interest, will improve efficiency, safety, and is practical. Upon the granting of any variance, the City Manager shall file notice with the City Council giving reason(s) for the variance.

103.08 BILLING FOR STORMWATER SERVICE.

All stormwater service charges are due and payable under the same terms and conditions provided for payment of a water service account as contained in Section 90.05 of this Code of Ordinances, and pursuant to the terms of a 28E Agreement between the City of Pleasant Hill and Des Moines Water Works. Service may be discontinued in accordance with the provisions contained in the 28E Agreement if the combined service account becomes delinquent, and the provisions contained in the 28E Agreement relating to the lien notices shall also apply in the event of a delinquent account. If a property does not have a water service, billing will be through the City Clerk's office or an alternate method.

103.09 COLLECTIONS AND LIENS.

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 shall be certified by the City Clerk to the County Treasurer for collection in the same manner as property taxes. Property owner may file for exemption for a tax lien as provided in Section 90.06.

103.10 ANNUAL REVISION OF RATES.

The City will review the stormwater service charges at least annually 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. 793 - May 15 Supp.)