

## CHAPTER 100

# STORM WATER MAINTENANCE FEE

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**1.01 PURPOSE.** The purpose of this chapter is to establish a storm water maintenance fee and provide a means of funding 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, cleaning of streets and eliminating inflow and infiltration from the sanitary sewer system. The City Council finds the construction, operation, and maintenance of the City's storm and surface drainage system should be funded through the charging users of property which may connect or discharge directly, or indirectly, into the storm, sanitary and surface water drainage system.

**1.02 DEFINITIONS.** For use on this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. "Connection" means the physical act of process of tapping into a public storm water 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 natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.
2. "Customer" means, in addition to any person receiving storm water service from the City of Riverside, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "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, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and other publicly owned facilities for collection, conveyance, treatment and disposal of storm and surface water system within the City to which sanitary sewage flows are not intentionally admitted.
4. "User" means 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 is deemed the user. If the property is not occupied, the person who has the right to occupy shall be deemed the user.

**100.03 STORM WATER DRAINAGE SYSTEM DISTRICT ESTABLISHED.** Pursuant to the authority of Section 384.84(5) of the Code of Iowa, the entire City of Riverside is hereby declared a Storm Water Drainage System District for the purposes 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.

**100.04 RATES.** Each customer shall pay for storm and surface water drainage system service provided by the City. The rates for operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on each residential, commercial, and industrial customer within the corporate limits of the City of Riverside. 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 actual costs of operation, maintenance, acquisition, extension and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City. A fee shall be charged to each utilities customer each billing cycle in the amount of \$3.00.

*(Code of Iowa, Sec. 384.84)*

**100.05 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 all combined service accounts as contained in Section 92.04 of this Code of Ordinances. All City services may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account.

**100.06 LIENS FOR NONPAYMENT.** Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises 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 City Clerk to the County Treasurer for collection in same manner as property taxes.