CHAPTER 170

STORM WATER DRAINAGE UTILITY

170.01	Purpose	170.04	Rates
170.02	Definitions	170.05	Payment of Bills
170.03	Storm Water Drainage System Utility Established	170.06	Lien for Nonpayment

170.01 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.

170.02 DEFINITIONS. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. **"Connection"** means the physical act or process of tapping a public storm water sewer 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 the creation or maintenance of impervious surface(s) that causes or may cause an increase in the quantity, or decrease in quality, or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water drainage system.

2. **"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 associated therewith, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water within the City, to which sanitary sewage flows are not intentionally admitted.

3. **"Unit"** means each household, place of commerce, education, government, religion, or 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, 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 system district charge for that complex.

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 property is deemed the user. But where a 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 system district charge for that complex. If the property is not occupied, the person who has the right to occupy it shall be deemed the user. If it is not possible, after reasonable inquiry, to determine the rightful occupant of the occupied property, the owner(s), individually or severally, shall be deemed to be the user(s). The City of Urbana, as the owner of public properties within the City, shall be exempt from the provisions of this chapter.

170.03 STORM WATER DRAINAGE UTILITY ESTABLISHED. Pursuant to the authority of Section 384.84(5) of the Code of Iowa, as most recently amended, the entire territorial limits of the City is hereby declared to fall within the jurisdiction of the Storm Water Drainage Utility 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 entire City, as increased from time to time by annexation, shall constitute the area covered by this Storm Water Drainage Utility.

(Code of Iowa, Sec. 384.84(5))

170.04 RATES. Each user shall pay for storm and surface water drainage 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 "Unit". The rate/charges shall be billed as part of the User's combined service account. (*Combined Service Account* meaning a customer service account for the provision of two or more utility services.) The City 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 related thereto. Such rules may include delinquency fees, interest charges and/or 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 Storm Water

Management Facilities/Storm and Surface Water Drainage System(s), the costs of bond repayment, regulation, administration, and the services of the City. The rates for the foregoing functions shall be collected by imposing a monthly rate of one dollar ($1.00) on every residential "unit", and two dollars ($2.00) on every other, non-residential "unit". (SEE DEFINITION OF UNIT SET FORTH PREVIOUSLY HEREIN.)

170.05 PAYMENT OF BILLS. All Storm Water Drainage Utility charges shall be due and payable under the same terms and conditions provided for payment of a combined service account 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 Sections 92.07 and 92.08 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account.

(Code of Iowa, Sec. 384.84[2b] and [2d])

170.06 LIEN FOR NONPAYMENT. The owner of the premises served 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 Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84[3a])

170.07 USE OF GENERATED REVENUES. The City shall hold all funds generated from the enactment of this Ordinance in one fund to be used for the management, construction and/or maintenance of Municipal Storm Water management systems.

CHAPTER 171

FLOODPLAIN MANAGEMENT

171.01	Statutory Authority, Findings of Fact and Purpose	171.05	Administration
171.02	General Provisions	171.06	Non-Conforming Uses
171.03	Establishment of Floodplain (Overlay) District	171.07	Penalties for Violations
171.04	Standards for Floodplain (Overlay) District	171.08	Amendments
		171.09	Definitions

171.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

A. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact

1. The flood hazard areas of the City of Urbana are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Urbana and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 171.01 (B)(1) of this Ordinance with provisions designed to: