

ORDINANCE NO. 24 - 10

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF MASON CITY, IOWA, BY AMENDING TITLE 6 “MUNICIPAL UTILITIES, CHAPTER 3 “STORM SEWER”, SECTION 1 “DEFINITIONS’ AND BY REPEALING ARTICLE A. “STORMWATER UTILITY POLICY” AND ADOPTING A NEW ARTICLE A IN LIEU THEREOF

BE IT ORDAINED by the City Council of the City of Mason City, Iowa:

Section 1: That the City Code of the City of Mason City, Iowa, should be and the same is hereby amended by repealing Title 6, Chapter 3, Section 1: "Definitions"; and adopting a new Section 1 in lieu thereof, as follows:

"TITLE 6
CHAPTER 3
STORM SEWERS

6-3-1: DEFINITIONS: Unless otherwise expressly stated, for the purposes of this chapter, the following terms shall have the meanings indicated in this section:

AIR CONDITIONING AND COOLING EQUIPMENT: Any equipment or apparatus using in excess of one thousand (1,000) gallons of water in any one (1) day for cooling or purifying purposes, the wastewater of which will not be of such a nature as will render it unfit to be wasted into storm sewers.

BONDS: Revenue bonds, notes, loans, or any other debt obligations issued or incurred to finance the costs of construction.

CONTRIBUTOR OR USER: 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 stormwater drainage system. The term "contributor" or "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.

COSTS OF CONSTRUCTION: Costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including, but not limited to, the costs of the following:

- A. Acquisition of all property, real or personal, and all interests in connection therewith including all rights of way and easements therefor;
- B. Physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith;
- C. Architectural, engineering, legal and other professional services;
- D. Insurance premiums during construction, to the extent not paid for by a contractor for construction and installation;
- E. Any taxes or other charges which become due during construction;
- F. Expenses incurred by the city or on its behalf with its approval in seeking to enforce any

remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;

- G. Principal and interest on any bonds; and
- H. Miscellaneous expenses incidental thereto.

DEBT SERVICE: The amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing debt.

DEVELOPED PROPERTY: Real property upon which a structure or impervious surface has been placed or constructed, thus increasing the amount of rainwater or surface water runoff.

DIRECTOR: The city engineer as director of the stormwater management utility.

DOWNSPOUTS: Any duct used for carrying roof water from the roof toward the ground.

DRAINAGE DISTRICT: A district established for the drainage of surface waters from agricultural or other lands for the protection of said lands from overflow when said protection is a public benefit or is conducive to public health, convenience, and welfare, and in which the City is either trustee or responsible party.

EQUIVALENT RESIDENTIAL UNIT OR ERU: The average impervious area of a residential property located within the city as periodically determined and established as provided in this chapter.

ERU RATE: Equivalent Residential Unit; The dollar value periodically determined and assigned to each ERU as a charge for stormwater management services, and expressed as \$X.XX per ERU.

EXEMPT PROPERTY: Public rights of way including public streets, alleys, sidewalks, public drainage facilities, and other City facilities.

EXTENSION AND REPLACEMENT: Costs of extensions, additions and capital improvements to or the renewal and replacement of capital assets of or purchasing and installing new equipment for the system or land acquisition for the system and any related costs thereto or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

FISCAL YEAR: A twelve (12) month period commencing on July 1, and ending on June 30 of the succeeding year.

GREASE PIT: A place where vehicles or machinery are greased, the waste from which greasing is conducted to a sewer.

IMPERVIOUS AREA: The number of square feet of hard surfaced areas which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property, including, but not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, concrete/asphalt pavement, gravel surfaces and athletic courts.

LOT: A continuous tract of land under one (1) ownership.

MULTIFAMILY RESIDENTIAL PROPERTY: A residential structure designed with three (3) or more dwelling units to accommodate three (3) or more families or groups of individuals living separately and not sharing the same living space.

NONOPERATING REVENUES: Refers to revenues derived from activities other than the basic operations of the stormwater management system, but excluding interest income on bond proceeds and on contributed capital.

NONRESIDENTIAL PROPERTY: Any property developed for commercial, industrial, governmental, or institutional use, including churches, hospitals, and other eleemosynary institutions and including multiuse properties incorporating residential uses, but excluding undeveloped property and property used exclusively for agricultural purposes.

OPERATING BUDGET: The annual operating budget for the stormwater management utility adopted by the city council for the succeeding fiscal year.

OPERATIONS AND MAINTENANCE EXPENSE: The current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including record keeping, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

OWNER: The owner of real estate, a duly authorized agent or attorney of an owner, a tenant, purchaser, devisee, fiduciary and any person having a vested or contingent interest in the property.

PERSON: An individual, copartnership, corporation, fiduciary and trustee.

REVENUES: 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 monies in any fund or account and any amounts contributed by the city, all as calculated in accordance with sound accounting practice.

RESIDENTIAL PROPERTY: A residential structure designed as a single or two-family dwelling unit to accommodate one to two families or groups of individuals living together, but excluding multiclass (i.e., commercial, residential, industrial, institutional, etc.) properties which include residential uses.

STORMWATER DRAINAGE SYSTEM: 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.

STORMWATER MANAGEMENT CHARGE: The charge authorized by state law and this chapter which is established to pay operations and maintenance, extension, replacement and debt service of the stormwater drainage system.

STORMWATER MANAGEMENT UTILITY OR UTILITY: 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.

STORMWATER MANAGEMENT UTILITY SYSTEM OR SYSTEM: The existing stormwater management facilities, stormwater drainage system, and flood protection system of the city and all improvements thereto which by this chapter are constituted as the property and responsibility of the utility, to be operated as an enterprise fund to, among other things, conserve water; control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

TOTAL ANNUAL REVENUE REQUIREMENTS: Refers to the total amount of revenue required in one year to meet all expenditures incurred during that year for the financing of construction and for the operations and maintenance, including administration and renewal and replacement funding, of the stormwater drainage system, including facilities for the collection, transportation, and treatment of stormwater, and of the flood control protection system, including river levees and stormwater pumping stations.

UNDEVELOPED PROPERTY: Real property that has no impervious area.

WASH RACK: A place other than on residential property where automobiles, trucks, busses or tractors are washed with water.”

Section 2: That the City Code of the City of Mason City, Iowa, should be and the same is hereby amended by repealing Title 6, Chapter 3: "Storm Sewers", Article A: "Stormwater Utility Policy" and adopting a new Article A in lieu thereof, as follows:

"TITLE 6
CHAPTER 3

STORM SEWERS
ARTICLE A. STORMWATER UTILITY POLICY

Section:

6-3A-1 Rates and Charges Established

6-3A-1: ERU RATE, CHARGES; UTILITY REVENUES:

A. Square Feet Equivalency: For purposes of this chapter, an ERU shall be equivalent to four thousand five hundred (4,500) square feet of impervious property or fraction thereof.

B. Monthly Service Charge: Except as provided in this chapter, every contributor owning or occupying a residential property, multifamily residential property, or a nonresidential property, other than exempt property, shall pay to the city, at the same time payment is made for water service, sanitary sewer or refuse, a stormwater management charge to be determined and billed as provided in this chapter. In the event the owner and the occupant of a particular property are not the same, the liability for payment of the stormwater management charge attributable to that property shall be joint and several as to the owner and occupant. The stormwater management charge shall be a monthly service charge and shall be determined by this chapter and the ERU rate which is established in this chapter and from time to time adjusted as provided in this chapter.

C. Application And Computation: The stormwater management charges provided in sections 6-

3A-2 through 6-3A-4 of this chapter shall be applied and computed for each contributor during the customary billing periods as to all bills mailed by the city treasurer, and such charges shall thereafter be paid and collected as provided in this chapter.

D. Effective with the July 1, 2024 billing date, ERU rates as follow will be applied to each property's monthly utility bill:

<u>Monthly Charge per ERU</u>		
<u>July 1, 2024- June 30, 2025</u>	<u>July 1, 2025- June 30, 2026</u>	<u>July 1, 2026- Until Amended</u>
2.92	2.98	3.01

E. Authority To Adjust Rate: If at any time the director determines that the ERU rate and/or the budget for the stormwater management utility system requires adjustment, the director shall report such determination to the city administrator and city council. The city council may at any time adjust the ERU rate by adoption of an ordinance amending this section and may at any time adjust the budget for the stormwater management utility system by adoption of an appropriate resolution.

F. Commencement Of Charge: The stormwater management charge attributable to a newly developed residential, multiresidential, or nonresidential property shall commence upon the earlier of the following:

1. The issuance of a permanent water meter.
2. If no water meter is issued for that development or if development has halted, on the date that the director or the director's designee determines in reasonable judgment that the development is substantially complete or has been halted for at least three (3) months.

G. Pro Rata Charge: For separately metered occupancy units within a multi-residential or non-residential property with joint users of common impervious areas, the director shall calculate and allocate the pro rata stormwater management charge among the users.

6-3A-2: RESIDENTIAL PROPERTY: The stormwater management charge for a residential property shall be based on one ERU.

6-3A-3: MULTIFAMILY RESIDENTIAL PROPERTY: The stormwater management charge for a multifamily residential property shall be based on one ERU per three (3) constructed units or fraction thereof, with a minimum charge of one (1) ERU.

6-3A-4: NONRESIDENTIAL PROPERTY:

A. Determination And Commencement Of Charge: The stormwater management charge for nonresidential property shall be the ERU rate multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property by the number of square feet in one ERU. The minimum charge for any nonresidential property shall be equal to one ERU rate.

B. Appeal Cost Determination: Any owner or occupant of a nonresidential property aggrieved by the director's calculation of the stormwater management charge or allocation among users as

provided in this section may appeal such determination to the director as provided in section 13-4-9 of this chapter.

C. Adjustment To Charge: An adjustment to the stormwater charge not to exceed forty percent (40%) may be granted by the director who is hereby authorized to establish procedures and standards for the adjustment of fees based on implementation and maintenance of stormwater best management practices by the property owner.

D. Appeal of Impervious Surface Calculation: Any owner or occupant of nonresidential property aggrieved by the initial or any subsequent calculation of the total impervious area of such property or calculation of the stormwater management charge for such property, may appeal such calculations or allocation to the director. Upon granting of such appeal, the stormwater management charge shall be recalculated using information obtained as provided in this section. The adjustment shall be effective with the next billing date and may be applied retroactively up to but not exceeding the three (3) previous billing cycles.”

Section 3: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4: If any section, provision, or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section thereof, or part thereof, not adjudged invalid or unconstitutional.

Section 5: This ordinance shall be in full force and effect for all properties except nonresidential properties with billings on or after July 1, 2024 and for nonresidential properties with billings on or after January 1, 2025, following its final passage, approval and publication as required by law.

PASSED AND APPROVED this 4th day of June, 2024.

/s/Bill Schickel
Bill Schickel, Mayor

ATTEST:

/s/Aaron Burnett
Aaron Burnett, City Clerk

First Consideration: May 7, 2024
Second Consideration: May 21, 2024
Third Consideration: June 4, 2024