

## CHAPTER 101

### STORM WATER UTILITY

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**101.01 PURPOSE.** The purpose of this chapter is to establish a storm water utility and provide a means of funding the construction, debt service payments on storm water improvement projects, operation and maintenance of storm water management facilities including but not limited to detention and retention basins, storm water sewers, inlets, curb and gutter, and ditches and drains. The storm water utility may also provide a funding mechanism for the following services:

1. The administration, planning, implementation, construction, and maintenance of storm water Best Management Practices (BMP's) to reduce the introduction of sediment and other pollutants into local water resources.
2. Other education, engineering, inspection, monitoring, testing and enforcement activities as necessary to maintain compliance with local, State and Federal storm water requirements.
3. Activities necessary to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit requirements established by the U.S. Environmental Protection Agency, including preparation, implementation and management of a Storm Water Pollution Prevention Plan (SWPPP) to address the following control measures:
  - A. Public education and outreach on storm water impacts.
  - B. Public involvement/participation.
  - C. Illicit discharge detection and elimination.
  - D. Construction site storm water runoff control.
  - E. Post-construction runoff control in new development and redevelopment.
  - F. Pollution prevention for municipal operations.

**101.02 STORM WATER UTILITY AND AUTHORITY.** There is hereby established a public utility to be known as the storm water utility for the City of Milford. The storm water utility shall be operated as a public utility pursuant to the City Code of Ordinances and applicable statutes. The revenues shall be subject to provisions of this section and Iowa Code – Chapter 384.84. The storm water utility shall be part of the Public Works Department and shall be administered by the Street/Sanitation Supervisor. This chapter shall apply to the entire City of Milford.

**101.03 STORM WATER DRAINAGE SYSTEM DISTRICT ESTABLISHED.**

Pursuant to the authority of Section 384.84(5) of the Code of Iowa, the entire City of Milford is hereby declared a Storm Water Drainage System District for the purpose of establishing, imposing, adjusting and providing for the collection rates for the operation of 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.

**101.04 STORM WATER UTILITY FUND.** All service charges and all sources of revenue generated by or on behalf of the storm water utility shall be deposited into a separate storm water utility fund and used exclusively for all of functions described in Section 101.01.

**101.05 RATES AND CHARGES IN GENERAL.** In determining charges, the City Council may establish a storm water utility policy and credit policy to specify application fees, exemptions and exceptions, unit areas, residential equivalency factors, and unit rates to charge utility users based upon the volume or direct runoff estimated to be generated by various land uses within the City.

1. Minimum or Maximum Fees. The City Council may establish a minimum or maximum monthly fee per parcel.
2. Estimated Charges. If, for any reason, precise information related to the use, development or area of a premises is not available; then storm water utility charges for such premises shall be estimated, and billed, based upon information then available to the City.
3. Billing Method. Storm water utility fees will be computed and collected by the City together with other City utility fees.
4. Delinquent Accounts. Delinquent and unpaid storm water utility fees may be certified to the County Auditor for collection with real estate taxes during the following year or any year thereafter pursuant to Iowa Code – Chapter 384.84.
5. Appeal. If a property owner believes that the fee charged to a particular property is incorrect, she/he may request review and re-computation of said fee.

**101.06 DEFINITIONS.** Unless the context specifically indicates otherwise, the following terms, as used in this chapter, shall have the meanings hereinafter designated.

1. “Commercial” means land use classification of a parcel that is used primarily for business or commerce purposes.
2. “Industrial” means land use classification of a parcel that is primarily for the commercial production of goods and storage and distribution of products.
3. “Institutional” means land use classification of a parcel that is primarily for the purpose of serving the public as a whole. Examples include health care facilities, public and private schools, colleges and educational research lands, non-profit organizations, churches and other houses of worship or faith based promotion facilities.
4. “Land use” for a given parcel shall be one of eight land use classifications as shown in the land use graph below as determined by the primary use of land.
5. “Mobile home residential” means land use classification of dwelling located in a mobile or manufactured home park.

6. “Multi-family residential” means land use classification of parcels with four (4) or more living units. Examples include apartments, condominiums, and townhomes that share a building with other units.
7. “Residential equivalency factor” referred to herein as “REF”, is the ratio of the accumulated direct runoff generated by a particular land use to the accumulated direct runoff generated by the residential land use.
8. “Single-family residential” means land use classification of parcels with three (3) or less living units.
9. “Surface area” referred to herein as “SA”, shall be the area of the parcel in acres, subject to any standardization, adjustments or exceptions outlined in this chapter.
10. “Unit rate” referred to herein as “UR”, is the rate in dollars per acre to be charged per one (1) REF.

**101.07 STORM WATER UTILITY USER CHARGE.**

1. Determining the REF. The accumulated direct runoff (Q) used to determine the REFs shall be calculated based on an evaluation of the land use and application of a standardized soil type and rainfall event. The calculated direct runoff (Q) shall be based on the runoff equation in the Soil Conservation Services (SCS) National Engineering Handbook Section 4 – Hydrology. The equation is as follows:

$$Q = \frac{(P-0.2S)^2}{P+0.8S}$$

Where:

$$S = (1000/CN)-10$$

P = 2.0 inches (Based on a 24-hour 2-inch rainfall event)

CN = Runoff index (Based on the land use and the Natural Resources Conservation Services, NRCS Type B soils)

The runoff indices (CN) and REFs for the various land uses within the City shall be set forth in the table below:

LAND USE	Runoff Index (CN)	REF
Single Family Residential	72	1.00
Multi-Family Residential	85	0.50
Mobile Home	85	0.50
Commercial	92	4.23
Industrial	88	3.30
Institutional: Schools, Churches, Hospitals	88	3.30

The REF for land uses not listed above shall be determined by the City based on probable hydrologic response.

2. Establishing Unit Rates. The unit rate shall initially be \$7.89. The City Council shall from time to time, by resolution, adjust the unit rate as needed. The unit rate so established shall be on file with the City Clerk/Administrator and shall be used to compute the charges for a given parcel of land based on the following formula:

$$\text{Storm Water Charges} = (\text{UR}) \times (\text{REF}) \times (\text{SA})$$

3. Standardized Charges. The following rules shall apply for all purpose of simplifying and equalizing charges:

A. A standard surface area of 0.38 acres shall be used for single-family residential parcels.

B. A standard surface area of 0.38 acres for each unit shall be used in computing storm water charges for the following dwellings: duplexes, twin homes, townhouses, and detached townhouses. (For example, a parcel that contains four townhouse units shall have a surface area computed as follows: 4 units x 0.38 acres/unit = 1.52 acres).

C. Parcels subject to these standardized charges shall not be eligible for adjustments (credits) to charges or adjustments to area as set forth elsewhere herein.

4. Adjustments (Credits) to Charges. The City Council may provide for the adjustment of charges for parcels or groups of parcels based upon hydrologic response substantially different from the REF being used for the parcel or for parcels which employ BMPs or other storm water management practices on-site that significantly reduce the quantity or improve the quality of storm water runoff from the parcel.

Such adjustment shall be made only after receiving the recommendation from the Street/Sanitation Supervisor, and shall not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all parcels in a particular land use classification, such adjustment shall be accomplished by amending the REF table listed in this storm water utility policy.

Storm water utility fees may be adjusted under any of the following conditions:

A. Revisions of Unit Rate. The estimated expenditures for the management of storm water shall be reviewed by the City Council. The unit rate shall be adjusted accordingly to meet the estimated expenditures and will follow established procedures for adjustment of utility rates.

B. Minimum or Maximum Fees. The City Council may establish a minimum or maximum monthly fee per parcel.

(1) The minimum fee shall be set equal to the single-family residential standardized fee.

C. Application for Credit. The City may establish a credit policy and utilize a credit application form for consideration of fee reduction.

D. Change in Development Condition of Parcel. As land is developed and/or redeveloped the fees will be re-computed based on the revised land use.

5. Adjustment to Area. The total parcel area as shown in the City Assessor's records will be used to calculate the surface area for a given parcel, except that

apparent errors in the recorded values may be subject to recalculation by the City. It is the responsibility of the owner or manager of any parcel to provide the City with necessary surveys, and other information as the City may reasonably request, to determine if a parcel, or portion of a parcel, qualifies for an exception or area adjustment. Requests for exceptions and/or area adjustments will be reviewed after receipt of all requested information. Exceptions and/or adjustments must be approved by the City, and shall become effective the beginning of the next billing cycle following approval.

6. Exceptions. The following land uses are exempt from the storm water utility fees established herein:

- A. Property owned by the City of Milford,
- B. Property owned by Milford Municipal Utilities,
- C. Public street right-of-way,
- D. Wetlands and public waters as defined by State law,
- E. Undeveloped parcels,
- F. Publicly-owned park lands, natural areas, and recreational fields,
- G. Railroad right-of-way,
- H. Cemeteries,
- I. Unsewered parcels situated with the AG (Agricultural) zoning district of the City.

7. Falsification of Information. Willful failure to provide information that the City may reasonably request related to the use, development and area of a premises, or falsification of such information, shall constitute a violation of the City's storm water utility chapter.

**101.08 CREDITS IN GENERAL.** Storm water utility fees may be adjusted under the conditions stated below. It shall be the responsibility of the property owner to provide justification for the fee adjustment.

City staff must approve all credit applications. Credits may be applied for year round. If approved, the reduction will be applied to the following month's utility bill. There will be no refunds of storm water charges that occurred prior to approval of any credit applications. The City may establish a fee by resolution for the review and processing of the SWU credit application.

Parcels subject to the standardized charges shall not be eligible for adjustments to charges or adjustments to area as set forth in this chapter.

Note that maximum credits are cumulative and cannot exceed 75%.

Wetland areas shall be excluded from the total parcel area when calculating the utility fee. Wetland areas that are shown on the County National Wetlands Inventory have already been subtracted from the parcel area assessed for the utility fee.

**101.09 STORM WATER QUANTITY REDUCTION AND QUALITY IMPROVEMENT CREDITS.**

1. If it can be demonstrated that an individual parcel detains storm water runoff to the predevelopment rate for a 2, 10, and 100-year runoff event, that parcel shall be eligible for a 25% storm water utility fee reduction.
2. If it can be demonstrated that an individual parcel retains or infiltrates at least 1 inch of runoff volume calculated over the entire site and meets the following requirements, that parcel shall be eligible for a 25% storm water utility fee reduction. Retention or infiltration must be done in an on-site, constructed storm water management facility and be maintained by the landowner (with a maintenance agreement); a lesser percentage will be credited for partial parcel area treatment.
3. Where regional treatment exists and the regional treatment meets any of the above credit reductions for the total area draining to the regional treatment, parcels with 75% or more of their runoff directly entering the regional treatment facility by storm sewer or overland flow, may be eligible for a 25% credit.
4. Those parcels having facilities constructed specifically for the purpose of storm water enhancement, best management practices (BMP), may be eligible for a credit.
  - A. Documentation must be provided to the City for evaluation of the BMP demonstrating the water quantity reduction or water quality improvement. It is required that the documentation be prepared by a licensed professional civil engineer of the State of Iowa and provide the necessary drawings and calculations to support the storm water benefit. It is the applicant's responsibility to prove the benefit. If approved for a credit, the applicant must maintain the BMP in accordance with generally accepted practices and standards. Removal of the BMP or failure to maintain it shall result in a recalculation of the storm water charge to the full amount.
  - B. The following are some examples of best management practices:
    - Storm water retention and detention ponds
    - Rain gardens
    - Wet or dry swales
    - Filter strips
    - Infiltration trenches or ponds
    - Underground storage or filters
    - Sand filters
    - Soak away pits
    - Green roof
    - Pervious pavers
    - Dry wells
5. Land Use Credits.
  - A. Parcels with green space or vacant land meeting all of the following criteria may be granted up to a 50% reduction from the monthly charge. The credit shall be calculated based on the percentage of the total parcel eligible.

Criteria:

- (1) Green/vacant space shall be pervious, continuously vegetated areas incorporated into the developed parcel.
- (2) The property must comply with other City of Milford ordinances such as mowing and nuisance or noxious weed ordinances.
- (3) The space shall not have more than 25% impacted, compacted soils. Examples of impacted spaces are trails and compacted gravel areas.
- (4) The green/vacant space must be at least 10% of the total parcel.
- (5) The eligible green/vacant space must have a separation of at least 10 feet from any impervious surface.

B. Parcels that are classified as Commercial, Industrial, or Institutional where it is demonstrated that storm water runoff from the property does not enter the City's storm water system may apply for up to a 50% reduction from the monthly charge.

C. Any alterations to the property that reduce the amount of green space to an amount less than 10% of the total parcel or increase the amount of compacted soils to be more than 25% of the property where land use credits had previously been approved shall result in a recalculation of charges to the full amount.

**101.10 PAYMENT OF BILLS.** All storm water drainage system district charges shall be due and payable under the same terms and conditions as Section 99.05 of the Milford Code of Ordinances.

**101.11 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 City Clerk or Clerk's designee to the County Treasurer for the collection in the same manner as property taxes. The City Clerk or Clerk's designee is authorized to certify any unpaid and delinquent charges to the County Treasurer for the collection in the same manner as property taxes upon the premises serviced without prior Council approval as prescribed by Iowa Code.

*(Ord. 6-13 – Aug. 13 Supp.)*

*(Ch. 101 - Ord. 2-12 – Aug. 13 Supp.)*

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