

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 13 UTILITIES – STORM WATER MANAGEMENT**

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6-13-1 **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 Rockwell, Iowa and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities

6-13-2 **DEFINITIONS.** For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. “Customers of Stormwater utility” includes 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 system and facilities.

2. “Service charge” means the periodic rate, fee or charge applicable to a parcel of developed land which shall be reflective of the service provided by the City of Rockwell, Iowa Stormwater utility. Service charges shall be based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City’s Stormwater management systems and facilities, including the costs of bond repayment, regulation, administration, and service of the City.

3. “Stormwater management systems and facilities” addresses the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving river, streams, creeks, lakes and ponds through improvements, maintenance, regulation and funding of plants, structures and property used in the collection, retention, detention and treatment of Stormwater or surface water drainage.

6-13-3 **SCOPE AND RESPONSIBILITY FOR THE STORMWATER UTILITY.** The City of Rockwell Stormwater utility consist of all rivers, streams, creeks, branches, lakes, ponds, drainage ways, channels, ditches, swales, stormwater, culverts, inlets, catch basins, pipes, dams, headwalls and other structures natural or man-made, within the corporate boundaries of the City of Rockwell which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City of Rockwell owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system which (1) are located within public streets, right-of-ways and easements; (2) are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or (3) are located on public lands to which the City of Rockwell has adequate access for operation, maintenance and improvement of systems or facilities. Operation, maintenance and improvement of stormwater systems

and facilities which are located on private property or public property not owned by the City of Rockwell and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant.

6-13-4 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Stormwater Management Systems and Facilities. Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the stormwater management systems or facilities.

2. Illicit Discharges. No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City of Rockwell stormwater management system and facilities, including but not limited to pollutants or waters containing any pollutants, other than stormwater.

3. Manholes. Open or enter any manhole, structure or intake of the stormwater system, except by authority of the City.

4. Connection. Connection of any private stormwater system to the City's stormwater management system and facilities, except by authority of the City.

6-13-5 RIGHT OF ENTRY. Employees of the City of Rockwell bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private stormwater discharges directly or indirectly entering into any public stormwater management system or facility in accordance with the provisions of this chapter.

6-13-6 PENALTIES. The following penalty provisions shall apply to violations of this chapter:

1. Notice of Violation. Any person found to be violation any provisions of this chapter shall be served by the City of Rockwell with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently remedy all violations.

2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 thereof, shall be subject to a municipal infraction as set forth in Section 6-2-8 of this Code of Ordinances. Each day which said violation shall continue shall be deemed a separate offence.

3. Liability Imposed. Any person violation any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

6-13-7 SERVICE CHARGE. Each residential, commercial and industrial account that is billed for one or more City utility services within the corporate limits of the City shall pay a service charge of five dollars and fifty-two cents (\$5.52) per month. Exempt from these charges are property owned by a public entity.

There shall be an annual increase of two (2%) percent for service charges beginning each July.

6-13-8 BILLING FOR STORMWATER SERVICE. All stormwater service charges shall be billed as part of the combined utility service account and shall be due and payable under the same terms and conditions as set forth in Section 6-5-5 of the Code of Ordinances.

6-13-9 LIEN FOR NONPAYMENT. 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 premise served and may be certified by the Clerk of the County Treasurer for collection in the same manner as property taxes.

6-13-10 LIEN NOTICE. A lien for delinquent stormwater service charges shall not be certified to the county Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

6-13-11 DISCONTINUANCE OF SERVICE. The City may discontinue water service to a customer who is delinquent in payment of the combined service account in accordance with the provisions contained in Title VI, Chapter 5 Utilities - Billing Charges of this Code of Ordinances.

6-13-12 ANNUAL REVISION OF RATES. The City will review the stormwater service charges at least yearly 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. 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.