

**ORDINANCE NO. 1-2020**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, BY ADDING A NEW CHAPTER 15 UTILITIES – STORM WATER MANAGEMENT, UNDER TITLE VI PHYSICAL ENVIRONMENT**

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 UTILITIES – STORM WATER MANAGEMENT

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6-16-1 DEFINITIONS. For use in this chapter, unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

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 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 the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water 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 grates and covers thereof, 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 system within the City, to which sanitary sewage flows are not intentionally admitted.
3. “Unit” means each household, each place of commerce, education, government, religion, or each industry, whether in a single building on a single or in a multiple-use building on a single lot or multiple lot complex. 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 any property located in City limits 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. If the property is not occupied, the person who has a right to occupy it shall be deemed the user.

6-16-2 PURPOSE. The City of Griswold, determines and declares it to be conducive to the health, welfare, safety, and convenience of the City and its residents that a storm water management utility district be established within the City. This chapter establishes a Storm Water Drainage Utility and provides a means of funding the construction, operation and maintenance of storm water systems, but not limited to, detention and retention basins, storm water sewers, inlets, ditches and drains and cleaning of streets. The City Council finds that 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.

6-16-3 STORM WATER DRAINAGE UTILITY ESTABLISHED. Pursuant to the authority of the Code of Iowa, Section 384.84(1), the entire City of Griswold is hereby declared a Storm Water Drainage System District for the purpose of establishing, imposing, adjusting, and providing for the collection of rates for the operation and maintenance of storm water management. The entire corporate limits of the City of Griswold shall constitute a single Storm Water Drainage System District.

It is further found, determined, and declared that the elements of the storm water management utility are of benefit and provide services to all real properties within the incorporated city limits, including property not directly served by the storm water drainage system, and that such benefits and services may include but are not limited to the provision of adequate systems of collection, conveyance, detention, treatment and release of storm water; the reduction of hazard to property and life resulting from storm water runoff and flooding; improvement in general health and welfare through reduction of undesirable storm water conditions and flooding; and improvement to the water quality in the storm water and surface water system and its receiving waters.

It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety and convenience of the City and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels or real estate, and buildings that discharge storm water or surface or subsurface waters, directly or indirectly, to the City storm water drainage system, and that the proceeds of such charges so derived be used for the purpose of operation, maintenance, repair, replacement and debt service for construction of the storm water drainage and flood protection improvements comprising the storm water management utility.

6-16-4 RATES. Each user shall pay for storm and surface water drainage system 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 residential, commercial, industrial, and governmental user within the corporate limits of the City. The City 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, interest charges and penalties, such charges and fees shall be just and equitable based on the actual costs, or anticipated costs, of operation, maintenance, acquisition, establishment, extension and replacement of the City's system, the cost of bond repayment, regulation, administration, and services of the City.

6-16-5 PAYMENT OF BILLS. All storm water drainage system district charges shall be due and payable under the same terms and conditions provided for payment as contained in Title VI, Chapter 5 Utilities – Billing Charges of this Code of Ordinances.

6-16-6 RIGHT OF ENTRY. The Public Works Superintendent and other authorized agents of the City of Griswold 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 storm water discharges directly or indirectly entering into any public storm water management system or facility in accordance with the provisions of this chapter.

6-16-7 PROHIBITED ACTS. No person or entity shall do or allow any of the following:

1. Damage Storm Water Management Systems. No person or entity shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any of the structure, pipe, appurtenance, or equipment which is part of the storm water management systems or facilities.
2. Illicit Discharges. No person or entity shall throw, drain, or otherwise discharge or allow or cause to throw, drain, run or allow to seep or otherwise be discharged into the City of Griswold's storm water management system and facilities, including, but not limited to, pollutants or water containing any pollutants, other than storm water.
3. Manholes. No person or entity shall open or enter any manhole, structure, or intake of the storm water system, except as authorized by the Public Works Superintendent.
4. Connection. No person or entity shall connect any private storm water system to the City's storm water management system and facilities, except as authorize by the City Council.

6-16-8 PENALTIES. The following penalty provisions shall apply to violations of this chapter:

1. Notice of Violation. Any person or entity found to be in violation of any provision of this chapter shall be served by the City of Griswold with written notice stating the nature of the violation and provide reasonable time for correcting the violation. The offending person or entity, within the time stated in such notice, will permanently remedy all violations. Remedying the violations does not waive any claim the City may have against the offending person or entity for related damages caused by the violation or violations.
2. Continuing Violations. Any person or entity who shall continue any violation beyond the time limit to remedy the violations as provided in Subsection 1 above, shall be subject to civil penalties as set forth in Title I General Provisions, Chapter 3 Penalty, of this Code of Ordinances.
3. Liability Imposed. Any person or entity violating any of the provisions of this chapter shall be liable to the City for any expense, loss or damage incurred by the City caused by the violation.

WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading:

Moved by Askeland to adopt.

Seconded by Sorensen to adopt.

Roll Call:

Adams	<u>Aye</u>
Askeland	<u>Aye</u>
Preston	<u>Aye</u>
Sorensen	<u>Aye</u>
Stapleton	<u>Aye</u>

Second Reading:

Moved by Askeland to adopt.

Seconded by Sorensen to adopt.

Roll Call:

Adams	<u>Aye</u>
Askeland	<u>Aye</u>
Preston	<u>Aye</u>
Sorensen	<u>Aye</u>
Stapleton	<u>Aye</u>

Passed by the Council this 8th day of June, 2020, and approved this 8th day June, 2020.