

ORDINANCE NO. 14,229

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,043, passed January 28, 2002, by repealing Section 102-926 of Article XI, Environmental Assessment and Remediation Activities on City Property thereof and enacting a new Section 102-926 of Article XI, Environmental Assessment and Remediation Activities on City Property, to provide for the collection of fees for application for initial issuance and for renewal of licenses for environmental assessment or remediation activities on city property and for the setting of such fees pursuant to City Council adoption of a schedule of fees.

Be It Ordained by the City Council of the
City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,043, passed January 28, 2002, is hereby amended by repealing Section 102-926 of Article XI, Environmental Assessment and Remediation Activities on City Property thereof and enacting a new Section 102-926 of Article XI, Environmental Assessment and Remediation Activities on City Property, to provide for the collection of fees for application for initial issuance and for renewal of licenses for environmental assessment or remediation activities on city property and for the setting of such fees pursuant to City Council adoption of a schedule of fees, as follows:

Sec. 102-926. Fee; issuance and renewal.

(a) Upon approval of the application, certificate of insurance and performance bond, or receipt of deposit in lieu of the bond, and payment of a license fee as provided in this section, the license shall be issued to the applicant, allowing commencement of those

assessment and/or remediation activities approved by the permit and development center and described in the license.

(b) Licenses for environmental assessment or remediation may be issued either to the person who will be conducting the environmental assessment or remediation activities or to the person on whose behalf such work will be performed or to both. The permit and development center, in consultation with the legal department, shall determine the appropriate parties to be licensed under the circumstances of each case.

(c) A license for environmental assessment and remediation activities may be issued for an initial period of up to one year, and may be renewed for additional periods of one year as provided in this section. The application for initial issuance of a license shall be accompanied an application fee, plus an annual fee to be charged per well or borehole to be placed on city property. The

application for renewal of a license shall be accompanied an application fee, plus an annual fee to be charged per well or borehole in place or to be placed on city property.

(d) If during the term of the license, the licensee desires to place additional wells or boreholes or to conduct additional assessment or remediation activities on city property at the licensed site, or desires to place additional wells or boreholes or to conduct additional assessment or remediation activities on city property immediately adjacent to the licensed site, the licensee shall make application in writing to amend its license, including therewith a plat of the location of such additional activities, wells, or boreholes. Such application shall be accompanied by a license amendment processing fee, together with the required annual fee per well or borehole to be placed on city property, as provided in subsection (c) of this section. If the permit and development center declines to approve any

particular well or borehole site proposed by the applicant or licensee, that portion of the fee attributable to such well or borehole shall be refunded to the applicant or licensee.

(e) The license may include such provisions, requirements and conditions as the permit and development center shall determine necessary to protect the city's interests, not inconsistent with this chapter. All such licenses proposed for issuance by the permit and development center shall be subject to review and approval by the legal department.

(f) The fees provided in this section shall not apply to assessment or remediation activities being conducted by or on behalf of the city. The city council reserves the right to waive the fees as to assessment or remediation activities being conducted on city property by or on behalf of any other governmental entity.

(g) The permit and development center may renew licenses for environmental assessment or remediation activities upon city

property for such additional period of time as is necessary for completion of the work, but all such renewals shall be discretionary upon the city engineer's determination that continued utilization of city property for that purpose will not unduly burden the city or the public in its use of city property and that such renewal is in the city's best interests. If the city engineer determines not to renew a license, notice of such determination shall be given to the licensee pursuant to section 102-928 of this division.

(h) The application fee for initial issuance of a license, the application fee for renewal or amendment of a license, and the annual fee per well or borehole placed on city property shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Terrence L. Timmins, Deputy City Attorney

Preston A. Daniels, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 03-1032), passed by the City Council of said City at a meeting held May 5, 2003 signed by the Mayor on May 5, 2003 and published as provided by law in the Business Record on May 19, 2003 Authorized by Publication Order No. 3584.

Diane Rauh, City Clerk