

ORDINANCE NO. 14,359

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, by amending Sections 94-351, 94-355 and 94-357 and repealing Sections 94-352, 94-353 and 94-354 thereof, relating to stormwater management assessment subsidy credits.

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, is hereby amended by amending Sections 94-351, 94-355 and 94-357 and repealing Sections 94-352, 94-353 and 94-354 thereof, relating to stormwater management assessment subsidy credits, as follows:

**Sec. 94-351. Established.**

- (a) The city has allocated from the stormwater management revenues a sum sufficient to provide a subsidy, as described in Sec. 94-355, to property owners whose properties were assessed for the Dean's Lake I, Dean's Lake II, Hamilton Drain, or Fiftieth and Franklin drainage improvement projects. The amount of the assessment subsidy shall be equal to the monthly storm water management charges accrued against such properties.
- (b) For purposes of this article, the term "property owner" or "owner" shall mean the owner of record of a property or the party in possession thereof under lease or contract who paid special assessments applicable to the property, and who is responsible for payment of municipal utility charges against the property, including water service charges, sewer service charges, solid waste collection service charges, and stormwater management charges.
- (c) For purposes of this article, the term "property" shall mean those properties against which the city has certified special assessments for the Dean's Lake I, Dean's Lake II, Hamilton Drain, or Fiftieth and Franklin drainage improvement projects.

**Sec. 94-352. Repealed by Ord. No. 14,359.**

**Sec. 94-353. Repealed by Ord. No. 14,359.**

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**Sec. 94-355. Method of advancing subsidy credits.**

- (a) The city engineer shall advance an assessment subsidy credit provided in this article to the city water works, with direction to credit the amount of the subsidy for each property to the stormwater management portion of the account for each property for each monthly billing by the city water works.
- (b) The assessment subsidy credits accumulated from the period of September 1, 2002 through October 31, 2003, shall be credited as a lump sum to the combined services charges on each property owner's city water works account. Such accumulated credit shall be applied to city water works accounts beginning during the month of September, 2004 and continuing until said accumulated credit is expended or a refund is granted. In the event that a property owner ceases to own and occupy or reside at the property before such accumulated credit has been expended, the property owner shall receive reimbursement for such unexpended subsidy amount less the amount of combined services fees due at the time of the refund request.
- (c) Assessment subsidy credits remaining after the accumulated credits described in sec. 94-355(b) have been made shall continue thereafter as a credit in the amount of the monthly stormwater management charges on the property owner's monthly city water works account billing.
- (d) The monthly assessment subsidy credits shall continue until the entire assessment against the property has been reimbursed or until June 30, 2024, the termination date of stormwater management charges pursuant to Sec. 118-29 of the code, whichever occurs first, so long as the person continues to own and occupy or reside at the property.

**Sec. 94-357. Limitations.**

- (a) In no case shall the city's assessment subsidy credit pursuant to this article and/or pursuant to article VIII of this chapter exceed the amount of the assessment paid or to be paid by the property owner for drainage improvements.
- (b) Properties whose drainage improvement special assessments

have been paid in full pursuant to article VIII of this chapter shall not be eligible for further subsidy credit pursuant to this article.

- (c) Any person making a false statement, claim or affidavit for the purpose of obtaining the subsidy credit provided for in this article for any two or more persons who conspire and confederate together to make such false statement, claim or affidavit or to assist another to do so shall be recommended to the county attorney for criminal prosecution.

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

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

T. M. Franklin Cownie, 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. 04-1602), passed by the City Council of said City at a meeting held July 26, 2004 signed by the Mayor on July 26, 2004 and published as provided by law in the Business Record on August 9, 2004 Authorized by Publication Order No. 4367.

Diane Rauh, City Clerk