

ORDINANCE NO. 14,434

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 118-146, 118-147, 118-148, 118-149, 118-151 and 118-158 thereof, relating to charges for wastewater collection and treatment services.

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 118-146, 118-147, 118-148, 118-149, 118-151 and 118-158 relating to charges for wastewater collection and treatment services, as follows:

DIVISION 4. CHARGES FOR WASTEWATER
COLLECTION AND TREATMENT SERVICES

Sec. 118-146. Purpose of division.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to levy and collect charges, rates or rentals upon all lots, parcels of real estate and buildings that are connected directly or indirectly to the Des Moines sanitary sewer system and which contribute wastewater for transportation to and treatment at the Des Moines metropolitan wastewater reclamation authority (WRA) wastewater reclamation facility (WRF). The proceeds of such charges or rentals so derived are to be used for the purpose of funding the operation, maintenance, repair, replacement and debt service for the Des Moines sanitary sewer system, and for the purpose of funding the city's contribution to the WRA for operation, maintenance, repair, replacement and debt service for the WRA system pursuant to the WRA agreement.

Sec. 118-147. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this

section, except where the context clearly indicates a different meaning:

Account holder means any person listed in city water works records as the person responsible for payment of sewer service charges, water service charges, solid waste collection service charges, or stormwater management service charges at a particular premises or property.

Administrator means the administrator of the sewer enterprise division of public works department.

City or the city refers to the city of Des Moines.

City manager or manager refers to the city manager of the city of Des Moines.

Combined service account means a customer account for the provision of water service, sewer service, solid waste collection service, stormwater management service, or any combination thereof, to a particular premises or property.

Contributor or user refers to any person, firm, corporation or other entity or organization responsible for the production of wastewater from a domestic, commercial or industrial source, which wastewater is directly or indirectly discharged into the city sanitary sewer system for treatment at the WRF, or which is discharged directly or indirectly to the WRA system for treatment at the WRF. For purposes of section 118-158, "contributor" also refers to any person, firm, corporation or other entity or organization responsible for the generation of solid waste which is subject to collection by the city pursuant to article II or II of chapter 98 of this Code, and to any person, firm, or corporation or other entity or organization responsible for the direct or indirect discharge of stormwater, or surface or subsurface waters, to the city's stormwater drainage system. For purposes of sections 118-158 and 118-159, "user" also refers to any person, firm, corporation or other entity or organization deriving water service from the city's water works.

Customer means a contributor to the city sanitary sewer system whose situs of usage is within the city, or a contributor whose situs of usage is outside the city and whose usage is pursuant to contract with the city.

Debt service refers to the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt and loans.

Des Moines metropolitan wastewater reclamation authority system, or WRA system shall mean and include the WRF, the WRA wastewater collection and conveyance system, satellite wastewater and CSO treatment facilities hereafter constructed, all real and personal property of every nature hereinafter owned by the WRA and comprising part of or used as a part of the WRA

system, and all appurtenances, contracts, leases, franchises and other intangibles of the WRA.

Des Moines metropolitan wastewater reclamation authority or WRA means the corporation and political subdivision established pursuant to the WRA agreement, organized and existing under Chapters 28E and 28F of the Iowa Code, and means and includes the representatives of the participating communities on the WRA board, and the officers and employees of the WRA.

Des Moines sanitary sewer system or city sanitary sewer system refers to the local outfall sewers, trunk sewers, pumping stations, force mains, and wastewater equalization basins, and all other structures, devices and appliances appurtenant thereto, which are used for collecting, conveying or storing wastewater and which serve and are owned, operated and maintained by the city.

Director refers to the director of public works as director of the WRA operating contractor and of the city sanitary sewer system.

Domestic wastewater means all household-type waste discharged from places of human habitation including sanitary convenience, kitchen and laundry waste. Domestic wastewater is further defined as a discharge to the sanitary sewer system which does not exceed Daily Maximum Limits of 300 mg/l COD, 200 mg/l BOD, 250 mg/l suspended solids, 100 mg/l oil and grease, 30 mg/l TKN, and 15 mg/l NH₃-N at a discharge rate of 100 gallons per capita per day. This loading is equal to 0.25 pounds of COD, 0.17 pounds of BOD, 0.20 pounds of suspended solids, 0.083 pounds of oil and grease, 0.025 pounds of TKN and 0.013 pounds of NH₃-N per capita per day.

Operating contractor means the city of Des Moines and its directors, officers, employees and agents, acting pursuant to the Initial Operating Contract between the city and the WRA, in the operation, maintenance, management and development of the WRA system.

Owner means property owner of record as reflected in the records of the county.

Sewer service charge refers to all rates, charges, fees or rentals levied against and payable by the customers, except when special contracts have been or may be negotiated by and between the city and sanitary districts, commercial establishments, industries, or manufacturing plants .

Participating communities means the cities of Altoona, Ankeny, Bondurant, Clive, Des Moines, Johnston, Norwalk, Pleasant Hill and West Des Moines, and Polk County, Warren County, the Urbandale Sanitary Sewer District, the Urbandale-Windsor Heights Sanitary District and the Greenfield Plaza/Hills of Coventry Sanitary District, together with any other cities,

counties, or sanitary districts that become participating communities under the provisions of the WRA agreement.

User charge means sewage service charge.

WRA board means the duly appointed Board of the WRA.

WRA wastewater collection and conveyance system means the WRA sanitary sewer interceptors and extensions to same, detention basins, equalization basins, storage facilities, pumping stations, force mains and all related property and improvements.

WRA wastewater reclamation facility or WRF refers to the wastewater treatment facility constructed and operated by the WRA in Des Moines at 3000 Vandalia Road, and to other such treatment facilities as may hereafter be constructed and operated by the WRA.

Sec. 118-148. Duties of administrator.

The wastewater treatment division of the department of public works shall be supervised by the administrator who shall be responsible for operations under the general supervision of the director of public works and the city manager.

Sec. 118-149. Sewer service charges--Volume charge and customer service charge.

- (a) Every customer shall pay to the city the rates and charges as hereinafter established and specified for the purpose of contributing toward the costs of construction, maintenance and operation of the wastewater treatment system.
- (b) Except as hereinafter provided, each customer whose property lies within the corporate limits of the city shall pay to the city, either directly or, at the direction of the city manager, through its collection agent at the agent's office, at the same time payment for city water service is made, a volume charge for domestic wastewater contribution. The volume charge shall be calculated as follows: (1) for the period ending June 30, 2005, the volume charge shall be calculated on the basis of \$2.97 for each 1,000 gallons of water; (2) for the period July 1, 2005 through June 30, 2006, the volume charge shall be calculated on the basis of \$3.21 for each 1,000 gallons of water; (3) for the period July 1, 2006 through June 30, 2007, the volume charge shall be calculated on the basis of \$3.46 for each 1,000 gallons of water; and (4) for the period July 1, 2007 and thereafter, the volume charge shall be calculated on the basis of \$3.74 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month. The volume charge assessed monthly to all such

customers shall be in addition to those charges specified in subsection (c) of this section, and in addition to the charges, surcharges, and penalties provided in section 118-151.

- (c) Except as hereinafter provided, each customer whose property lies within the corporate limits of the city shall pay to the city, either directly or, at the direction of the city manager, through its collection agent at the agent's office, at the same time payment for city water service is made, a monthly customer service charge of \$4.40. The customer service charge assessed monthly to all such customers shall be in addition to those charges specified in subsection (b) of this section, and in addition to the charges, surcharges, and penalties provided in section 118-151.
- (d) The director shall periodically review the volume charge and the customer service charge in conjunction with the preparation of the budget for the city sanitary sewer system. If at any time the director determines that the volume charge, the customer service charge, and/or the budget for the city sanitary sewer system requires adjustment, the director shall report such determination to the city manager and city council. The city council may at any time adjust the volume charge or the customer service charge by adoption of an ordinance amending this section, and may at any time adjust the budget for the city sanitary sewer system by adoption of an appropriate resolution.
- (e) Contributors whose properties lie outside the corporate limits of the city and which are served or otherwise provided sewer service pursuant to contract with the city, shall pay to the city a fee as set forth in section 118-154(d).

Sec. 118-151. Extra strength wastewater.

- (a) No contributor shall contribute wastewater in excess of the limits for domestic wastewater, except in accordance with article III of this chapter pertaining to industrial pretreatment, or in accordance with an industrial pretreatment ordinance approved by the Environmental Protection Agency and adopted by a WRA constituent community. Contributors who contribute wastewater anywhere in the system in excess of the limits for domestic wastewater, whether residing or located within the city or elsewhere, shall be subject to the charges, surcharges, and/or penalties as provided in article III of this chapter, which shall be in addition to the rates and

charges provided in this division.

Sec. 118-158. Billing procedures; past due and delinquent accounts.

- (a) The city water works is authorized to act as the city's agent for the billing and collection of sewer, solid waste collection, and stormwater management service charges within the city and for charges made to the city sewer service contract accounts outside the city. The water works is authorized to read the water meter of each sewer contributor monthly, or in accordance with its procedures and regulations, and to thereafter bill sewer contributors the rates and charges provided in sections 118-149 and 118-154 of this division, utilizing its water use data as appropriate to calculate each billing. As to sewer contributors who do not derive water service from the water works, the water works shall bill such contributors for sewer service as determined and directed by the administrator pursuant to section 118-156 of this division. The water works is also authorized to bill each solid waste contributor the charges for solid waste collection service provided in section 98-55 of this Code. The city shall periodically provide to the water works an updated listing of elderly and disabled solid waste contributors entitled to the reduced rate for such service provided in subsection 98-55(c) of this Code. The water works is authorized to bill the owners or occupants of all properties within the city, except exempt properties, the charge for stormwater management services, all as provided by division 7 of this article.
- (b) Payments for sewer, solid waste collection, and/or stormwater management services are due as of the date the billings are mailed, which date shall be the billing date. Water, sewer, solid waste collection, and/or stormwater management service charges will be billed to contributors and customers in a combined service account billing statement.
- (c) If full payment of all charges billed in a combined service account billing statement is not received within 40 days after the billing date, the contributor's or customer's combined service account shall be considered delinquent, and the Water Works shall give notice, as hereafter provided, that the combined service account is delinquent and that water service to the premises for which the account is delinquent will be discontinued if the delinquent charges are not paid within 50 days after the

billing date.

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

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. 05-1006), passed by the City Council of said City at a meeting held April 25, 2005 signed by the Mayor on April 25, 2005 and published as provided by law in the Business Record on May 9, 2005 Authorized by Publication Order No.4592.

Diane Rauh, City Clerk