

ORDINANCE NO. 15,697

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, as heretofore amended, by amending Section 118-275, relating to the ERU rate for stormwater management services to be applied to residential and nonresidential properties, and by amending Section 118-286 by deleting a reference to a repealed code section.

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, as heretofore amended, is hereby amended by amending Section 118-275, relating to the ERU rate for stormwater management services to be applied to residential and nonresidential properties, and by amending Section 118-286 by deleting a reference to a repealed code section, as follows:

**Sec. 118-275. Establishment of ERU, ERU rate and stormwater management charge.**

- (a) For purposes of this division, an ERU shall be equivalent to 2,349 square feet of impervious property.
- (b) Except as provided in this division, every contributor owning or occupying a single-family residential property, a multifamily residential property, an unclassified residential property, or a nonresidential property, other than exempt property, shall pay to the city at the office of the city's collection agent, at the same time payment is made for water service, a stormwater management charge to be determined and billed as provided in this division. In the event the owner and the occupant of a particular property are not the same, the liability for payment of the stormwater management charge attributable to that property shall be joint and several as to the owner and occupant. The stormwater management charge shall be a monthly service charge and shall be determined by this division and the ERU and ERU rate which is established in this division and from time to time adjusted as provided in this division.
- (c) The stormwater management charges provided in sections 118-276 through 118-279 of this division shall be applied and computed for each contributor during the customary billing periods as to all bills mailed by the city's collection agent, and such charges shall thereafter be paid and collected as provided in this division.
- (d) The ERU rate to be applied to residential and nonresidential properties shall be as follows:
  - (1) for the period January 1, 2010 through December 31, 2010, the ERU rate shall be \$7.87;
  - (2) for the period January 1, 2011 through December 31, 2011, the ERU rate shall be

- \$8.50; and
- (3) for the period January 1, 2012 through December 31, 2012, the ERU rate shall be \$8.84; and
- (4) for the period January 1, 2013 through June 30, 2013, the ERU rate shall be \$9.19; and
- (5) for the period July 1, 2013 through June 30, 2014, the ERU rate shall be \$9.74; and
- (6) for the period July 1, 2014 through June 30, 2015, the ERU rate shall be \$10.33; and
- (7) for the period July 1, 2015 through June 30, 2016, the ERU rate shall be \$10.95; and
- (8) for the period July 1, 2016 through June 30, 2017, the ERU rate shall be \$11.50 and.
- (9) for the period July 1, 2017 through June 30, 2018, the ERU rate shall be \$12.07; and.
- (10) for the period July 1, 2018 through June 30, 2019, the ERU rate shall be \$12.68.
- (11) for the period January 1, 2019 through December 31, 2019, the ERU rate shall be \$13.44; and
- (12) for the period January 1, 2020 through December 31, 2020, the ERU rate shall be \$14.25; and
- (13) for the period January 1, 2021 through December 31, 2021, the ERU rate shall be \$15.11; and
- (14) for the period January 1, 2022 through December 31, 2022, the ERU rate shall be \$15.87; and
- (15) for the period January 1, 2023 through December 31, 2023, the ERU rate shall be \$16.35.

Said rate shall remain in effect until adjusted as hereafter provided.

- (e) The director shall periodically review the ERU rate and/or budget for the stormwater management utility system. If at any time the director determines that the ERU rate and/or the budget for the stormwater management utility 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 ERU rate by adoption of an ordinance amending this section, and may at any time adjust the budget for the stormwater management utility system by adoption of an appropriate resolution.
- (f) No revenues generated by the stormwater utility user fee shall be used for any purpose other than stormwater expenses.

**Sec. 118-286. Duties and bond of collection agent.**

- (a) Under this division, the collection agent is charged with the responsibility of billing all contributors except those billed directly by the city pursuant to subsection 118-283(b) of this division. The collection agent shall collect such charges at the same time, place and in conjunction with the water rentals in accordance with the stormwater management charges provided in sections 118-275 through 118-279 of this division.

- (b) For the faithful performance of the duties of collection agent and for accounting for all funds coming into his or her hands, the collection agent shall give a fidelity bond to the city in the principal amount of \$5,000.00. The collection agent shall receive reasonable compensation as fixed or agreed to by the city council.
- (c) Except only as provided in section 118-164 of this article, all monies received by the collection agent from stormwater management charges shall be transmitted to the city treasurer to be kept in separate funds.

Section 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. 18-1438), passed by the City Council of said City at a meeting held August 20, 2018 signed by the Mayor on August 20, 2018 and published and provided by law in the Business Record on September 7, 2018. Authorized by Publication Order No. 10498.

Diane Rauh, City Clerk