

ORDINANCE NO. 398

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HULL, IOWA, BY ENACTING A NEW CHAPTER 101.

BE IT ENACTED by the City Council of the City of Hull, Iowa:

Section 1. SECTIONS AMENDED. The Code of Ordinances of the City of Hull, Iowa, is amended by inserting a new Chapter 101 entitled Storm Water Management Utility as follows:

101.01 PURPOSE & ESTABLISHMENT OF STORM WATER DRAINAGE UTILITY.

The City 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. Consequently, pursuant to Code of Iowa Section 384.84(1), a storm water management utility district, to be known as the Storm Water Management Utility, is established. The utility is comprised of and includes elements of the City's storm water drainage and flood protection systems which provide for the collection, treatment and disposal of storm water. 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 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 of 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 purposes 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.

101.02 SCOPE AND RESPONSIBILITY. The City storm water utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainage ways, public roadways, channels, ditches, swales, storm sewer, culverts, inlets, catch basins, pipes, dams, head walls and other structures, natural or manmade, within the corporate boundaries of the City which control and/or convey storm water through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system which: (i) are located within public streets, rights-of-way, and easements; (ii) are subject to easement or other permanent provisions for adequate access for operation, maintenance, and improvement of systems or facilities; or (iii) are located on public lands to which the City has adequate access for operation, maintenance, and improvement of systems or facilities. Operation, maintenance, and improvement of storm water systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant. It is the intent of this

chapter to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without the boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

101.03 ORGANIZATION. The City Council shall be the governing body of the Storm Water Management Utility. The utility shall be under the direction, management and control of the City Administrator who shall function as its Director. The Director has the following powers and duties related to the City Storm Water Management Utility:

1. Operation and Maintenance. Operation and maintenance of the storm water management systems and facilities.
2. Inspections and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. Maintain a complete and accurate record of all storm water management systems and facilities.
4. Policies. Recommend to the City Council policies to be adopted and enforced to implement the provisions of this chapter.

101.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Storm Water Management Systems and Facilities. Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the storm water management systems or facilities.
2. Illicit Discharges. No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City storm water management system and facilities, including (but not limited to) pollutants or waters containing any pollutants, other than storm water.
3. Manholes. Open or enter any manhole, structure or intake of the storm water system, except by authority of the Director or other authorized employee of the City.
4. Connection. Connection of any private storm water system to the City's storm water management system and facilities, except by authority of the Director and as provided in this chapter.

101.05 STORM WATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the storm water management system and facilities of the City, either directly or indirectly, shall pay to the City storm water service charges as provided in this chapter and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the storm water management system and facilities.

101.06 RATE CATEGORIES. The billing rates are divided into categories, as follows:

1. Undeveloped: Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state. To be undeveloped land, a parcel must have less than 500 square feet of

pavement, asphalt, compacted gravel surfaces, or structures which create an impervious coverage area that would prevent infiltration of storm water or cause storm water to collect, concentrate, or flow in a manner materially different than that which would occur when the land was in an unaltered natural state.

2. Residential: Single-Family Residential and Duplex Family Dwelling Units used for residential, i.e. non-commercial, purposes.
3. Commercial:
 - A. Small: Commercial (including not-for-profit commercial users) with less than a 7,000 square foot impervious coverage area.
 - B. Medium: Commercial (including not-for-profit commercial users) with more than 7,000 square foot impervious coverage area and less than a 30,000 square foot impervious coverage area.
 - C. Large: Commercial (including not-for-profit commercial users) with more than a 30,000 square foot impervious coverage area.

Residential tenants shall pay the applicable residential rate. At any time when there is not a tenant in a residential unit, the owner shall be responsible for the residential rate. Triplex and multi-family dwelling units shall pay the applicable commercial rate, but the residential rate may not be imposed on individual dwellings units within the complex. Square footage is determined by adding the square footage of both contiguous and noncontiguous impervious coverage areas together to measure the total square footage of impervious coverage areas on the property. All site plans submitted to the City of Hull must clearly indicate the total property area and total impervious coverage area in square feet.

101.07 RATES. The following rates are charged for the following categories:

Category	Monthly Rate
Undeveloped Land	\$0.00
Residential	\$2.00
Commercial – Small	\$4.00
Commercial – Medium	\$10.00
Commercial – Large	\$20.00

101.08 RIGHT OF ENTRY. The Director and other authorized employees of the City 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.

101.09 RATE APPEAL. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa Land Surveyor or Professional Engineer containing information on the total property area, the impervious coverage

area and any other features or conditions which influence the hydrologic response of the property to rainfall events.

2. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days.

3. In response to an appeal, the City Administrator may adjust the storm water service charge applicable to a property in conformance with the general purpose and intent of this chapter.

4. A decision of the City Administrator which is adverse to an appellant may be further appealed to the City Council within 30 days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within 30 days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

5. All decisions of the City Council shall be final.

101.10 CONNECTION OF PRIVATE DRAINAGE SYSTEMS TO THE MUNICIPAL STORM SYSTEM. Any connection or outlet of a private drain or storm sewer system into the public drainage system must conform to City specifications and standards for storm sewer drainage works and must be approved by the Director prior to construction of the connection. Prior to the connection, the property owner shall submit a connection fee of \$350.00 and obtain a written permit. All costs and expenses incident to the installation and connection of the private drain or storm sewer system shall be paid by the property owner. The owner shall indemnify the City for any loss or damage directly or indirectly occasioned by the construction or installation of the private drain or storm sewer system, including damages from back flow from the municipal storm sewer system. If a connection is made and concealed, the City may cause the unpermitted connection to be excavated and exposed or the City may terminate the connection and require the responsible party to reimburse the utility for its costs and expenses for excavation, exposure, termination, reconnection and restoration activities.

101.11 EXEMPTION FROM FEES; SPECIAL CONDITIONS. In special conditions, the City Administrator may, upon a written request for an exemption of fees filed with the City, grant fee payment and collection variances after determining that granting the variance would be in the City's best interest, will improve efficiency, safety and is practical. Upon granting of any variance, the City Administrator shall file notice with the City Council giving reasons for the variance.

101.12 BILLING FOR SERVICE. Billing and payment for storm water service shall be according to the following:

1. Billing. Storm water billing will begin upon water meter installation. In the case of property without City water service, the owner of the said property will be billed based on:

- A. The issuance of a certificate of occupancy for the dwelling or dwelling unit;
- B. Ninety days after construction is halted, provided construction is at least 50 percent complete; or

C. Ninety days after construction is completed, even if a certificate of occupancy has not been issued for the dwelling or dwelling unit.

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. A penalty of five percent shall be added to a comprehensive stormwater service charge when the charge is not paid in said thirty days. Utility service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

101.13 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

Section 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

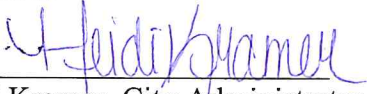
Section 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by the Council the 10th day of March, 2025.


Arlan Moss, Mayor

ATTEST:


Heidi Kramer, City Administrator

First Reading: February 10, 2025

AYES: Beukelman, Te Slaa, Van Roekel, Westra & De Kam

NAYS: None

Second Reading: February 24, 2025

AYES: Beukelman, Te Slaa, Van Roekel, Westra & De Kam

NAYS: None

Third Reading: March 10, 2025

AYES: Te Slaa, Van Roekel, Westra & De Kam

NAYS: None

ABSENT: Beukelman

