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Memorandum

To: Hiawatha City Council

Cc: Kim Downs

From: John Bender, City Engineer

Patrick Parsley, Community Development Director

Date: 5/9/2017

Re: Ordinance changes: 101 STORM WATER DRAINAGE SYSTEM
102 ILLICIT DISCHARGE TO STORM SEWER SYSTEM
162 STORM WATER RUNOFF CONTROL (Revised)

The Iowa DNR has reviewed our ordinance changes and recommended we make modifications to the "Citizen Advisory Committee" rules. We have made the modifications and recommend approval of the new language which makes these changes:

- The advisory committee is now open to any citizen of Hiawatha who desires to serve and makes application.
- There is no limit to the committee size except it must be at least three members.
- There are no term limits.
- The City Council retains the authority to remove members for proper cause however there is no appointment process.

The City Engineer and Community Development Director are recommending approval of the changes to Ordinances 101, 102 and 162 as noted and attached to this memo. These changes have been reviewed and approved by the proposed Storm Water Advisory Committee.

101 STORM WATER DRAINAGE SYSTEM

The revisions to this section are minor and change no requirements.

- 101.01: The term retainage has been changed to include detention and retention as defined in the standard.
- 101.03: The storm water rates have been removed from this chapter but instead reference a Council resolution process.
- 101.06: The fees for City staff work on the storm sewer have been clarified. Invoices will be based on actual costs and shall only apply when the work is on the privately owned portion of the storm sewer system.

102 ILLICIT DISCHARGE TO STORM SEWER SYSTEM

The revisions to this section are minor and change no requirements. However the administration of this ordinance is modified.

- 102.05: The City of Hiawatha is named as the administrative entity to allow flexibility for efficient administration and enforcement of the requirements. In light of our growth this ordinance will usually require shared responsibilities between Engineering, Streets, Fire and Community Development departments and the new general language allows for the flexibility.

- 102.09: The amendment to the appeals process removes the City Administrator and puts the Council in its place. This section already details the City Council as hearing board so this change is only a clarification.

162 STORM WATER RUNOFF CONTROL

Changes to this ordinance are the most significant. The changes include modified regulations and the establishment of an advisory committee.

- 162.04: Clarifies this ordinance applies to all new development. By definition this is any development on any parcel. Also, one exception to the application of required detention has been eliminated as it is redundant language.

- 162.05: The Affidavit of Disclosure has never been requested as part of a preliminary plat so it is being deleted. The language of the ordinance still requires identification of the responsible party for each private detention basin. The ordinance also specifies the equitable title holder as being responsible for certification and maintenance.

- 162.19: Certification and maintenance requirements for detention basins has been modified to require certification of the basin with occupancy of buildings associated with the basin and extends the re-certification time line from three years to five years.

- 162.21: This is a new section which establishes the storm water advisory committee. The committee membership and scope of responsibility are located in this section.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 101 STORM WATER DRAINAGE SYSTEM §101.01 PURPOSE, §101.03 RATES, AND §101.06 STORM WATER EMERGENCIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 101 Storm Water Drainage System, Section 101.01 Purpose, Section 101.03 Rates and Section 101.06 Storm Water Emergencies of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended and adopted as following:

101.01 PURPOSE. The purpose of this chapter is to establish a storm water drainage system district and provide a means of funding the operation and maintenance of storm water management facilities including, but not limited to, ~~retainage~~ retention or detention basins, storm sewers, inlets, ditches and drains.

101.03 RATES. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on every City water meter, and on every residence, apartment and dwelling unit in mobile home parks. A monthly rate ~~of four dollars and fifty cents ($4.50) shall be collected on every business, commercial and industrial City water meter. A monthly rate of two dollars and seventy-five cents ($2.75)~~ shall be collected on every residence, apartment and dwelling unit in mobile home parks. The rates shall be established by ordinance and billed and collected in the same manner as water service rates. The Council shall have the authority to establish different monthly rates for different classifications of City water meters.

101.06 STORM WATER EMERGENCIES. The City's Public Works Department is available on a 7-day a week, 24-hour a day basis to assist City property owners in the event that a storm water emergency occurs. In the event a property owner contacts the City to report a storm water emergency including, the backup up of ~~retainage~~ retention or detention basins, storm sewers, inlets, ditches, or drains, and a Public Works employee goes out to the property to investigate or perform maintenance work in relation to the storm water emergency; ~~between the hours of 3:30 p.m. to 7:00 a.m. Monday through Friday, anytime on Saturday, Sunday, or holiday where City offices are closed, the property owner will be subject to fees associated with an after-hours service call, including use of equipment cost and labor, if after investigation by the Public Works employee it is determined that the storm water emergency is not caused by the City owned portion of the storm water drainage system. If a Public Works employee goes out to a property to investigate or perform maintenance work in relation to a storm water~~

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~~emergency and all work is performed during their normal work schedule of 7:00 a.m. to 3:30 p.m. Monday through Friday, or if~~ and after investigation by the Public Works employee the storm water emergency is determined to be caused by the ~~City~~ privately owned portion of the storm water drainage system; ~~no~~ labor and equipment fees ~~will~~ can be assessed to the property owner as outlined in 101.07. The City will only maintain and repair City owned infrastructure.

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 17th day of May, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kari Graber, Deputy Clerk

I, Kari Graber, Deputy Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 17th day of May, 2017, and was posted as Ordinance No. ____ on the _____ day of May, 2017.

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Kari Graber, Deputy Clerk