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CEDAR RAPIDS WATER DEPT

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ORDINANCE NO. 026-16

AN ORDINANCE AMENDING CHAPTER 72 (STORMWATER MANAGEMENT) OF THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CERTAIN SUBSECTIONS THEREFROM AND ENACTING SUBSTITUTIONS IN LIEU THERE OF ESTABLISHING CERTAIN STORMWATER UTILITY CHARGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 72.102 - Definitions. That section of chapter 72 of the Municipal Code, City of Cedar Rapids, be modified adding the following definitions:

16. Director means the Public Works (PW) Director.
20. Flood Control System means the system of levees, floodwalls, removable walls, valves, stormwater lift stations, and other equipment or facilities which are intended to provide flood control.
21. Lot or Parcel means a measured area of land having fixed boundaries, designated on a plat or survey, and having an individual identifier and Legal Description as recorded by the Cedar Rapids City Assessor.
23. Multi-family Residential Property means a residential property designed with two or more dwelling units to accommodate two or more families or groups of individuals living separately and not sharing the same living space.
28. Residential Property means any developed property on which a single-family dwelling, duplex dwelling, multiple-family dwelling or townhome dwelling has been constructed.
32. Stormwater Drainage System means the system of publicly owned or operated rivers, creeks, lakes, and manmade conveyance structures within the City through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited.
36. Stormwater Utility Charge means the charge authorized by state law and this chapter established to pay for the costs of construction, operations and maintenance, storm sewer capital improvement projects, debt service, and all other costs reasonably related to the stormwater utility.
37. Stormwater Utility or Utility means the enterprise fund created by this chapter to operate, maintain, and improve the storm sewer system and for other such purposes as stated in this chapter.
38. Storm Sewer System means the existing stormwater management facilities, stormwater drainage system, and flood control system of the city and all improvements thereto which by this chapter are constituted as the property and responsibility of the Utility, to be operated as an enterprise fund to, among other things, operate, maintain, and improve the system in accordance with Federal, State, and Local laws, regulations, and standards.

- 39. Undeveloped property means real property that has no impervious area.
- 47. Developed Property means real property upon which a structure or impervious surface has been placed or constructed contributing to greater stormwater runoff.
- 48. Equivalent Residential Unit (ERU) means the average impervious area of residential property located within the City as periodically determined and established per this Chapter.
- 49. ERU Rate means the dollar value periodically determined and assigned to each ERU as the stormwater utility charge, and set under 72.305 (d) 3.
- 50. Impervious Area means the number of square feet of hard-surfaced areas which either prevent or retard the entry of water into soil mantle, or cause water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions as undeveloped property; including but not limited to: roofs, roof extensions, patios, porches, driveways, sidewalks, pavement and athletic courts.

Section 72.304. That section 304 of chapter 72 of the Municipal Code, City of Cedar Rapids, be and the same is hereby repealed and the following new section enacted as a substitute in lieu thereof, effective July 1st, 2016.

72.304 – Stormwater Utility Rate Exemptions.

- a) Stormwater Utility rate shall not be imposed on the following types of property:
 - 1. publically owned streets, rights-of-way, sidewalks, and pathways;
 - 2. all real property owned and operated by the City;
 - 3. railroad track and associated right of way, but not including any rail yards, buildings, or other paved or graveled surfaces;
 - 4. undeveloped property.
- b) The Eastern Iowa Airport shall have its impervious surface area reported by the Airport Commission to the City Council. The reported impervious surface area shall be reported in acres and include all impervious surface area at the Eastern Iowa Airport that is not owned and operated by the City of Cedar Rapids for the application of a storm sewer utility fee.

Section 72.305. That section 305 of chapter 72 of the Municipal Code, City of Cedar Rapids, be and the same is hereby repealed and the following new section enacted as a substitute in lieu thereof, effective July 1st, 2016.

72.305 - Stormwater utility charge; establishment of policy regarding expenditure of utility revenues.

- a) There is hereby established a stormwater utility charge. The purpose of the stormwater utility charge is to recover the costs associated with the planning, design, land acquisition, construction, operation and maintenance, extension and replacement, and debt service associated with the stormwater utility. The stormwater utility charge shall be billed to lots as set forth herein. The stormwater utility charge shall be determined by taking into account the impervious area on each lot, determining an ERU, and billing lots at a flat rate based on the number of ERU contained within the lot.
- b) A stormwater utility charge will apply to every lot within the limits of the City of Cedar Rapids even if the lot receives no other utilities unless the lot is exempt from the stormwater utility as defined in 72.304.
- c) The ERU is hereby established as 4,356 square feet of impervious surface area.
 1. The ERU will be periodically evaluated and updated as the average amount of impervious surface area on all residential lots within the City.
- d) The following methods will be used to calculate the stormwater utility charge for each lot required:
 1. The lot's Total ERU count is the result of the lot's total impervious surface area divided by the ERU to yield the total number of ERU's contained within the lot.
 2. The lot's Total ERU count contained within the lot will be rounded to the nearest whole number with the following exception:
 - A. If the impervious surface area is equal to or greater than 500 square feet or the lot has metered potable water service, then the assigned total number of ERU's will be at least one.
 - B. If the impervious surface area is less than 500 square feet and the lot does not have metered potable water service, then the assigned total number of ERU's will be zero and the property will be considered undeveloped.

3. The ERU Rate is hereby established at \$0.1702 per ERU per day.
4. The following methods will be used to apply the stormwater Utility Charge to each lot:
 - A. The stormwater Utility Charge is the result of the Total ERU Count multiplied by the ERU Rate
 - B. Individual lots containing one potable water meter will be billed the entire stormwater Utility Charge on one account.
 - C. Individual lots containing two or more potable water meters will have the stormwater Total ERU count evenly divided amongst the number of accounts with a minimum of one-half ERU applied to each account. ERU counts resulting in fractions will be rounded to two digits.
 1. If at least one of the water meters on the property is assigned to the property owner, the property owner may request to have the entire stormwater Utility Charge applied to a single account assigned to the property owner.
 2. If all water meters on the property belong to the same Utility Account Holder, the Account Holder may request to have the entire stormwater Utility Charge applied to a single account assigned to the Account Holder.
 - D. Individual lots without other utilities that contain at least one Total ERU will have a utility account created and assigned to the property owner for the purposes of stormwater Utility Charge billing.
 1. If the unmetered lot containing at least one ERU is contiguous with any adjoining metered lots, the unmetered lot's Total ERU count will be added to the metered lot's Total ERU count to calculate the stormwater Utility Charge.

5. The application of the Total ERU count will be phased in per the following schedule:

A. The maximum Total ERU count for a single lot will be capped at:

1. FY17 – 100 ERU
2. FY18 – 200 ERU
3. FY19 – 300 ERU
4. FY20 – 400 ERU
5. FY21 – 500 ERU
6. FY22 – No cap

- e) Any reduction in a lot's Total ERU Count must be presented by the property owner to the City for approval using the appropriate forms and providing all required documentation.

1. Reduction in Total ERU Count will be granted by the City utilizing the credits outlined in this section.
2. Lots not billed the actual Total ERU Count due to phase in per 72.305(d)5 will have credits applied to their actual Total ERU Count only.
3. All Total ERU Count reductions will be rounded to the nearest whole number.
4. The minimum adjusted Total ERU Count after applied credits will be one.
5. All credits outlined in this section are additive.
6. The maximum total credit will be a 75% reduction in Total ERU Count.
7. Lot owners must submit a credit renewal application every three years to ensure proper maintenance, functionality, and the application of appropriate credits unless otherwise noted.
8. Documentation supporting requests for credits must be certified as appropriate by licensed professionals, licensed in the State of Iowa.
9. The City reserves the right to re-evaluate awarded credits at any time.
10. The City reserves the right to inspect applicable installations or request information regarding applicable program or installations at any time.

11. Credits:

A. Water Quality and Quantity Credit

1. ERU reduction for the installation of stormwater infiltration practices in accordance with the Iowa Stormwater Manual.
2. ERU reduction will be determined using the below matrix:

% of lot impervious area runoff infiltrated in a 1.25" rain event.	ERU count reduction
10% to 25% by area	10%
25% to 49% by area	20%
50% to 74% by area	30%
75% to 100% by area	40%

B. Discharge to a Major Waterway Credit

1. ERU reduction for lots that directly discharge to the Cedar River.
2. The credit will be determined by dividing the lot area that discharges directly to the Cedar River by the total lot area and dividing this fraction by ten.
3. The maximum allowed ERU reduction will be 10%.

C. Education Credit

1. ERU reduction for lots that develop and annually implement a City-approved stormwater educational program.
2. The education credit is required to be renewed annually.
3. The maximum allowed ERU reduction will be 50% for tax-exempt institutions
4. The maximum allowed ERU reduction will be 25% for all other lots

5. The amount of reduction allowed will be determined by the City with consideration given to size and type of audience, type of program, and the experience of the program instructor.

D. Pervious Non-Compacted Gravel Credit

1. ERU reduction for gravel areas that are designed to infiltrate 1.25" rain and experience minimal vehicular traffic.
2. The maximum allowed ERU reduction will be 25% of the ERUs represented by gravel areas that meet the above criteria.

E. Zero Discharge Credit

1. ERU reduction for lots that do not discharge any stormwater runoff from the site either directly or indirectly, before, during, or after storms up to and including the 100-year 24-hour storm.
2. An evaluation of the site stormwater discharge must demonstrate that site facilities meet the eligibility requirements of this credit.
3. The maximum allowed ERU reduction will be 75%

12. Stormwater Best Management Practices (BMP) Cost-Share Program:

- A. A cost-share program is hereby established to incentivize BMPs to reduce stormwater runoff volume for those properties subject to the stormwater utility fee.
- B. BMPs are to be in accordance with the Iowa Stormwater Management Manual.
- C. The program will reimburse up to 50% of a BMP's project cost to the extent of available funds in a given fiscal year.
- D. Property owners must submit applications on the appropriate forms provided by City and enter into a maintenance agreement to be eligible for funds.

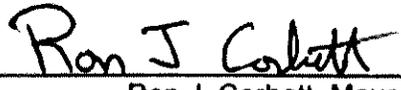
E. Priority will be given to those properties in watersheds within the City of Cedar Rapids where high-priority projects have been identified under the Stormwater Master Plan.

F. The program will be funded from the Stormwater Utility.

Introduced this 10th day of May, 2016.

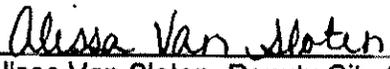
Passed this 24th day of May, 2016.

Voting: Council member Gulick moved the adoption of the ordinance; seconded by Council member Weinacht. Adopted, Ayes, Council members Gulick, Overland, Poe, Russell, Shey, Shields, Weinacht and Mayor Corbett.



Ron J. Corbett, Mayor

Attest:



Alissa Van Sloten, Deputy City Clerk