

## ORDINANCE NO. 15,455

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 Sections 118-149 and 118-275, relating to the volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties.

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 Sections 118-149 and 118-275, relating to the volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties, as follows:

### **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 July 1, 2009 through June 30, 2010, the volume charge shall be calculated on the basis of \$4.20 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (2) for the period July 1, 2010 through June 30, 2012, the volume charge shall be calculated on the basis of \$4.45 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (3) for the period July 1, 2012 through June 30, 2013, the volume charge shall be calculated on the basis of \$4.85 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (4) for the period July 1, 2013 through June 30, 2014, the volume charge shall be calculated on the basis of \$5.29 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (5) for the period July 1, 2014 through June 30, 2015, the volume charge shall be calculated on the basis of \$5.76 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (6) for the period July 1, 2015 through June 30, 2016, the volume charge shall be calculated on the basis of \$6.28 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (7) for the period July 1, 2016 through June 30, 2017, the volume charge shall be calculated on the basis of \$6.59 for each 1,000 gallons of water, or fraction thereof, consumed by each

customer each month; and (8) for the period July 1, 2017 through June 30, 2018, the volume charge shall be calculated on the basis of \$6.92 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (9) for the period July 1, 2018 and thereafter, the volume charge shall be calculated on the basis of \$7.27 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. 118-275. 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.
- 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.

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. 16-0493), passed by the City Council of said City at a meeting held March 21, 2016 signed by the Mayor on March 21, 2016 and published and provided by law in

the Business Record on April 8, 2016. Authorized by Publication Order No. 9482.

Diane Rauh, City Clerk