

★ Roll Call Number

Agenda Item Number

60

Date June 14, 2010

An Ordinance entitled, "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, by amending Section 118-271, and by adding and enacting new Sections 118-295, 118-296 and 118-297, relating to the establishment of a Stormwater Innovative Practices Rebate Program",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Ann DiDonato
Assistant City Attorney

(Council Communication No. 10-330)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

Mayor

City Clerk

ORDINANCE NO. _____

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, by amending Section 118-271, and by adding and enacting new Sections 118-295, 118-296 and 118-297, relating to the establishment of a Stormwater Innovative Practices Rebate Program.

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, is hereby amended by amending Section 118-271, and by adding and enacting new Sections 118-295, 118-296 and 118-297, relating to the establishment of a Stormwater Innovative Practices Rebate Program, as follows:

Sec. 118-271. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Green roof means a roof surface that is completely, or primarily, composed of vegetation and a growing medium over a water storage layer and waterproofing membrane/surface that encourages water quality treatment and volume reduction through the evapotranspiration of accumulated runoff.

Permeable Pavement means a permeable paved area that encourages water quality treatment and runoff volume reduction through the movement of water through the surface to an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil, such as porous asphalt, pervious concrete, or permeable interlocking concrete pavers.

Sec. 118-295. Establishment of Stormwater Innovative Practices Rebate Program.

(a) The city council finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the city and its residents, and in compliance with the requirements of

section 118-273, that a rebate program be established to reimburse contributors for qualifying innovative stormwater management practices, as described in section 118-296, which help to enhance the water quality of stormwater runoff and to decrease the amount of stormwater runoff that enters the stormwater sewer system. The Environmental Protection Agency and Iowa Department of Natural Resources have mandated that municipalities encourage the use of innovative stormwater management practices as an alternative to practices that promote quick release of stormwater runoff. The goals of this program are to create a cost effective and sustainable incentive for the construction of innovative stormwater practices within the city, to increase public awareness of the need to control stormwater runoff and to educate the public about sustainable practices to control stormwater runoff. The city has allocated from the stormwater sewer user fee revenues a sum sufficient to provide a rebate, as described in section 118-296, to contributors who elect to make qualifying improvements to their property within the corporate boundaries of Des Moines as described in section 118-296. The amount of the stormwater innovative practices rebate program rebate shall be as described in section 118-296.

(b) The Public Works Director shall make a stormwater innovative practices rebate provided in this division to contributors who meet the requirements of this division.

(c) The city shall have the right to suspend or terminate this program if the city council determines that continuation of such program is likely to have an adverse effect on sewer service collections so that the applicable bond rate covenants will not be met.

Sec. 118-296. Qualifying practices and method of making rebate payments.

(a) Green roof. A green roof designed by a professional engineer, which design has been approved by the city engineer, installed on a structure is a qualifying practice which is eligible to apply for a one-time rebate of \$1.00 per square foot of the area of the installed green roof. All applicable building and other permits are required and the green roof as-builts must be certified by a professional engineer in order to be eligible for the program.

(b) Permeable Pavement. A driveway, patio, walkway, or parking lot using a permeable pavement material designed by a professional engineer, which design has been approved by the city engineer, is a qualifying practice which is eligible to apply for a one-time rebate of \$1.00 per square foot of the area of the installed permeable pavement. All applicable building and other permits are required and the permeable pavement as-builts must be certified by a professional engineer in order to be eligible for the program.

(c) The stormwater innovative practices rebate program rebate amount shall not exceed \$10,000.00 per property for qualifying properties for a qualifying practice or a combination of qualifying practices. The maximum rebate amount shall be based on the ERU rate charged to a property based upon the impervious area of the lot or parcel where qualifying practices have been installed, as reflected in the following table:

<u>ERU of the Property</u>	<u>Maximum Rebate Amount</u>
0.5 to 1	\$1,000
1.1 to 2	\$2,000
2.1 to 3	\$4,000
3.1 to 4	\$6,000
4.1 to 5	\$8,000
5.1 or more	\$10,000

A property which has received the maximum rebate amount is not eligible for additional rebates under this program, regardless of a change in ownership or use, until at least 20 years have passed since the date of issuance of the prior rebate.

(d) The qualifying practice must have been installed after July 1, 2010 and installation completed by no later than December 31, 2014.

(e) A completed stormwater innovative practices rebate program application form and supporting documentation must be submitted to the department of public works by no later than June 30, 2015 in order to be eligible for the rebate.

(f) The account for the stormwater management fee charges on the property must be current as to the payments at the time of application.

(g) The amount of funding for this program will be capped on an annual basis by the city council. The annual funding amount established by the city council for fiscal year 10-11 shall remain as the annual cap amount until a different amount is established by the city council. To the extent that program funds are available, rebates shall be provided to qualified applicants in the order in which completed applications are received.

(h) The city manager shall make all procedural and administrative determinations necessary to implement this program not in conflict with the provisions and intent of this division.


Sec. 118-297. False statement, claim or application.

Any person making a false statement, claim or application for the purpose of obtaining the rebate provided for in this division for any two or more persons who conspire and confederate together to make such false statement, claim or affidavit or to assist

another to do so shall be recommended to the county attorney for criminal prosecution.

Sec. 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