

ORDINANCE NO. 15,757

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 118-271, 118-272 and 118-296, relating to qualifying practices and method of making rebate payments and use of storm water charges outside of city limits.

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 118-271, 118-272 and 118-296, relating to qualifying practices and method of making rebate payments and use of storm water charges outside of city limits, 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:

Priority Watersheds means those drainage areas which the director has determined have a flooding or water quality concern which can be significantly improved by stormwater best management practices identified through strategic watershed planning.

Stormwater best management practice (BMP) means a technique, measure, or structural control that is used for a given set of conditions to manage the quantity and improve the quality of stormwater runoff in an effective and practical manner.

Sec. 118-272. Declaration of purpose; establishment of district.

- (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 that a stormwater management utility district be established within the city. Consequently, pursuant to I.C. § 384.84(1), a stormwater management utility district, to be known as The Des Moines Stormwater Management Utility, is established, and it is ordained and declared that the city shall be and constitute the stormwater management utility district, and that the utility shall comprise and include elements of the city's stormwater drainage and flood protection systems which provide for the collection, treatment and disposal of stormwater, surface water, and groundwater. It is further found, determined, and declared that the elements of the

stormwater management utility are of benefit and provide services to all real properties within the incorporated city limits, including property not directly served by the stormwater drainage system, and that such benefits and services may include but are not limited to the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazard to property and life resulting from stormwater runoff and flooding; improvement in general health and welfare through reduction of undesirable stormwater conditions and flooding; and improvement to the water quality in the stormwater and surface water system and its receiving waters.

- (b) 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 stormwater or surface or subsurface waters, directly or indirectly, to the city stormwater 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 stormwater drainage and flood protection improvements comprising the stormwater management utility and for the operation, maintenance, repair, replacement and debt service for the construction of stormwater drainage and flood protection improvements and BMPs which directly benefit the stormwater management utility and its operations and purpose that are located outside of the city limits on public or private property.

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

- (a) Qualifying stormwater best management practices, or qualifying practices, which shall be considered eligible for rebate include bio-retention cells, rain gardens, permeable pavement, rain barrels, streambank stabilization, soil quality restoration, or other similar practices approved by the director. Stormwater best management practices shall meet design criteria in the Iowa Storm Water Management Manual or other applicable design guidance approved by the director. Stormwater best management practices which are required by Section 106-136 of this Code or those for which the property owner seeks reimbursement from other sources of city funding, shall not be eligible for rebate.

- (b) The stormwater best management practices rebate program will provide a maximum of a \$2,000.00 rebate as a reimbursement for 50% of the reasonable total out of pocket cost of materials and labor per property for a qualifying practice or a combination of qualifying practices.

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 10 years have passed since the date of issuance of the prior rebate.

- (c) Within priority watersheds, the stormwater best management practices rebate program will provide a maximum of a \$4,000.00 rebate as a reimbursement for 100% of the reasonable total out of pocket cost of materials and labor per property for a qualifying practice or a combination of qualifying practices.
- (d) The qualifying practice must have been installed after January 1, 2017 and installation completed by no later than June 30, 2023.
- (e) A completed stormwater best management practices rebate program application form and supporting documentation must be submitted to the department of public works by no later

than April 1, 2023 and prior to commencement of the work in order to be eligible for the rebate. The application must be approved before work is begun in order to be eligible for reimbursement.

- (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) Upon completion of the work and no later than August 31, 2023, the applicant must submit to the department of public works the documentation of the actual cost of the qualifying practice, which must include an itemized invoice that identifies the materials and labor and a copy of the full payment. The amount of funding for this program will be capped on an annual basis at an amount recommended by the director in the public works department operating budget as approved 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.

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. 19- 0494), passed by the City Council of said City at a meeting held March 25, 2019 signed by the Mayor on March 25, 2019 and published and provided by law in the Business Record on April 12, 2019. Authorized by Publication Order No. 10621.

Diane Rauh, City Clerk