

ORDINANCE NO. 1133

AN ORDINANCE AMENDING THE CLIVE CITY CODE 2019, BY AMENDING PROVISIONS PERTAINING TO STORMWATER RATES

Be It Enacted by the City Council of the City of Clive, Iowa:

SECTION 1. INTERNAL REFERENCES. All references to section numbers in this ordinance shall be to sections contained within Title 8, Chapter 4, Article A (Stormwater Service Charges) of the "Clive City Code 2019" unless otherwise specified.

SECTION 2. AMENDMENT. Section 8-4A-3: BASIC RATE is hereby deleted in its entirety and the following new Section 8-4A-3: BASIC RATE is inserted in lieu thereof:

A. Except as hereinafter noted, each customer whose property lies within the corporate limits of the city shall pay to the city, through its collection agent, the Clive water department, at the same time payment for city water service is made, the following charges per equivalent residential unit associated with the customer's property (an "ERU" means the median average impervious coverage of a detached dwelling unit property in the city of Clive, which has been determined by the city to be 3,667 square feet of impervious surface area):

1. Undeveloped: A flat storm sewer availability charge at the rate of zero dollars (\$0.00) per month, regardless of the amount of consumption by the customer; and
2. Residential: A storm sewer availability charge, regardless of the amount of consumption by such customer, will be based on the following schedule:

Fiscal year 2023/2024: \$11.15 per ERU per month

Residential Tier 1 (.5 ERU): 0-3100 square feet of impervious area – \$5.58 per month

Residential Tier 2 (1 ERU): >3100-5100 square feet of impervious area – \$11.15 per month

Residential Tier 3 (1.5 ERU): >5100 or more square feet of impervious area – \$16.73 per month

The monthly rate for each fiscal year beyond 2023/2024 will be determined by the ordinance of the city council prior to July 1 of each year.

3. Commercial/Industrial: A storm sewer availability charge will be based on the following schedule:

The fiscal year 2023/2024: \$11.15 per ERU per month

The monthly rate for each fiscal year beyond 2023/2024 will be determined by ordinance of the city council prior to July 1 of each year.

B. The number of equivalent residential units (ERUs) on each property shall be calculated by the Community Development Department based on the most recent aerial photography available to the City of Clive and/or impervious surface data from an approved site plan for the property. (2000 Code § 103.03; amd. Ord. 1072, 4-11-2019; Ord. 1091, 4-9-2020; Ord. 1104, 4-22-2021; Ord. 1117, 4-28-2022)

SECTION 3: AMENDMENT. Section 8-4A-4: RATE APPEALS: is hereby deleted in its entirety and the following new Section 8-4A-4: RATE APPEALS is inserted in lieu thereof:

Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:

A. Filing Of Appeal: An appeal must be filed in writing with the City of Clive City Manager. In the case of service charge appeals, the appeal may include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.

B. Technical Review: Using the information provided by the appellant, the City Manager shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

C. Adjustment Of Charge: In response to an appeal, the City Manager may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this article.

D. Appeal Of Adverse Decision: A decision of the City Manager which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

E. Council Decisions Final: All decisions of the City Council shall be final. (2000 Code § 103.04)


SECTION 4. REPEALER. All parts of the "CLIVE CITY CODE 2019" in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such

adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.


SECTION 6. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

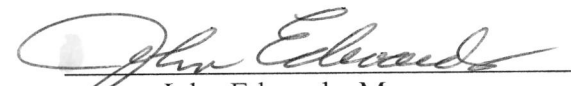
PASSED AND APPROVED by the City Council on the 4 day of May, 2023.

  
Matthew D. Graham, City Clerk

  
John Edwards, Mayor


Ordinance No. 1133 authenticated this 4 day of May, 2023.

  
Matthew D. Graham, City Clerk

  
John Edwards, Mayor

Officially published on the 12 day of May, 2023.

CERTIFIED BY:

  
Matthew D. Graham, City Clerk



CLIVE, CITY OF  
1900 NW 114TH ST

CLIVE IA 503257077

# of Affidavits 1

## AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

### THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

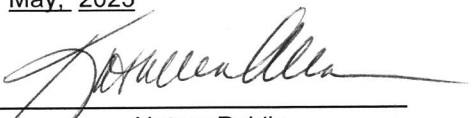
Ad No.	Start Date:	Run Dates:	Cost:
0005695041	5/12/23	05/12/23	\$118.50

Copy of Advertisement  
Exhibit "A"

  
\_\_\_\_\_  
Staff member, Register Media

Subscribed and sworn to before me by said affiant this

12th day of May, 2023

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Commission expires

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

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THE CLIVE CITY CODE 2019, BY  
AMENDING PROVISIONS  
PERTAINING TO STORMWATER  
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otherwise specified.

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PASSED AND APPROVED by the City Council on the 4 day of May, 2023.

Matthew D. Graham, City  
John Edwards, Mayor  
Ordinance No. 1133 authenticated  
this 4 day of May, 2023.

Matthew D. Graham, City  
John Edwards, Mayor  
Officially published on the 12 day  
of May, 2023.

CERTIFIED BY:  
Matthew D. Graham, City Clerk