

CHAPTER 102

SANITARY SEWER CONNECTION FEE DISTRICTS

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102.01 DEFINITIONS. The following terms are defined for use in this chapter:

1. “Benefitted service area” means a designated area to which sanitary sewer service will be provided by a sanitary sewer utility of a given design and capacity.
2. “Connection” means any act that results in a direct or indirect discharge into the Sanitary Sewer Utility, including (but not limited to) the connection of a private sewer system to a lateral sewer or manhole or the connection of a lateral sewer serving a subdivision to a trunk sewer or manhole.
3. “Lot” means a parcel of land under one ownership. Two or more contiguous parcels under common ownership may be treated as one lot for the purposes of this chapter if the parcels bear common improvements or if the Council finds that the parcels have been assembled into a single unit for the purpose of use or development.
4. “Sanitary Sewer Utility” means and includes sanitary sewer trunk lines and sanitary sewer interceptors, sanitary sewer force mains, pumping stations and detention basins of the City.

102.02 DISTRICT ESTABLISHMENT POLICY.

1. Cost Recovery. The City Council, after public notice and hearing as prescribed by law, has determined the necessity of establishing sanitary sewer connection fee districts and the imposition of fees for connection to the Sanitary Sewer Utility upon each person who owns property in said areas and will be served by connection to the Sanitary Sewer Utility.
2. Intent. It is the intent of the City to utilize connection fees to recover 100% of the original cost of constructing sanitary sewer utilities to serve the properties in the connection fee districts.

102.03 LOTS OUTSIDE CITY LIMITS. For lots outside the City limits, with the application for connection, owners shall also be required to execute a service contract with the City for their use of the Sanitary Sewer Utility.

102.04 CONTIGUOUS PARCELS. If the owner of two contiguous parcels affected by this chapter desires to make a connection to the Sanitary Sewer Utility that will serve only one such parcel, and the parcels do not bear common improvements and have not been assembled into a single unit for the purpose of use or development, the owner may make application to the City Council to connect to each such parcel separately. If the Council finds that the parcels do not bear common improvements and have not been assembled into a single unit for the purpose of use or development, the original connection fee shall be calculated and paid only upon the parcel or parcels that will be served by the connection. A new application must be filed, and a connection fee paid, when the parcel or parcels not served by the original connection to the Sanitary Sewer Utility are connected.

102.05 ADDITIONAL FEE. Connection fees collected by the City Treasurer shall be used only for the purpose of operating, or paying debt of, the Sanitary Sewer Utility. The sewer connection fees established by this section are in addition to, and not in lieu of, any other fees for connection required under the *State Plumbing Code*, other provisions of this Code of Ordinances, or City policy. The property owner paying a connection fee will be responsible for the full cost of providing any necessary sanitary sewer extensions or services lines from the private property improvements or buildings to the trunk sewers being constructed as part of the project.

102.06 ILLEGAL CONNECTIONS; CITY AUTHORITY. In the event a connection is made to the Sanitary Sewer Utility serving the connection fee district without the permit required by this chapter, or without payment of the connection fees set forth in this chapter, or if any installment payment of such fee as provided by subsequent resolution of the Council is not made, the City shall disconnect such service from the Sanitary Sewer Utility until such time as the property owner has received a permit for the connection and paid the required connection fee. In addition, the City may pursue any other remedy allowed by law.

102.07 NORTHWEST AREA SANITARY SEWER CONNECTION FEE DISTRICT.

1. The Northwest Area Sanitary Sewer Connection Fee District is an area partially within and outside the City limits of the City, legally described as follows:

SW Quarter of Section 28 lying east of HWY 65, NW Quarter of Section 28 lying east of HWY 65 and south of Union Pacific Railroad, E Half of Section 28 lying west of Union Pacific Railroad, W Half of Section 33 lying east of HWY 65, West 9.96 Ac of the NE Quarter of the NE Quarter Section 33, NW Quarter of the NE Quarter Section 33, SE Quarter of the NW Quarter Section 33 except lot 17 Nova Park Plat No. 1 and any streets associated with Nova Park Plat No. 1 and the south 206.7 feet ± of the north 456.7 feet ± to the east 205.5 feet ± to the east line of Section 33, SW Quarter of the NW Quarter Section 33, SE Quarter of Section 33, SW Quarter Section 34 north of the North River, NW Quarter of Section 34 south of Nova Park Plat No. 1, E Half of Section 34 west of Avon Drive, all in Township 78N, Range 23 west of the 5th P.M., in the County of Polk, State of Iowa; and

N Half of Section 3 north of the North River, N Half of the SE Quarter of Section 4 except the E 1/8 of the N Half of the SE Quarter of Section 4, NW Quarter of Section 4 lying north of the North River, SW Quarter of Section 4 lying north of the North River, NW Quarter of Section 5 lying south of HWY 5, NE Quarter of Section 4 except for the following: that part of the NE Quarter, NE Quarter of said Section 4 lying south of the North River and the NE Quarter, SE Half, NE Quarter of said Section 4 and the N Half, SE Quarter, SE Quarter, NE Quarter of said Section 4 and SE Quarter, SE Quarter, SE Quarter, NW Quarter of said Section 4, all in Township 77N, Range 23 west of the 5th P.M. in the County of Warren, State of Iowa.

2. **Cost and Size of Benefitted Service Area.** The lots within the Northwest Area Sanitary Sewer Connection Fee District constitute a benefitted service area to be served by connecting to the Sanitary Sewer Utility. The cost of the Project related to the Northwest Area Connection Fee District was \$2,549,407.85; and the Northwest Area Connection Fee District contains approximately 997.32 acres. As used in this section, “project” means all costs incurred in the design, construction and financing of City sewer utilities necessary to provide sanitary sewer service to the Northwest Area Connection Fee District, including (but not limited to) the cost of labor, materials, engineering fees, legal fees, and financing closing costs related to the construction of a complete and operational sanitary sewer collection system, including (but not limited to)

approximately 6,945 LF of 21-inch sewer, 115 LF of 21-inch directional bore sewer, 8,423 LF of 8-inch force main, 1 main pump station; and construction of a trunk sanitary sewer system, including (but not limited to) approximately 990 LF of 12-inch sewer, 2,607 LF of 15-inch sewer, 65 LF of 15-inch directional bore sewer, 1,335 LF of 18-inch sewer, 365 LF of 18-inch directional bore sewer, 671 LF of 4-inch service lines, and 14 standard manholes (Alternate 1); and construction of a trunk sanitary sewer system, including (but not limited to) approximately 1,998 LF of 15-inch sewer, 380 LF of 15-inch bore and case sewer, and 7 standard manholes (Alternate 2).

3. **Connection Fees.** There is imposed on all lots within the Northwest Area Connection Fee District, for which a sewer connection fee has not previously been paid, a fee for connection to the Sanitary Sewer Utility. The connection fee shall be equal to cost of bringing the project to the Northwest Area Connection Fee District on a per-acre basis, calculated in accordance with the actual acreage of the lot seeking to connect or the linear footage of sewer main adjacent to the lot. The connection fee shall be as follows:

Connections in Fiscal Year	Connection Fee (per acre)	Cost per Linear Foot
2013/2014	\$2,121.80	\$29.71

The amounts are to increase by three percent annually, effective July 1 of each year. All connections during said fiscal year shall base the connection fee upon this adjusted amount.

4. **Payment Options.** Before any connection is made to the Sanitary Sewer Utility to serve a lot in the Northwest Area Connection Fee District, the owner of the lot or lots to be served by the connection shall file an application, on a form provided by the City, with the Building and Zoning Office. Upon approval of the application, Building and Zoning shall advise the applicant of the connection fee to be paid. Payment of the connection fee shall be in accordance with one of the following options:

- A. Option A. Lump sum payment due at time of issuance of connection permit.
- B. Option B. Ten-year payment schedule of connection fee plus interest (3%). Partial payments hereunder shall first be applied to pay accrued interest.

5. **Permit Issued.** Upon determination of the payment of the connection fee to the City, the City shall issue a connection permit. Upon completion of the connection the owner of the lot or lots being connected shall notify Building and Zoning, and the City shall, at its discretion, inspect the connection.

102.08 SOUTH CENTRAL AREA SANITARY SEWER CONNECTION FEE DISTRICT.

1. A piece of land in the southern part of the City, bounded on the north by Highway 5, on the west by a line running parallel to and 1,000 feet west of the centerline of Scotch Ridge Road, and bounded on the east by a line running north-south beginning approximately 1,200 feet east of the intersection of Scotch Ridge Road and Highway 5 and extending south of Highway 5 approximately one mile. This land is more particularly described as:

The West Half of the East Half of Section 10, except for the south 20 acres thereof, the West Half of the SW Quarter of Section 3 lying south of Highway 5, the West Half of the SE Quarter of the SW Quarter of Section 3 lying south of Highway 5, the West Half of the East Half of the NW Quarter of Section 10, the NW Quarter of the SE Quarter of the SW Quarter of Section 10, the N Half of the SW Quarter of the

SW Quarter of Section 10, the North Half of the SE Quarter of Section 9, the South Half of the NE Quarter of Section 9, the NE Quarter of the NE Quarter of Section 9, and the East Half of the SE Quarter of Section 4 lying south of Highway 5, all in Township 77 North, Range 23 West of the 5th P.M. Warren County, Iowa.

2. Sanitary Sewer Connection Fees. Sanitary sewer connection fees are hereby established and shall be imposed on owners of properties within the South Central Area Sanitary Sewer Connection Fee District at the time of application to connect their properties to said sanitary sewer collection facilities as follows:

A. From the effective date of the ordinance codified in this section through December 2013, a sanitary sewer connection fee of \$415.00 per residential, single-family detached lot, \$132.00 per residential dwelling unit of multi-family dwelling units and \$1,316.00 per acre for commercial, industrial, governmental or other purpose nonresidential use lot of property served by the sanitary sewer facilities shall be imposed. Thereafter, the connection fee shall be adjusted as of January 1 of each year according to the following schedule:

EFFECTIVE DATE	SANITARY SEWER CONNECTION FEE		
	Per Single-Family Lot	Per Multi-Family Residential Dwelling Unit	Per Acre (Commercial, Industrial, Governmental)
January 1, 2014	\$432.00	\$137.00	\$1,368.00
January 1, 2015	\$449.00	\$142.00	\$1,423.00
January 1, 2016	\$467.00	\$148.00	\$1,480.00
January 1, 2017	\$485.00	\$154.00	\$1,539.00

EFFECTIVE DATE	SANITARY SEWER CONNECTION FEE		
	Per Single-Family Lot	Per Multi-Family Residential Dwelling Unit	Per Acre (Commercial, Industrial, Governmental)
January 1, 2018	\$505.00	\$160.00	\$1,600.00
January 1, 2019	\$525.00	\$166.00	\$1,665.00
January 1, 2020	\$547.00	\$173.00	\$1,731.00
January 1, 2021	\$568.00	\$180.00	\$1,800.00
January 1, 2022	\$591.00	\$187.00	\$1,872.00
January 1, 2023	\$615.00	\$195.00	\$1,959.00
January 1, 2024	\$640.00	\$203.00	\$2,037.00
January 1, 2025	\$665.00	\$210.00	\$2,119.00

B. The sanitary sewer connection fee schedule herein shall also apply to any properties outside the South Central Sanitary Sewer Connection Fee District, which use or derive benefit from any of the sanitary sewer facilities constructed for the South Central Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.

C. The determination that a property is to be connected to the sanitary sewer collection facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recordation or issuance of a building or plumbing permit, whichever occurs first.

D. The owner of any single-family residence that is located on a parcel in excess of one acre and existing or under construction on the effective date of this section may apply for connection upon annexation to the City, subdivision of said parcel into a single residence parcel one acre in size and an outlot, and payment of a single-acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the sanitary sewer connection fee as established in the above fee schedule.

E. The owner of any parcel being used as a public or nonprofit recreational or park facility upon the effective date of this section may apply for connection upon annexation to the City and payment of a single-acre sanitary sewer connection fee. Any future development of said parcel shall require a revised application for connection and payment of the sanitary sewer connection fee as established herein.

F. The sanitary sewer connection fee for existing single-family residences on land that cannot be subdivided further, due to restrictions imposed by applicable zoning laws or regulations, is hereby set at \$315.00.

3. Effect of Schedule. The sanitary sewer connection fees herein shall remain in force and effect until such time that the City Council adopts a resolution to adjust the sanitary sewer connection fees applicable to the South Central Area Sanitary Sewer Connection Fee District. Nothing herein is intended to restrict the City Council from an adjustment of the sanitary sewer connection fee schedule to reflect future construction costs.