

ORDINANCE NO. 376

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GARRISON, IOWA, BY ADDING PROVISIONS PERTAINING TO STORM WATER DRAINAGE UTILITY

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GARRISON, IOWA:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Garrison, Iowa, is amended by adding a new Chapter 101, entitled STORM WATER DRAINAGE UTILITY, which is hereby adopted to read as follows:

CHAPTER 101
STORM WATER DRAINAGE UTILITY

101.01 Purpose	101.06 Lien for Nonpayment
101.02 Definitions	101.07 City Council
101.03 Storm Water Drainage System Utility Established	101.08 Prohibited Acts
101.04 Rates	101.09 Right of Entry
101.05 Payment of Bills	101.10 Penalties

101.01 **PURPOSE.** The purpose of this chapter is to establish a Storm Water Drainage Utility and provide a means of funding the construction, operation and maintenance of storm water systems, but not limited to, detention and retention basins, storm water sewers, inlets, ditches and drains and cleaning of streets. The City Council finds that construction, operation and maintenance of the City's storm and surface water drainage system should be funded through charging users of property which may connect or discharge directly, or indirectly, into the storm and surface water drainage system.

101.02 **DEFINITIONS.** For use in this Chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. "Connection" means the physical act or process of tapping a public storm water sewer or drainage line, or joining onto an existing side sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.
2. "Storm and surface water drainage system" means any combination of publicly owned storm and surface water quantity and quality facilities, pumping or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.

3. "Unit" means each household, each place of commerce, government, religion, or each industry, whether in a single building on a single or in a multiple use building on a single lot or multiple lot complex. Each Unit shall be charged individually, but where the complex is billed under one combined service account, the recipient of that bill shall be deemed the user and receive the total combined storm water drainage system district charge for that complex.
4. "User" means any person who uses any property located in city limits that maintains connection to, discharges to or otherwise receives services from the City for storm water management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has a right to occupy it shall be deemed the user.

101.03 **STORM WATER DRAINAGE UTILITY ESTABLISHED.** Pursuant to the authority of Section 384.84(5) of the Code of Iowa, the entire City of Garrison is hereby declared a Storm Water Drainage System District for the purpose of establishing, imposing, adjusting and providing for the collection of rates for the operation and maintenance of storm water management. The entire City, as increased from time to time by annexation, shall constitute a single Storm Water Drainage System District.
(Code of Iowa, Sec. 384.84(5))

101.04 **RATES.** Each user shall pay for storm and surface water drainage system service provided by the City. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on each residential, commercial, religious, and industrial user within the City. The service charges shall be billed as part of a combination service account which means a customer service account for the provision of one or more utility services. The City Council may adopt rules, charges, rates and fees for the use of the City's storm and surface water system, and for services provided by the City relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based on the actual costs, or anticipated costs, of operation, maintenance, acquisition, establishment, extension and replacement of the City's system, the cost of bond repayment, regulation, administration, and services of the City. The rates for the foregoing functions shall be collected by imposing a monthly rate of three dollars (\$3.00) on every city utility account. There will be no fee for a bare lot.

101.05 **PAYMENT OF BILLS.** All Storm Water Drainage System District charges shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Chapter 92.03 of this Code of Ordinances. All City services may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent.

(Code of Iowa, Sec. 384.84[2b] and [2d])

101.06 **LIEN FOR NONPAYMENT.** The owner of the premises served, and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and

maintenance of the storm water management system. Any such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the City Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84(4))

- 101.07 CITY COUNCIL.** The City Council has the following powers and duties related to the City of Garrison's Storm Water Drainage Utility:
1. Operations and Maintenance. Operation and maintenance of the Storm Water management systems.
 2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of this Chapter.
 3. Records. Maintain a complete and accurate record of all storm water management systems and facilities.
 4. Policies. Establish policies to be adopted and enforced and to implement the provisions of this Chapter.

- 101.08 PROHIBITED ACTS.** No person or entity shall do, or allow any of the following:
1. Damage Storm Water Management Systems. No person or entity shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any of the structure, pipe, appurtenance, or equipment which is part of the storm water management systems or facilities.
 2. Illicit Discharges. No person or entity shall throw, drain, or otherwise discharge or allow or cause to throw, drain, run, or allow to seep or otherwise be discharged into the City of Garrison's storm water management system and facilities, including, but not limited to, pollutants or waters containing any pollutants, other than storm water.
 3. Manholes. No person or entity shall open or enter any manhole, structure, or intake of the storm water system, except as authorized by the City.
 4. Connection. No person or entity shall connect any private storm water system to the City's storm water management system and facilities, except as authorized by the City Council.

- 101.09 RIGHT OF ENTRY.** The Public Works, and other authorized employees of the City of Garrison displaying proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private storm water discharges directly or indirectly entering into the public storm water management systems or facility in accordance with the provisions of this Chapter.

- 101.10 PENALITIES.** The following penalty provisions shall apply to violations of this Chapter:

1. Notice of Violation. Any person or entity found to be in violation of any provision of this Chapter shall be served by the City of Garrison with written notice stating the nature of the violation and provide reasonable time for correcting the violation. The offending person or entity, within the time stated in such notice, will permanently remedy all violations. Remedying the violations does not waive any claim the City may have against the offending person or entity for related damages caused by the violation or violations.
2. Continuing Violations. Any person or entity who shall continue any violation beyond the time limit to remedy the violations as provided in subsection 1 above,

shall be subject to civil penalties as set forth in Chapter 3, Municipal Infractions, of this Code of Ordinances.

3. Liability Imposed. Any person or entity violating any of the provisions of this Chapter shall be liable to the City for any expense, loss or damage incurred by the City caused by the violation.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall take effect from and after its passage, approval, and publication.

PASSED by the Council of the City of Garrison, Iowa on this 5th day of July, 2022 and approved this 5th day of July, 2022.

Garrett Flickinger
Garrett Flickinger, Mayor

ATTEST:

Angela Dague
Angela Dague, City Clerk

First Reading: 5-2-22

Second Reading: 6-7-22

Third Reading: 7-5-22

I certify that the foregoing was published as Ordinance No. 376 on the 6th day of July, 2022

Angela Dague
City Clerk

ORDINANCE NO. 377

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GARRISON, IOWA, BY AMENDING PROVISIONS PERTAINING TO PERMIT REQUIRED

BE IT ENACTED by the City Council of the City of Garrison, Iowa:

SECTION 1. SECTION MODIFIED. Section 150.02 of the Code of Ordinances of the City of Garrison, Iowa, is repealed and the following adopted in lieu thereof:

150.02 PERMIT REQUIRED. No building, other structure, or portable building shall be erected, installed, or altered by adding square footage within the City without first receiving a permit from the city.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 2nd day of May, 2022, and approved this 2nd day of May, 2022.

Garrett Flickinger

Garrett Flickinger, Mayor

ATTEST:

Angela Dague
City Clerk

First Reading: 5-2-22

Second Reading: waived

Third Reading: waived

I certify that the foregoing was published as Ordinance No. 377 on the 3rd day of May, 2022

Angela Dague
Angela Dague, City Clerk

ORDINANCE NO. 378

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GARRISON, IOWA, BY ADDING A NEW SECTION FOR REQUIREMENTS FOR PORTABLE SHEDS, BUILDINGS, AND CAR PORTS

BE IT ENACTED by the City Council of the City of Garrison, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Garrison, Iowa, is amended by adding a new Section 150.14, entitled REQUIREMENTS FOR PORTABLE SHEDS, BUILDINGS, AND CAR PORTS, which is hereby adopted to read as follows:

150.14 REQUIREMENTS FOR PORTABLE SHEDS, BUILDINGS, AND CAR PORTS.
Any portable shed, building, or car port shall have a front setback of no less than 25 lineal feet. This measurement is to be from the outermost front wall of the structure, including any supports, to the front property line. No portable shed, building or car port or any other portable structure shall be moved in or erected closer than 5 feet to either side lot line or alley line, measuring from the eave or overhang.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 6th day of June, 2022, and approved this 6th day of June, 2022.

Garratt Flitzgen
Mayor

ATTEST:

Angela Dague
City Clerk

First Reading: 6-6-22

Second Reading: waived

Third Reading: waived

I certify that the foregoing was published as Ordinance No. 378 on the 6th day of June, 2022.

Angela Dague
City Clerk