

**CHAPTER 5  
SURFACE DRAINAGE FEES**

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10-5-1:       **STATEMENT OF PURPOSE:** Development of land within the City increases the need for storm drainage lines, pumps and equipment to convey and dispose of surface drainage waters. Proper collection and disposal of such surface waters is necessary to protect the health, safety and welfare of the inhabitants of the City. It is inequitable to place upon the ad valorem tax base the entire burden of constructing new storm drainage facilities necessitated because of the development of land within or adjacent to the City. Therefore, the purpose of this Chapter is to develop a fair and reasonable means of allocating the expense of constructing new storm drainage facilities between the developers of land and revenues derived from ad valorem taxes levied upon all lands located within the City.

10-5-2:       **DEFINITIONS:** Certain terms used in this Chapter shall have the meanings ascribed below:

**ACCESSIBLE LAND:** Any undeveloped lot or tract of land for which surface drainage is not wholly self-contained or for which any surface water flowing therefrom will come upon any public street, alley, gutter or other public property located in the City or from which surface drainage will flow into any drain, interceptor or other surface drainage facility of the City, as a result of development thereof. The term shall also include land where more than fifty percent (50%) of the floor area of an existing building is demolished in order to construct a new structure thereon.

**DEVELOPED LAND:** Any lot or tract of land upon which a structure has been erected or upon which a full covering or "black top" or similar substance has been laid. No lot or parcel of land shall be deemed developed merely because platting or on-site improvements have been made, or because sales activities have commenced. The application for a building permit shall be prima facie evidence of an intent to develop land.

**DRAINAGE DISPOSAL FACILITIES:** Any works or equipment by which surface drainage water is finally removed from the City or from an area of the City. Such facilities may include, among other things, pumping, piping, impounding, spraying or evaporation systems, but do not

include the transfer of surface water from one land area to another where further disposal is needed.

**DRAINAGE INTERCEPTOR:** A principal or main drainage line which maintains continuity from the point of disposal of the drainage to the most distant point of collection thereof and which intercepts one or more lateral lines or services or interior drain lines draining a subdivision or local area. "Drainage Interceptor" excludes any lateral line or interior drain line within a subdivision which drains storm water originating primarily from within such subdivision.

**DRAINAGE TREATMENT FACILITIES:** Facilities which tend to improve the quality of surface water to meet imposed standards before conducting it for disposal to any waterway or impoundment.

**STRUCTURE:** A walled and roofed building.

10-5-3: **SURFACE DRAINAGE FACILITIES:** No property shall be annexed to the City or platted or developed within the City unless adequate provisions are made for disposal of surface waters originating therefrom, either by wholly self-contained system of pumps and retention ponds or by use of publicly-owned storm drainage interceptors and ponds. For purposes of determining adequacy of such facilities a minimum design standard of 1.33 inches over frozen ground shall be used.

10-5-4: **SURFACE DRAINAGE CHARGE:** A surface drainage fee shall be charged to the owners of any assessable land at the time the land is annexed to the City, or subdivided or platted within the City or for which surface drainage into the streets, alleys, gutters or other storm drainage facilities of the City is requested or will occur as a result of development of the land, irrespective of whether the land is located within or without the City. Nothing herein shall require payment of a surface drainage fee for developed land existing on the effective date of this Code.

10-5-5: **AMOUNT OF CHARGE:** The surface drainage fee shall be in an amount set from time to time by Resolution of the Council. In computing the area of any tract of land for purposes of applying such fee, the area of any public street, way, park, storm water retention pond or any canal, irrigation lateral or natural waterway shall be excluded from the total area of assessable land. (Ord. 2964, 8-14-14)

10-5-6: **MANNER AND TIME OF PAYMENT:**

(A) All surface drainage fees shall be paid to the City Treasurer.

(B) If platted land is being annexed to the City, payment shall be made in full upon annexation. If the land is being or has been annexed unplatted, payment shall be made when the land is subdivided, platted or developed. If the assessable land is located outside the City the surface drainage, fee shall be paid prior to the discharge of surface drainage into any

street, gutter, storm drainage line or other surface drainage facility or land located within the City.

10-5-7: SURFACE DRAINAGE FUND: A Surface Drainage Fund is hereby established into which shall be deposited all surface drainage fees paid pursuant to the provisions of this Chapter.

10-5-8: EXPENDITURES AUTHORIZED: Moneys in the "Surface Drainage Fund" may be expended only for the following purposes:

(A) Design, development and construction of drainage interceptors.

(B) Design, development and construction of drainage treatment or drainage disposal facilities.

10-5-9: LOCAL IMPROVEMENT DISTRICTS: Notwithstanding the provisions of this Chapter, the City may establish local improvement districts within the City to defray the expenses of constructing or acquiring surface drainage facilities in areas where the same are deemed necessary or advisable. Land for which surface drainage charges have been paid pursuant to the terms of this Chapter shall receive credit against the amount of any assessment made against such land if a drainage interceptor or a treatment or disposal facility is constructed or acquired as an improvement by the district levying the assessment.