

Senate Study Bill 1273

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
INDEPENDENCE BILL BY
CHAIRPERSON BLACK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing cities to establish storm water drainage
2 system utility districts for purposes of special assessments.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2084SC 83
5 md/sc/8

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1 1 Section 1. Section 384.38, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. A city may establish, by ordinance or by resolution
1 4 adopted as an ordinance after twenty days' notice published in
1 5 accordance with section 362.3, and a public hearing, one or
1 6 more districts and schedules of fees for the connection of
1 7 property to the city sewer utility, or water utility, or storm
1 8 water drainage system utility. If the governing body directs
1 9 that notice be made by mail, the notice shall be as required
1 10 in section 384.50. Each person whose property will be served
1 11 by connecting to the city sewer utility, or water utility, or
1 12 storm water drainage system utility shall pay a connection fee
1 13 to the city. The ordinance shall be certified by the city and
1 14 recorded in the office of the county recorder of the county in
1 15 which a district is located. The connection fees are due and
1 16 payable when a utility connection application is filed with
1 17 the city. A connection fee may include the equitable cost of
1 18 extending the utility to the properties, including reasonable
1 19 interest from the date of construction to the date of payment.
1 20 All fees collected under this subsection shall be paid to the
1 21 city treasurer. The moneys collected as fees shall only be
1 22 used for the purposes of operating the utility, or to pay debt
1 23 service on obligations issued to finance improvements or
1 24 extensions to the utility.
1 25 This subsection shall not apply when a city annexation plan
1 26 includes annexation of an area adjoining the city and a
1 27 petition has not been presented as provided in section 384.41
1 28 for a city sewer utility, or water utility, or storm water
1 29 drainage system utility connection. Until annexation takes
1 30 place, or the annexation plan is abandoned, the state mandate
1 31 contained in section 455B.172, subsections 3, 4, and 5, shall
1 32 not apply unless the individual property owner voluntarily
1 33 pays the connection fee and requests to be connected to the
1 34 city sewer utility, or water utility, or storm water drainage
1 35 system utility.

EXPLANATION

2 1
2 2 Current law provides cities the authority to establish, by
2 3 ordinance after notice and a public hearing, one or more
2 4 districts and schedules of fees for the connection of property
2 5 to the city sewer or water utility. Each person whose
2 6 property will be served by connecting to the city sewer or
2 7 water utility is required to pay a connection fee to the city
2 8 when the application for connection is filed. A connection
2 9 fee may include the equitable cost of extending the utility to
2 10 the properties, including reasonable interest from the date of
2 11 construction to the date of payment.
2 12 This bill authorizes cities to establish districts and
2 13 schedules of fees for the connection of property to storm
2 14 water drainage system utilities using the same procedure and
2 15 requirements that currently exist for city sewer and water
2 16 utility districts.
2 17 LSB 2084SC 83

