



Stormwater Utility Standard Operating Procedure and Policy

Revision #

Implementation Date 11/1/2023

Last Reviewed/Update
Date

Page 1 of 8

Resolution # 31631

1. Definitions

Unless specifically defined below, words or phrases used in this policy shall be defined in accordance with the definitions in Chapter 340 (Flood Plain Regulations), Chapter 284 (Subdivision Regulations) and Chapter 274 (Storm Water Management). Words or phrases not defined below or in said chapters shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ACCOUNT HOLDER: The resident, property owner, business, or other entity whose name is on the utility account.

BMP: Stormwater Best Management Practices. These can include practices such as detention basins, bio cells, dry wells, infiltration trenches, pervious pavers, etc.

CITY ENGINEER: Marion's City Engineer or their designated representative.

COMMITTEE: Marion's Stormwater Advisory Committee, as required by Marion's Municipal Separate Storm Sewer System (MS4) permit with the Iowa Department of Natural Resources (IDNR) will serve to provide review of applications regarding requests for credits and adjustments by non-residential properties.

CONTIGUOUS PARCEL: Parcels sharing a common property line boundary, less any public right-of-way separating them (if applicable), for any distance. To be contiguous the property owner and the utility account holder must be the same legal entity.

DEVELOPED PROPERTY: A property shall be considered to be developed if:

- A) A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or
- B) Construction of an improvement on the property is at least 50% completed and such construction has ceased for a period of at least three months, whether consecutive or not.

EQUIVALENT RUNOFF UNIT (ERU): The basic unit by which the storm water utility charge is calculated under this chapter. It is the statistical average horizontal impervious area of residential living units within the City of Marion on the date of the establishment of the storm water utility. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, sidewalks, pavement, gravel, compacted clay, and loading docks. (This has also been referred to as Equivalent Residential Unit.)

GIS: Geographic Information System

IMPERVIOUS AREA: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, sidewalks, parking lots, pavement, gravel, compacted clay, and loading docks, all as measured on a horizontal plane.



Stormwater Utility Standard Operating Procedure and Policy

Revision #

Implementation Date 11/1/2023

Last Reviewed/Update
Date

Page 2 of 8

Resolution # 31631

LEGAL PROPERTY OWNER: The deedholder and mailing address as recorded by the Linn County, Iowa Assessor.

LIVING UNIT: A room or group of rooms including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

NONRESIDENTIAL PROPERTY: A lot or parcel of land within the Marion corporate limits with improvements such as a building, structure, other impervious areas as defined herein, grading or substantial landscaping, which is not exclusively residential as defined herein, or is a developed residential parcel with five or more living units. This includes, but is not limited to, commercial, industrial, institutional, mixed-use, governmental property, manufactured home parks, and multi-family residential parcels with five or more living units. This excludes publicly owned right-of-way and publicly-owned or privately-owned rail beds.

RESIDENTIAL PROPERTY: A lot or parcel of land within the Marion corporate limits developed exclusively for residential purposes. For the purpose of this policy, it includes single-family homes, condominiums, duplexes, and multi-family parcels with three or four living units.

STORM WATER UTILITY (or SWU): The utility established under this chapter for the purpose of managing storm water and imposing charges for the recovery of costs connected with such storm water management.

STORMWATER ONLY ACCOUNTS: Utility accounts billed to the legal property owner for unmetered lots.

UNDEVELOPED PROPERTY: Property that is not developed by the addition of an improvement such as a building, structure, other impervious area as defined herein, grading or substantial landscaping which increases storm water runoff.

UNMETERED LOT: Individual lots without other utilities that contain at least one Total ERU.

2. Purpose

Stormwater runoff in urbanized areas picks up pollutants and deposits them in our creeks, rivers, and lakes. This excess and polluted stormwater (nonpoint source pollution) often exceeds the drainage capacity which causes urban flooding which can result in water pollution, health issues, economic loss, diminished groundwater recharge, increased stream channel erosion, decrease in quality of life, and degradation to our natural environment.

Marion administers an Equivalent Runoff Unit (or ERU) Stormwater Utility which is based on impervious area on each parcel within the city limits. The ERU based Stormwater Utility is more equitable than a flat fee charge because larger parcels with more impervious area pay more to the utility and smaller parcels with less impervious surface pay less.

Revenue generated from Marion's Stormwater Utility is applied to many purposes including but not limited to:

- Programs for operations, preventive maintenance, and asset management



Stormwater Utility Standard Operating Procedure and Policy

Revision #

Implementation Date 11/1/2023

Last Reviewed/Update
Date

Page 3 of 8

Resolution # 31631

- Infrastructure repairs and Capital Improvements Program
- Public education and outreach for better awareness water resources protection
- Compliance with Clean Water Act, NPDES, and MS4 obligations
- Floodplain management
- Water quality monitoring

3. Responsibilities

Staff in the Engineering Department are responsible for:

- Managing and updating the SWU GIS data
- Calculating impervious surface areas for each parcel
- Calculating the SWU for each parcel
- Communicating new or revised account data to Water department staff in a timely manner

The Stormwater Coordinator and/or Environmental Specialist will be primarily responsible for these duties.

Staff in the Water Department are responsible for:

- Managing existing accounts in the billing software
- Communicating account changes to Engineering department staff in a timely manner
- Communicating new non-residential accounts to Engineering department staff
- Creating new accounts in the billing software

4. Procedure

4.1 Customer Classification

- A) Customer Classes. For the purposes of imposing the storm water charges, all lots and parcels within the City are classified into the following four customer classes.
1. Residential.
 2. Non-residential.
 3. Undeveloped.
 4. Right-of-Way.
- B) Parcel Classification. The City Engineer shall assign a customer classification to each lot and parcel within the City of Marion.
- C) The ERU is established set by the SWU Policy to be 2,791 square feet.

4.2 Charge Formulas

- A) Residential. The monthly charge imposed for single family and multi-family (4 units or less) residential properties shall be the fee for one ERU per living unit existing on the property, plus a per account service charge, i.e.:

$$\text{Residential Storm Water Fee} = (\text{ERU Fee} \times \text{No. of Living Units}) + (\text{Account Service Charge} \times \text{No. of Accounts})$$



Stormwater Utility Standard Operating Procedure and Policy

Revision #

Implementation Date 11/1/2023

Last Reviewed/Update
Date

Page 4 of 8

Resolution #

31631

- B) Non-Residential. The monthly charge imposed for non-residential and mixed-use properties shall be the fee for one ERU, multiplied by the numerical factor obtained by dividing the total square footage of impervious area of the property by the square footage of one ERU, rounded to the nearest one-tenth ERU, plus a per account service charge:

Non-residential Parcel Charge = (Parcel Impervious Area ÷ 2,791 feet² x ERU Fee) + Account Service Charge

For multiple contiguous parcels under the same ownership and with at least one water meter serving all the lots, lot areas shall be aggregated and charged onto one metered account.

- C) Undeveloped. There shall be no charges imposed on parcels during the time period in which they are defined herein as undeveloped.
- D) Right-Of-Way. Public highway, road, alley, and rail right-of-way shall be exempt from the storm water utility fee.
- E) Minimum Charge. The minimum charges for any customer charged a fee shall be equal to the fee for one ERU, plus a per account service charge, in the absence of a credit or adjustment approved by the City Engineer. The fee for parcels with more than 1/2 of an ERU of impervious area (1,395 square feet) shall be rounded up to one ERU. Non-contiguous parcels with less than 1/2 of an ERU of impervious area (1,395 square feet) shall be rounded down to zero, and the service fee waived.
- F) The maximum charges for any customer charged a fee shall be one ERU, multiplied by the numerical factor obtained by dividing the total square footage of impervious area of the property by the square footage of one ERU, rounded to the nearest one-tenth ERU, plus a per account service charge, in the absence of a credit or adjustment approved by the City Engineer.
- G) Impervious Area Measurement. The City Engineer or his/her designee shall be responsible for determining the impervious area of nonresidential parcels based on the best available information, including, but not limited to, data supplied by the City Assessor, City Building Inspector, City Engineering Staff, aerial photography, property owner, tenant, or developer. The City Engineer may require additional information as necessary to make the determination. The number of ERUs shall be updated by the City Engineer based on any additions to the impervious area as approved through the building permit process.

4.3 Fees

The City Council shall set or adjust the ERU fee to reflect the costs of the storm water management program, and shall set the application fee for credit and adjustments to reflect the cost of application processing and review. Fees will be as set by resolution and reviewed annually as part of the budget process.

4.4 Credits and Adjustments



Stormwater Utility Standard Operating Procedure and Policy

Revision #

Implementation Date 11/1/2023

Last Reviewed/Update
Date

Page 5 of 8

Resolution # 31631

Parcels are eligible for Stormwater Utility credits when a BMP has been constructed for peak flow control, runoff volume reduction, and water quality improvements. Other credits may be provided at the discretion of the City Engineer.

Adjustments to Stormwater Utility accounts can include changes to ERU/impervious surface area, living units, or owner/tenant/billing information.

Credits and adjustments are submitted by the applicant using the Application for Storm Water Utility Fee Credit/Adjustment form available at City Hall and on the City of Marion Engineering website.

A) Credits. Eligibility.

1. Customer may be eligible for a credit, in the form of a reduced ERU multiplier for properties where all of the following conditions apply:
 - a) The City's cost of providing service or making service available to the property has been lessened.
 - b) The property conforms to all applicable ordinances and standards of the City of Marion in effect at the time of parcel development.
 - c) The property has been assigned a nonresidential user classification by the City Engineer.
2. Maximum Credit. The maximum aggregate credit for any individual property is 65% of its ERU charge, regardless of how many types of credits the property qualifies.
3. Credit Types. The following credits may be available to customers for properties that meet all of the eligibility criteria of subsection 1(A):
 - a) Peak Flow Control, Volume Reduction and Water Quality Control Credits. Credits shall be considered for customers who own and maintain storm water management facilities such as retention or detention basins that meet or exceed existing peak flow rate, volume, and water quality requirements. The maximum aggregate credit for any individual property that receives one or more of the credit types described in paragraph (a), (b) and/or (c) is 50% of its ERU charge, regardless of how many types of credits the property qualifies. The credit amount awarded to any parcel shall be pro-rated based on the fraction of impervious area draining to a discharge point where credit requirements are met.
 - i. Peak Flow Control Credit. Credits shall be considered for customers who own and maintain storm water management facilities such as retention or detention basins that meet or exceed the peak discharge rate standards contained or referenced in the City's Storm Water Management Ordinance, Chapter 274 Article II. Up to a 12.5% credit may be awarded for meeting existing storm water standards, and up to 25% credit may be awarded for exceeding existing storm water standards.
 - ii. Runoff Volume Reduction Credit. Credits shall be considered for customers who own and maintain storm water management facilities such as infiltration basins or biofiltration devices that exceed the infiltration standards referenced in the City's Storm Water Management Ordinance, Chapter 274 Article II. Up to a 12.5% credit may be awarded for meeting existing storm water standards, and up to 25% credit may be awarded for exceeding existing storm water standards.
 - iii. Water Quality Credit. Credits shall be considered for customers who own and maintain storm water management facilities that improve the quality of runoff from the property to a degree that exceeds the water quality standards contained or referenced in the City's Storm Water Management Ordinance, Chapter 274 Article II. Up to a 12.5% credit may be awarded for meeting existing storm water standards, and up to 25% credit may be awarded for exceeding existing storm water standards.



Stormwater Utility Standard Operating Procedure and Policy

Revision #

Implementation Date 11/1/2023

Last Reviewed/Update
Date

Page 6 of 8

Resolution #

31631

- b) Other. Other proposals may be considered on a case-by-case basis. All such proposals must either directly reduce the City's cost of managing storm water runoff, or contribute directly towards improving the quality or reducing the quantity of runoff discharged into the City's municipal separated storm sewer system. Such proposals may receive up to 15% credit, towards the 65% maximum.
- B) Adjustments. A customer may be eligible to have the number of ERUs assigned to their property adjusted under the conditions described below:
 - 1. Nonresidential Property.
 - a) Properties assigned a non-residential user classification may be eligible to have the property reclassified as undeveloped if the property owner can show that the cumulative impervious area on the parcel is less than half of the impervious area of one ERU.
 - b) Nonresidential customers who believe the number of ERUs allocated to their property to be incorrect may submit an adjustment request to the City Engineer. The allocated ERUs may be adjusted if the owner can provide information showing the square footage calculation as determined in Charge Formula subsections 5.2(B) and 5.2(F) to be incorrect.
 - 2. Residential. Residential customers who believe that the number of ERUs allocated to their property to be incorrect may submit an adjustment request to the City Engineer. The allocated ERUs may be adjusted if the owner can provide information showing the number of living units assigned to their property, as determined in Charge Formula subsection 5.2(A) to be incorrect.
- C) Credit and Adjustment Application Fees.
 - 1. The fee for storm water utility credit and adjustment applications will be set by resolution of the City Council.
 - 2. Application fees for all applications that result in the approval of a credit or adjustment shall receive a 100% rebate.
- D) Review Procedure.
 - 1. Within 30 days of the submission of a request to the City Engineer for a credit or an adjustment, the City Engineer shall issue a written decision as to whether the request for adjustment, as determined by the Committee, should be granted, denied or granted in part. The written decision shall also set forth the reason or reasons for such decision. The decision shall be sent to the customer by certified mail, and a copy to the City Manager.
 - 2. If an appeal is requested, the City Manager shall determine whether the Committee's decision should be approved, rejected, or modified. The customer shall be allowed to present additional written evidence. The final determination of the City Manager shall be in writing and set forth, in detail, the reason or reasons for the decision and shall inform the customer by certified mail.
- E) Effective Date. Any ERU adjustment or credit granted shall thereafter be used to calculate the customer's user charges. The reduction shall only apply for the period of time subsequent to the filing of the request for adjustment. There shall be no retroactive adjustment for user charges imposed prior to the filing of the request.

4.5 Billing

- A) Storm water utility charges shall be billed to the utility account or accounts associated with each property.



Stormwater Utility Standard Operating Procedure and Policy

Revision #

Implementation Date 11/1/2023

Last Reviewed/Update
Date

Page 7 of 8

Resolution # 31631

1. If the property does not have a utility account for potable water or solid waste but does have a utility account for Irrigation lines or fire sprinklers, the storm water utility charges shall be billed to that utility account.
- B) Individual lots containing one potable water meter will be billed the entire stormwater utility charge on one account.
- C) Individual lots containing two or more potable water meters will have the stormwater utility total ERU count evenly divided amongst the number of accounts with a minimum of one ERU applied to each account. ERU counts resulting in fractions will be rounded to the nearest one-tenth ERU.
 1. If at least one of the water meters on the property is assigned to the property owner, the property owner may request to have the entire Stormwater Utility Charge applied to a single account assigned to the property owner using the Application for Storm Water Utility Fee Credit/Adjustment form.
 2. If all water meters on the property belong to the same Utility Account Holder, the Account Holder may request to have the entire Stormwater Utility Charge applied to a single account assigned to the Account Holder using the Application for Storm Water Utility Fee Credit/Adjustment form.
 3. Multi-family residential parcels with four or less water meters will be charged one ERU per meter.
 4. Multi-family residential parcels with four or less units and one water meter will be charged one ERU per unit on the account for the one water meter.
 5. For multi-use parcels that have multiple water meters for both non-residential and residential units, the stormwater utility total ERU will be evenly divided amongst the number of non-residential accounts with a minimum of one ERU applied to each account. The residential water meters on this parcel will not be charged a stormwater utility fee.
- D) Stormwater Only Accounts. Individual lots without other utilities that contain at least one Total ERU will have a utility account created and assigned to the legal property owner for the purposes of stormwater Utility Charge billing.
 1. If the unmetered lot containing at least one ERU is contiguous with any adjoining metered lots, the unmetered lot's total ERU count will be added to the metered lot's total ERU count to calculate the stormwater Utility Charge.
 2. The Legal Property Owner may request to have the Stormwater Utility Charge applied to a different account or address using the Application for Storm Water Utility Fee Credit/Adjustment form.
 3. These accounts may also include fees for Solid Waste and Urban Forestry Utility.
- E) Other unique configurations of parcel ownership and utility accounts may exist that do not match the descriptions above and will require individual examination.

4.6 Unpaid Charges

The fees provided for in this chapter may be collected by all available legal means and may also be secured by levy and certification by the Council to the Linn County Auditor to be collected in the same manner and subject to the State penalties as special taxes, in accordance with State laws.

4.7 Construction of new impervious surfaces

Impervious surface areas for new construction will be updated by Engineering Department staff and come from the best available information – which is typically engineering plans or building plans.



Stormwater Utility Standard Operating Procedure and Policy

Revision

Implementation Date 11/1/2023

Last Reviewed/Update
Date

Page 8 of 8

Resolution # 31631

When necessary, GPS data from a site will be collected. Periodic updates will also be completed based on the availability of current aerial photography.

4.8 Account updates and changes of ownership

Generally, it's the responsibility of the Account Holder or Legal Property Owner to notify City staff about account changes. City staff will perform a cross check of SWU account information at least once annually to ensure accuracy of account data.

5. Questions

Any questions concerning the above policy should be directed to the following:

City of Marion — Engineering Department
1225 6th Avenue
Marion, IA 52302
319-743-6340