

CHAPTER 100
BENEFITED DISTRICT
SEWER CONNECTION CHARGES

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100.01 GENERAL PROVISIONS. The purpose of this chapter is to establish storm and sanitary sewer connection charges for certain properties within the City to recover the costs of designing and constructing major storm or sanitary sewer facilities from property owners who connect to such facilities subsequent to their construction. In the event the Council determines the necessity of constructing a major storm or sanitary sewer facility and determines that the utilization of a connection charge is the most equitable manner in which to recover the City's costs associated therewith, the Council shall first hold a public hearing on the proposed adoption of an ordinance to establish a benefited district and a connection charge.

(Ord. 03-01 – Feb. 03 Supp.)

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

1. "Benefited district" means that area of the City to which storm or sanitary sewer service can feasibly be provided by a major storm or sanitary sewer facility of a given design and capacity.
2. "Connection" means the act of connecting a building storm or sanitary sewer to a lateral sewer or manhole constituting a part of a major storm or sanitary sewer facility, or the act of connecting a lateral sewer serving a subdivision to a trunk sewer or manhole constituting a part of a major storm or sanitary sewer facility.
3. "Major storm or sanitary sewer facility or facilities" means and includes storm or sanitary sewer mains, storm or sanitary sewer trunk lines or storm or sanitary sewer interceptors eight (8) inches in diameter or larger, and storm or sanitary sewer force mains, pumping stations and detention basins.

(Ord. 03-01 – Feb. 03 Supp.)

100.03 CONNECTION CHARGE REQUIRED. After the effective date of the ordinance establishing a benefited district and a connection charge, no owner of property within the district, whose property is eligible for connection to the storm or sanitary sewer facility, shall make such connection until the required connection charge has been paid. If land use is different than residential and the proposed development uses considerably less sanitary sewer

than DNR design criteria the minimum acreage fee may be revised with the approval of the City Engineer. The sewer connection charge required by this chapter is in addition to, and not in lieu of, any other fees required under the plumbing code or other provisions of this Code of Ordinances. In the event a property owner makes a connection to the storm or sanitary sewer facility without having paid the required connection charge, the City shall disconnect the building storm or sanitary sewer until the required charge has been paid.

Beginning January 1, 2003, the connection charges set forth in the subsequent sections of this chapter of the Code of Ordinances will be calculated with a 5.0 percent increase as of each January 1 following adoption of the particular hookup fee. In no event will the connection fee calculated hereunder exceed twice the amount of the original connection fee. *(Ord. 03-01 – Feb. 03 Supp.)*

100.04 MULBERRY RIDGE SANITARY SEWER DISTRICT.

1. There is hereby established a benefited sanitary sewer district, consisting of two sections, to be known as the Mulberry Ridge Sanitary Sewer District. Said district encompasses 1620 acres more or less (excluding Lowe Park) lying within the following boundaries:

All of the Dry Creek Drainage Area north of East Robins Road, Linn County, Iowa.

2. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

- A. 21 Inch Sanitary Sewer Under East Robins Road:

Capacity Rate Method – Based on DNR density specifications

Acreage Method (Residential) = \$42.00/acre

Medium Density (Multi-Family) 11-15 people/acre = \$63.00/acre

High Density (Multi-Family) 16+ people/acre = \$210.00/acre

Commercial, institutional or office use = \$210.00/acre

- B. 12 Inch Sanitary Sewer Along the North Side of East Robins Road:

Capacity Rate Method – Based on DNR density specifications

Acreage Method (Residential) = \$455.00/acre

Medium Density (Multi-Family) 11-15 people/acre = \$683.00/acre

High Density (Multi-Family) 16+ people/acre = \$1,365.00/acre

Commercial, institutional or office use = \$2,275.00/acre

(Ord. 01-38 – Feb. 02 Supp.)

100.05 LINN-MAR SANITARY SEWER DISTRICT.

1. There is hereby established a benefited sanitary sewer district, consisting of two sections, to be known as the Linn-Mar Sanitary Sewer District. Said district

encompasses 1620 acres more or less (excluding Lowe Park) lying within the following boundaries:

North extension of Dry Creek Sanitary Sewer, north of East Robins Road, Linn County, Iowa.

2. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

Hookup Fee for Linn-Mar Sanitary Sewer Extension Project		
School Cost		
Construction	\$313,466.38	(-Over sizing amount of \$58,061.12 paid to Linn-Mar)
Engineering	<u>\$ 19,252.70</u>	
Total	\$332,719.08	
City Over Sizing Cost	\$ 58,061.12	Linn-Mar Sanitary Sewer Extension Project
Resolution No 12859	<u>\$ 16,779.85</u>	Old resolution to be included in this new fee
Total	\$ 74,840.97	
Total Hookup Fee Amount		Percentage of Fee Collected
Linn-Mar	\$332,719.08	81.64%
City	<u>\$ 74,840.97</u>	18.36%
Total	\$407,560.05	

Capacity Rate Method – Based on DNR density specifications

Acreage Method

Residential, R-2 - \$407,560.05/1200 Ac. = \$340.00/acre (rounded up)

1000 gal. per capita per day

Medium Density (Multi-Family) 11-15 people/acre = \$510.00/acre
1500 gal. per capita per day

High Density (Multi-Family) above 15 people/acre = \$1020.00/acre
3000 gal. per capita per day (assumed 30 people/acre)

Commercial, institutional or office use = \$1700.00/acre
5000 gal. per acre

(Ord. 02-07 – May 02 Supp.)

100.06 GLEN ROCK FARMS SANITARY SEWER DISTRICT.

1. There is hereby established a benefited sanitary sewer district to be known as the Glen Rock Farms Sanitary Sewer District. Said district lying within the following boundaries:

All of the Barry's Run Drainage Area North of Huntington Hills Addition, Linn County, Iowa.

2. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

12 inch sanitary sewer extension for Glen Rock Farms Addition north of Huntington Hills Addition:

Capacity Rate Method – Based on DNR density specifications.

Unit Method (Residential) = \$346.00/residential dwelling unit.

(Ord. 02-12 – Aug. 02 Supp.)

100.07 HUNTINGTON HILLS 1ST ADDITION SANITARY SEWER DISTRICT.

1. There is hereby established a benefited sanitary sewer district to be known as the Huntington Hills Sanitary Sewer District. Said district lying within the following boundaries:

All of the Barry's Run Drainage Area North of and including the Huntington Hills 1st Addition, Linn County, Iowa.

2. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

12 inch sanitary sewer extension from the east side of Winslow Road to the south property line of Huntington Hills 1st Addition:

Capacity Rate Method – Based on DNR density specifications.

Unit Method (Residential) = \$56.00/residential dwelling unit.

(Ord. 02-19 – Aug. 02 Supp.)

100.08 29TH AVENUE STORM SEWER DISTRICT.

1. There is hereby established a benefited storm sewer district, consisting of one section, to be known as the 29th Avenue Storm Sewer District. Said district

encompasses the North side of 29th Avenue from station 10+53 to 28+00 as established in the 2002 29th Avenue Phase I Paving Project.

2. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

\$14.50 per L/F

Location of said storm sewer hook up fee shall be determined by the stationing established in the 2002 29th Avenue Phase I Paving Project from station 10+53 to 28+00.

(Ord. 03-01 – Feb. 03 Supp.)

100.09 35TH AVENUE SANITARY SEWER DISTRICT.

1. There is hereby established a benefited storm sewer district, consisting of one section, to be known as the 35th Avenue Sanitary Sewer District. Said district encompasses the 35th Avenue Sanitary Sewer Project from Station 0+00 to 13+36 as established in the 2002 35th Avenue Sanitary Sewer Project.

2. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

\$642.26 per acre of land that will be served by said sewer extension.

Location of said sanitary sewer hook up fee shall be determined by the stationing established in the 2002 35th Avenue Sanitary Sewer Project from station 0+00 to 13+36.

(Ord. 03-20 – Nov. 03 Supp.)

100.10 LINN-MAR II ADDITION SANITARY SEWER DISTRICT.

1. There is hereby established a benefited sanitary sewer district, consisting of one section, to be known as the Linn-Mar II Addition Sanitary Sewer District. Said district encompasses 270 acres.

2. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

A. Acreage Method

Residential, R-2 = \$28.00/acre - 1000 gal. per capita per day

Medium Density (Multi-Family) 11-15 people/acre = \$42.00/acre - 1500 gal. per capita per day

High Density (Multi-Family) above 15 people/acre = \$84.00/acre - 3000 gal. per capita per day (assumed 30 people/acre)

Commercial, institutional or office use = \$140.00/acre - 500 gal. per acre

B. Location of said sanitary sewer hook up fee shall be determined by the stationing established in the Linn-Mar sanitary sewer trunk line extension of 2004.

(Ord. 04-06 – May. 04 Supp.)

100.11 PARKGATE VILLAGE FIRST ADDITION SANITARY SEWER DISTRICT.

1. There is hereby established a benefited sanitary sewer district, consisting of one section, to be known as the Parkgate Village First Addition Sanitary Sewer District. Said district encompasses 159.5 acres.

2. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

A. Acreage Method

Residential, R-2 = \$962.00/acre - 1000 gal. per capita per day

Medium Density (Multi-Family) 11-15 people/acre = \$1,443.00/acre - 1500 gal. per capita per day

High Density (Multi-Family) above 15 people/acre = \$2,886.00/acre - 3000 gal. per capita per day (assumed 30 people/acre)

Commercial, institutional or office use = \$4,810.00/acre - 500 gal. per acre

B. Location of said sanitary sewer hook up fee shall be determined by the stationing established in the Parkgate Village Addition First Addition.

(Ord. 05-11 – Nov. 05 Supp.)

100.12 INDIAN CREEK SANITARY SEWER DISTRICT. There is hereby established a benefited sanitary sewer district, consisting of one section, to be known as the Indian Creek Sanitary Sewer District. Said district encompasses 2,905 acres. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

1. Acreage Method
Residential, R-2 = \$402.90/acre - 1000 gal. per capita per day
Medium Density (Multi-Family) 11-15 people/acre = \$604.35/acre - 1500 gal. per acre
High Density (Multi-Family) above 15 people/acre = \$1,208.70/acre - 3000 gal. per acre
Commercial, institutional or office use = \$2,014.50/acre - 5000 gal. per acre
2. Location of said sanitary sewer hook up fee shall be determined by the stationing established in the Indian Creek sanitary sewer trunk line extension of 2003.

Residences adjacent to the project established prior to the passage of Ordinance 06-04 shall have a maximum fee of \$402.90.

(Ord. 06-04 – May 06 Supp.)

100.13 35TH AVENUE/INDIAN CREEK SANITARY SEWER DISTRICT. There is hereby established a benefited sanitary sewer district, consisting of one section, to be known as the 35th Avenue/Indian Creek Sanitary Sewer District. Said district encompasses 268 acres. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

1. Acreage Method
Residential, R-2 = \$493.24/acre - 1000 gal. per capita
Medium Density (Multi-Family) 11-15 people/acre = \$739.86/acre - 1500 gal. per acre
High Density (Multi-Family) above 15 people/acre = \$1,479.72/acre - 3000 gal. per acre
Commercial, institutional or office use = \$2,466.20/acre - 5000 gal. per acre
2. Location of said sanitary sewer hook up fee shall be determined by the stationing established in the 35th Avenue/Indian Creek sanitary sewer trunk line extension project.

(Ord. 06-05 – May 06 Supp.)

100.14 WINSLOW ROAD SANITARY SEWER DISTRICT. There is hereby established a benefited sanitary sewer district, consisting of one section, to be known as

the Winslow Sanitary Sewer District. Said district encompasses 288 acres. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

1. Acreage Method

Residential, R-2 = \$652.80/acre - 1000 gal. per capita per day

Medium Density (Multi-Family) 11-15 people/acre = \$979.20/acre - 1500 gal. per acre

High Density (Multi-Family) above 15 people/acre = \$1,958.40/acre - 3000 gal. per acre

Commercial, institutional or office use = \$3,264.00/acre - 5000 gal. per acre

2. Location of said sanitary sewer hook up fee shall be determined by the stationing established in the Winslow Road sanitary sewer trunk line extension project.

(Ord. 06-16 – Nov. 06 Supp.)

100.15 TOWER TERRACE ROAD SANITARY SEWER DISTRICT. There is hereby established a benefited sanitary sewer district, consisting of one section, to be known as the Tower Terrace Road Sanitary Sewer District. Said district encompasses 268 acres. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

1. Acreage Method

Residential, R-2 = \$270.66/acre - 1000 gal. per capita per day

Medium Density (Multi-Family) 11-15 people/acre = \$406.00/acre - 1500 gal. per acre

High Density (Multi-Family) above 15 people/acre = \$812.00/acre - 3000 gal. per acre

Commercial, institutional or office use = \$1,353.30/acre - 5000 gal. per acre

2. Location of said sanitary sewer hook up fee shall be on the north side of Tower Terrace Road from Station 100+56 to 123+19 as determined by the stationing established in the Tower Terrace sanitary sewer trunk line extension project associated with Prairie Bend First Addition to the City of Marion.

(Ord. 07-06 – Aug. 07 Supp.)

100.16 MEADOWRIDGE SANITARY SEWER EXTENSION SEWER DISTRICT. There is hereby established a benefited sanitary sewer district (*previously established by Resolution 9235, September 7, 1989*), consisting of one section, to be known as the Meadowridge Sanitary Sewer Extension Sewer District. Said district encompasses an area partially in Linn County and in the City of Marion, Iowa. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

Acreage Method = \$171.66 per acre of platted land which will be served by said sewer extension.

100.17 AMERICAN LEGION SEWER DISTRICT. There is hereby established a benefited sanitary sewer district (*previously established by Resolution 11482, November 3, 1994*), consisting of one section, to be known as the American Legion Sanitary Sewer Extension Sewer District. Said district encompasses an area in the City of Marion, Iowa. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

Acreage Method = \$675.00 per acre of area served by each connection.

100.18 1995 INDIAN CREEK SANITARY SEWER EXTENSION SEWER DISTRICT. There is hereby established a benefited sanitary sewer district (*previously established by Resolution 12680, June 5, 1997*), consisting of one section, to be known as the 1995 Indian Creek Sanitary Sewer Extension Sewer District. Said district encompasses an area in Linn County and in the City of Marion, Iowa. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

1. For the 12-inch diameter "Linn-Mar Lateral" from Station 100+59 to Station 123+12.96:
 - A. Single family and multi-family density up to and including six units per acre - \$47.65 per dwelling unit.
 - B. Multi-family density greater than six units per acre - \$40.50 per dwelling unit.
 - C. Commercial Development - \$183.45 per acre of site.
 - D. Industrial Development - \$369.28 per acre of site.
2. For the 12-inch diameter "Linn-Mar Lateral" westerly of Station 100+59:
 - A. Single family and multi-family density up to and including six units per acre - \$85.98 per dwelling unit.

- B. Multi-family density greater than six units per acre - \$73.08 per dwelling unit.
 - C. Commercial Development - \$331.03 per acre of site.
 - D. Industrial Development - \$645.50 per acre of site.
3. For the 21-inch diameter “Indian Creek Interceptor” from Station 0+00 to Station 58+80:
- A. Single family and multi-family density up to and including six units per acre - \$136.00 per dwelling unit.
 - B. Multi-family density greater than six units per acre - \$115.60 per dwelling unit.
 - C. Commercial Development - \$523.60 per acre of site.
 - D. Industrial Development - \$1,054.00 per acre of site.
4. For the 12-inch diameter “Berry’s Run Lateral” from Station 200+20 to Station 231+03.95:
- A. Single family and multi-family density up to and including six units per acre - \$167.34 per dwelling unit.
 - B. Multi-family density greater than six units per acre - \$142.24 per dwelling unit.
 - C. Commercial Development - \$644.26 per acre of site.
 - D. Industrial Development - \$1,296.90 per acre of site.

If the “site” size for a commercial or industrial user cannot be satisfactorily determined, the amount of hook-up fee may be calculated based on the anticipated sewer discharge rate the facility will generate. The City Engineer shall review the proposed plans and determine an appropriate fee amount which represents the proportion of sewer capacity the facility will utilize. The applicant may appeal the amount of said hook-up fees to the City Council.

100.19 LINN-AIRE INDUSTRIAL PARK SECOND ADDITION AND MARION COMMERCE PARK 1ST ADDITION SEWER DISTRICT. There is hereby established a benefited sanitary sewer district (*previously established by Resolution 13648, March 18, 1999*), consisting of a portion of the developed area, to be known as the Linn-Aire Industrial Park Second Addition and Marion Commerce Park 1st Addition Sewer District. Said district encompasses an area in the City of Marion, Iowa. The schedule of fees for connection property in said benefited district to the City sewer(s) are as follows:

- 1. Pursuant to an agreement with the developer on Linn-Aire Industrial Park 2nd Addition, the City of Marion agreed to pay \$40,000 for the extension of said sanitary sewer and to recoup \$44,000 in connection fees in conjunction with development of Lots 2, 4,

and 5 of Linn-Aire Industrial Park 2nd Addition and the remaining unplatted land lying east of 62nd Street and between Lot 5 and Linn-Aire Avenue extended.

2. Lot 5 of Linn-Aire Industrial Park 2nd Addition and the remaining unplatted land lying east of 62nd Street between said Lot 5 and Linn-Aire Avenue extended has been platted as Marion Commerce Park 1st Addition.

3. Sanitary sewer hook-up fees are to be calculated based on total acreage of Lots 2 and 4 Linn-Aire Industrial Park 2nd Addition and all lots contained in Marion Commerce Park 1st Addition. For a total acreage of 46.99 acres, to recoup \$44,000 would require \$936.37 per acre to be charged as a hook-up fee.

4. Acreage Method = \$936.37 per acre of land for Lots 2 and 4 of Linn-Aire Industrial Park 2nd Addition and Lots 1 through 16 of Marion Commerce Park 1st Addition.

(Sections 100.16 – 100.19 added by Ord. 08-18 – Nov. 08 Supp.)

100.20 DRY CREEK STORM WATER DETENTION DISTRICT. There is hereby established a benefited storm water detention district, consisting of one section, to be known as the Dry Creek Storm Water Detention District. Said district encompasses 363.40 acres. The schedule of fees for connecting property in said benefited district to the City detention basin is as follows:

1. Acreage Method (all zonings and uses) = \$926.77/acre.

2. Location of said storm water detention basin hook up fee shall be determined by Exhibit A – Dry Creek Storm Water Detention Basin, Drainage Basin.

3. Said hook up fee shall apply to all property contained within the final plat, including but not limited to: lots, out lots, right-of-way and green spaces.

4. All new development within the detention basin shall be required to participate in the hook up fee and shall not be required to provide individual storm water detention.

(Ord. 08-24 – Feb. 09 Supp.)

100.21 LINN-MAR/ECHO HILL ROAD SANITARY SEWER EXTENSION SEWER DISTRICT. There is hereby established a benefited sanitary sewer district consisting of one section, to be known as the Linn-Mar/Echo Hill Road Sanitary Sewer Extension Sewer District. Said district encompasses an area of approximately 300 acres partially in Linn County and in the City of Marion, Iowa, lying generally within one-half mile in any direction from the intersection of Alburnett Road and Echo Hill Road. The hookup fee has been established by an acreage amount. The City of Marion will receive 11.45% of the hookup fee for the over-sizing costs and the remainder thereof to Linn-Mar Community School District. The hookup fee shall be collected at time of final platting or at the time of receiving a building permit if the site does not require a final plat for construction. The hookup fee by capacity rate would only be used if an area proposes a development or business that would use more sewage than the estimated residential usage (R-2 zone) of 10 people/acre. The schedule of fees for connecting property in said benefited district to the City sewer(s) are as follows:

1. Hookup Fee per Acre = \$890.00

2. City of Marion % of Hookup = 11.45%

3. Linn-Mar % of Hookup = 88.55%

4. Capacity Rate Method – Based on DNR density specification:
 - A. Acreage Method (Residential, R-2) = \$890.00/acre – 1000 gal. per capita per day.
 - B. Medium Density (Multi-Family) 11-15 people/acre = \$1,335.00/acre – 1500 gal. per capita per day.
 - C. High Density (Multi-Family) Above 15 people/acre = \$2,670.00/acre – 3000 gal. per capita per day.
 - D. Commercial, institutional or office use = \$4,450.00/acre – 5000 gal. per acre.

(Ord. 09-15 – Aug. 09 Supp.)

100.22 FOXBOROUGH SANITARY SEWER EXTENSION SEWER DISTRICT. There is hereby established a benefited sanitary sewer district consisting of one section, to be known as the Foxborough Sanitary Sewer Extension Sewer District. Said district encompasses the properties listed below with the fee as shown:

1. All lots lying within Hunters Field Third Addition to the City of Marion, Linn County, Iowa.
2. The schedule of fees for connecting the above properties in said benefited district is \$83.00 per lineal foot. *(Ord. 14-12 – Aug. 14 Supp.)*

(Ord. 13-22 – Nov. 13 Supp.)