

COUNCIL ACTION FORM

SUBJECT: ADDITION OF EFFECTIVE DATE TO RECENT CHAPTER 28 UPDATES

BACKGROUND:

On November 28, 2017, Council approved on third reading a series of updates to Chapter 28 of the Municipal Code (Utilities). **One of the changes to the Code was the addition of a new paragraph that requires apartments, condominiums, and several other multi-family residential building types to provide individual water meters for each dwelling unit or tenant space. The Code language that was originally adopted did not include an effective date. By default, the effective date would be the date of publication of the ordinance in the local newspaper, which was December 5, 2018.**

The lack of an effective date has posed a problem for a small number of developers who had projects already under design. In particular, The Crawford redevelopment project had already been through an initial round of reviews by the City's Development Review Committee prior to the new Code language being proposed. As it was originally presented, The Crawford would have been eligible for an exemption under the Code language that was adopted, as it met the definition of an Independent Senior Living Facility, which is specifically called out as being exempt from the individual metering requirement. As a result, staff did not specifically reach out to the developer about the potential impacts of the proposed Code changes.

Contemporaneous with the adoption of the Chapter 28 revisions, developers for The Crawford were negotiating a revised age restriction requirement with Council and the surrounding neighborhood. With that change, the project no longer meets the definition of an Independent Senior Living Facility and as a result would no longer be exempt from the individual metering requirement. Staff from Water & Pollution Control were not aware of the age restriction changes being considered; and the developers were likewise not aware of how the new age requirements for the project could impact their metering requirements.

It was staff's intent that the adoption of the new Code requirement provide for a transition period that allowed developers to be aware of the requirement before getting too far into the design process. Unfortunately, staff failed to include an "effective date" for the individual metering requirement. To rectify that deficiency, **staff is now recommending that the Municipal Code be revised to state that the requirement for individual metering "...shall not apply to any project for which a site development plan was submitted to the Planning and Housing Department for review prior to February 1, 2018."**

This would effectively “grandfather” The Crawford, allowing it to proceed with the single master meter construction that was originally presented to Water & Pollution Control staff. The addition of an effective date would also provide a “grandfathered” status to the redevelopment of 2516 Lincoln Way. As future projects are brought to the City’s DRC, the obligation for individual metering can be identified early in the life of a development. The proposed change would also benefit any project that received a Site Development Plan approval and has not yet obtained a building permit for the project.

The attached ordinance has been prepared by the Legal Department to incorporate the recommended effective date into Paragraph 28.214 of the Municipal Code.

ALTERNATIVES:

1. Approve on first reading an ordinance exempting from the individual metering requirement those projects that had submitted a Site Development Plan to the Planning and Housing Department prior to February 1, 2018.
2. Approve on first reading an ordinance exempting from the individual metering requirement those projects that had submitted a site development plan to the Planning and Housing Department prior to some date other than February 1, 2018.
3. Do not approve the addition of an effective date provision for individual metering. That would require The Crawford to redesign their project to include individual meters for each dwelling unit before plumbing permits could be issued.

CITY MANAGER’S RECOMMENDED ACTION:

The revision to Chapter 28 requiring individual metering is part of an overall strategy to encourage water conservation. By requiring individual tenants to pay their own water and sewer bill, a stronger connection is made between consumption and price.

Adopting an effective date for the individual metering provision is consistent with staff’s intent when the provision was enacted late in 2017, and would allow those projects that had submitted a site development plan prior to February 8, 2018 to proceed under the previous Code language. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SEC. 28.214(1) AND ENACTING A NEW SECTION 28.218(1) THEREOF, FOR THE PURPOSE OF INSERTION OF AN EFFECTIVE DATE. REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 28.214(1) as follows:

“Sec. 28.214. OWNERSHIP AND REPAIR, WATER SERVICE CONNECTIONS

...

(1) For the purpose of accountability, Apartment Dwellings, Condominiums, Commercial Buildings, Dwelling House, Family Home, Single-Family, Single Family Attached, Two-Family Attached, Efficiency Unit Dwellings, Manufactured Homes, and Mobile Homes (by means of individual meter pits), shall be individually metered. Assisted Living Facilities, Congregate Housing, Hospice Facilities, Hospitals, Hotels, Independent Senior Living Facilities, Nursing Homes, Residential Corrections Facilities, and Sorority or Fraternity Facilities would not be required to meter individual dwelling units. Requirements and exceptions are based on definitions stated in Section 29.201 of the Ames Municipal Code. The requirement for individual water meter installations in Section 28.214(1) shall not apply to any project for which a site development plan was submitted to the Planning and Housing Department for review prior to February 1, 2018.”

...

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor