

Authority to Charge

Based on City of Des Moines Municipal Code

Solid Waste

Concerning the charges for Solid Waste Services, the Des Moines City Code (Sec. 98-55) establishes that a monthly collection fee will be charged by the city and collected in full every month from each owner or occupant of a residential premise. The Code further states (Sec. 98-56) that the collection of solid waste from residences and the maintenance of the availability of such service, *whether or not such service is used regularly or at all* by the owner of such residential premises, is declared a benefit to the premises at least equal to the monthly charges (emphasis added). In other words, because a property has not been proven to be unoccupied *and* uninhabitable, it still derives a benefit from the availability of solid waste collection services. The City is thus authorized to collect a fee for a 96-gallon container from the residential property owner, regardless if the service is used.

The only exception to solid waste collection charges is when proof is provided to the Public Works Department that a residence is both unoccupied *and* uninhabitable due to damage by flood, storm, or fire; or due to the fact that it is undergoing renovation or reconstruction for which a permit has been issued (Sec. 98-54). To request suspension of solid waste collection charges for the above stated reasons, the attached “Application for Suspension of Solid Waste Collection Fees Form” may be completed and returned to the Des Moines Public Works Department, 216 SE 5th St. Des Moines, IA 50309. If approved, solid waste collection services and charges may be suspended month to month for a period not exceeding six months.

Sanitary Sewer Services

Pertaining to the charges for Sanitary Sewer Services, the Des Moines City Code (Sec. 118-149) states that every person whose premises are served by a connection with the wastewater treatment system of the city, either directly or indirectly, shall pay to the city the rates and charges established for purposes of construction, maintenance and operation of the wastewater treatment system.

Because a property is served by a sewer connection to the wastewater treatment system, the sewer usage and customer service/availability fees will be charged to the property. Rates for sewer usage include a volume charge for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month. This volume charge is in addition to a monthly customer service/availability charge which helps contribute to the costs of construction, maintenance, and operation of the sanitary sewer system that keeps the residence viable for occupancy.

Storm Water Services

Pertaining to the charges for Storm Water Services, the Des Moines City Code (Sec. 118-272) states that the elements of the storm water management utility, of which the charges support, provide benefits and services to all real properties within the incorporated city limits; and that it is necessary and conducive to the protection of the public health, welfare, safety and convenience of the city and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge storm water or surface or subsurface waters, directly or indirectly, to the city storm water drainage system. The proceeds of such charges are used for the purposes of operation, maintenance, repair, replacement and debt service for construction of the storm water drainage and flood protection improvements comprising the storm water management utility.

Regardless of the occupancy of a property, the residential structure and impervious surfaces all contribute, directly or indirectly, to the storm water drainage system. The owner or occupant of the residence is therefore subject to the monthly fee.