

**Chapter 1.85**  
**TAP-ON RECOVERY FEES**

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1.85.010 **TITLE:** This Chapter shall be known and may be cited and referred to as “Tap-On Recovery Fees”, Pottawattamie County, Iowa, Code.

1.85.020 **PURPOSE:** The purpose of this Chapter is to provide substantive and procedural rules for the adoption and implementation of project-specific tap-on recovery fee ordinances. A tap-on recovery fee ordinance shall provide for the equitable apportionment of the costs associated with extension of a public utility service into the unincorporated areas of Pottawattamie County, Iowa. A tap-on recovery fee ordinance shall charge a proportionate share of the total, actual construction cost of the public utility to each owner of benefited property at the time of such owner’s connection to the public utility, as specified in the project specific tap-on recover fee ordinance.

1.85.030 **AUTHORITY:** It is the finding of the Board of Supervisors of Pottawattamie County, Iowa, that authority for the establishment of project-specific tap-on recovery fees ordinances is found in Article III, Section 39A, Constitution of the State of Iowa, and Chapter 331, Code of Iowa.

**1.85.040 PROCEDURES FOR ADOPTION.** The Board of Supervisors of Pottawattamie County, Iowa, shall substantially comply with the following procedures in the adoption of project-specific tap-on recovery fee ordinances:

- .01 State code and local rules regarding the adoption of ordinances shall apply, except as augmented by these procedures.
- .02 A public hearing shall be held before the Board of Supervisors prior to passage of the ordinance.
- .03 Notice of public hearing, in addition to that required at Section 331.305, Code of Iowa, shall be sent by ordinary mail to the owners of record of real property within the benefited area.

1.85.050 **CONTENTS OF ORDINANCE:** A project-specific tap-on recovery fee ordinance shall contain the following:

- .01 A general description of the project, including a narrative of the reason for its construction, a recital of actions taken in approving its construction, a description of any interim financing used and disclosure of any agreements between the County and any benefited properties, including but not limited to tap-on recovery fee prepayment and development sequencing;
- .02 A map showing the general location of the project area;
- .03 A plat and legal description of the utility constructed;
- .04 A plat and legal description of the properties benefited by the construction of the public utility;
- .05 A calculation of the total area, in acres, or total number of lots or total number of dwellings to be benefited by the construction of the public utility;

.06 The estimate of the total cost of the construction project, including, when applicable, interest costs;

.07 A schedule of tap-on recovery fees, calculated on a per-lot and/or per-acre basis, to be paid by an owner or building permit applicant upon connection to the public utility constructed;

.08 A finding of properties within the benefited area that are exempt from the project-specific tap-on recovery fee ordinance by virtue of their having been previously assessed for the service provided by the public utility constructed;

.09 A finding that it is consistent with the comprehensive plan.

1.85.060 **WATER EXTENSION FUND:** The Board of Supervisors may create a water extension fund. The water extension fund shall be utilized to reimburse front-end dollars expended for water extension projects for which tap-on recovery fees are to be collected or to fund an urban renewal area project. Tap-on recovery fees collected by the County shall be deposited into the water extension fund and distributed as allowed by State Law.