

CHAPTER 52 – STORM WATER UTILITY

Section

52.01	Storm Water Utility Established
52.03	Purpose
52.05	Storm Water Utility Charges
52.07	Storm Water Utility Rate
52.09	Exemptions
52.11	Credits
52.13	Billing and Payment
52.15	Establishment of Fund

§ 52.01 Storm Water Utility Established.

A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes 444.075, from which revenue will be derived subject to the provisions of chapter and Minnesota Statutes.

§ 52.03 Purpose.

The intent of this ordinance is to improve the quality of storm water runoff, to promote the long term sustainability of storm water infrastructure, and to position the City to meet regulatory requirements. Consequently, the purpose of this ordinance is to establish a storm water utility to collect charges to finance costs associated with the operation and maintenance of the City's storm sewer system and implementation of storm water management programs.

§ 52.05 Storm Water Utility Charges

(A) The charges imposed as a part of this storm water utility shall be in the form of an annual fee derived from parcels' acreage and residential equivalency factor (REF). The REF is defined as the ration of runoff volume generated by a typical lot size of 3.5 acres with 10% impervious surface. This typical residential lot is not representative of any particular residential lot and is used only as a means to calculate the REF. The REF for each land use and size established as part of this storm water utility shall be as follows:

<u>Existing Land Use</u>	<u>Ave. Lot Size</u>	<u>REFs Per parcel</u>	<u>REFs Per acre</u>
<i>Rural Residential</i>			
Less than 1 acre	.9	1	--
Over 1 to 2.5 acres	2	1	--
Over 2.5 to 5 acres	3.5	1	--
Over 5 to 10 acres	7.5	1	--
Over 10 to 20 acres	15	2	--
Over 20 to 40 acres	30	3	--
Over 40 to 100 acres*	70	7	--
Over 100 acres*	133	10	--
<i>Sewered Residential</i>			
Less than 1 acre	.5	.5	--
<i>Sewered Residential-Private</i>			
Included in Rural Res.			
<i>Residential Townhomes</i>	.05	.5	--
<i>General Business</i>	2.2	--	5 REF/Ac
<i>Industrial</i>	5	--	8 REF/Ac

(B) Other land uses not matching a particular land use category shall be classified by the City Administrator or designee so as to assign a residential equivalency factor, either by assigning them a land use classification with the most similar hydrologic response or based on the amount of site impervious surface. Appeals from the City Administrator's determination of proper classification may be made to the City Council in the same manner as other appeals from Administrative determinations.

§ 52.07 Storm Water Utility Rate.

The storm water utility rate charge, or value of the Residential Equivalency Factor (REF) is set by the City Council and shall be charged to all parcels not listed as exempt in Section 52.09. The REF value may be adjusted by the City Council as deemed appropriate to meet storm water utility budget needs.

§ 52.09 Exemptions.

The following land uses are exempt from storm water utility fees:

- (A) Public parks and recreation parcels
- (B) Public open space parcels
- (C) Public right of way parcels

(D) Wetland portions of parcels which are located within parcels that are larger than 40 acres, if the exemption of that wetland portion of the parcel places the parcel into a different size category pursuant to Section 52.05.

§ 52.11 Credits.

The City Engineer may adjust the REF for parcels of land if the City Engineer determines that the impervious surface of said is substantially different from the REF being used for comparable parcels. Information and hydrologic data must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Adjustments will not be made retroactively. Appeals of the City Engineer's determination shall be made to the City Council. No parcel shall be charged less than one REF except Residential Townhomes and Sewered Residential less than one acre.

§ 52.13 Billing and Payment.

Storm water utility fees shall be computed and billed annually along with other billing for city services. If a parcel of land subject to the storm water utility fee is not served by other services, a separate bill shall be issued annually by the City. If storm water fees are not paid, the City shall certify the amount due, together with penalties and fees, to the County Auditor to be collected with other real estate taxes on the parcel, according to state statute.

§ 52.15 Establishment of Fund.

All fees collected for the storm water utility shall be placed in a fund for storm water purposes as permitted by Minnesota Statutes, Section 444 .075.
(Ord. 2015-06, 10-20-15)