

CHAPTER 52 – STORM WATER UTILITY

Section

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§ 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 values are based on comparative amount of runoff generated by certain existing land use designations to the amount generated by a typical single family residential lot. All Rural Residential parcels under 5 acres receive 1 REF. The 5-acre categories from 5 acres and above receive REFs increasing by .5 REF per category, up to parcels 90 acres or larger receiving the maximum of 10 REFs (i.e., 5 up to, but not including 10 acres = 1.5 REF; 10 up to, but not including 15 acres = 2 REFs; 15 up to, but not including 20 acres = 2.5 REFs, etc.). Public Sewered Residential and Residential

Townhome parcels under 1 acre receive .5 REF each. Agriculture Preserve is incorporated with the Rural Residential.

Industrial parcels are calculated individually based on an average lot size with assumed impervious lot coverage of 60%, which results in 8 REFs/acre.

General Business parcels are calculated individually based on an average lot size with assumed impervious lot coverage of 75%, which results in 5 REFs/acre.

Institutional parcels are calculated based on their individual lot size with assumed impervious lot coverage of 20%.

(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) Rural Residential NWI (National Wetland Inventory) designated wetlands

§ 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) (Ord. 2017-02, 4-14-17)