

## CHAPTER 55: STORMWATER UTILITY

### Section

- 55.01 Statutory authority
- 55.02 Purpose
- 55.03 Rate structure
- 55.04 Exemptions
- 55.05 Fee adjustment
- 55.06 Billing
- 55.07 Certification of past due fees
- 55.08 Rate appeal

### **§ 55.01 STATUTORY AUTHORITY.**

M.S. § 444.075 authorizes cities to impose just and equitable charges for the use and availability of storm sewer facilities. By this section, the city elects to exercise such authority. The stormwater utility shall be part of the Public Works Department and subject to the administration of the Director of Public Works.

(Ord. 1139.12, passed 6-25-12)

### **§ 55.02 PURPOSE.**

It is the intent of this chapter to establish a stormwater utility to collect charges to finance costs associated with the operation and maintenance of the city's storm sewer system, implementation of stormwater management programs, and stormwater improvements. Revenues received from charges should be placed in a separate stormwater utility fund and used for any purpose as permitted by M.S. § 444.075.

(Ord. 1139.12, passed 6-25-12)

### **§ 55.03 RATE STRUCTURE.**

(A) The charges imposed as a part of this stormwater utility shall be derived from a parcel's net acreage and residential equivalency factor (REF). The REF is defined as the ratio of runoff volume generated by one acre of non-residential land to the runoff volume generated by one acre of residential land. The residential equivalency factors for each land use established as part of this stormwater utility shall be as follows:

<i>Land use</i>	<i>REF</i>
Residential	1.0
Non-residential	9.0

(B) Residential stormwater utility fees shall be charged on a per parcel basis at the base rate as established by the City Council.

(C) Non-residential stormwater utility fees shall be calculated based on the following formula:

$$9.0 \times (\text{base rate as established by the City Council}) \times (\text{parcel(s) acreage})$$

(D) The base rate shall be determined by resolution of the City Council.  
(Ord. 1139.12, passed 6-25-12)

**§ 55.04 EXEMPTIONS.**

The following land uses are exempt from the stormwater utility fee:

(A) Public rights-of-way;

(B) Land outside of the corporate city limits;

(C) Railroad property; and

(D) Undeveloped property.  
(Ord. 1139.12, passed 6-25-12)

**§ 55.05 FEE ADJUSTMENT.**

Fee adjustment for non-residential parcels can be made by providing to the city evidence that the actual impervious surface coverage on the lot is different than that used to determine the initial fee (80% impervious). The credit allowed shall be as follows:

<i>Actual percent impervious coverage</i>	<i>Fee adjustment</i>
5-10%	95% less
11-20%	85% less

<i>Actual percent impervious coverage</i>	<i>Fee adjustment</i>
21-30%	75% less
31-40%	66% less
41-50%	50% less
51-60%	33% less
61-70%	16% less
71-80%	0% less

(Ord. 1139.12, passed 6-25-12)

**§ 55.06 BILLING.**

These charges shall be included on the utility accounts of affected properties and are payable in accordance with the provision for filing and payment of water and sanitary sewer bills.

(Ord. 1139.12, passed 6-25-12)

**§ 55.07 CERTIFICATION OF PAST DUE FEES.**

Penalties for late payment or nonpayment of billings for charges shall be the same as those applicable for water and sanitary sewer billings. The city may certify delinquent and unpaid charges to be certified to the County Auditor with taxes against the property served for collection as other taxes and collections.

(Ord. 1139.12, passed 6-25-12)

**§ 55.08 RATE APPEAL.**

Property owners may appeal their stormwater utility fee by providing data demonstrating that the actual stormwater runoff volume from their site is substantially different from that of the assigned land uses. These appeals shall be made to the city who may make adjustments to individual parcels based on the information provided. No adjustments to the utility fee shall be made retroactive.

(Ord. 1139.12, passed 6-25-12)