

## CHAPTER 51: STORMWATER UTILITY

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### **§ 51.01 STORMWATER UTILITY ESTABLISHMENT.**

There is hereby established a public utility to be known as the stormwater utility for the city. The stormwater utility shall be operated as a public utility pursuant to the authority of M.S. § 444.075, as it may be amended from time to time. Stormwater utility revenues shall be subject to the provisions of this section and M.S. § 444.075, as it may be amended from time to time.

(Ord. 718, passed 4-8-2019)

### **§ 51.02 PURPOSE.**

The purpose of this chapter is to provide a funding mechanism for the following services:

- (A) The administration, planning, analysis, installation, operation, maintenance, and replacement of public drainage systems;
- (B) The administration, planning, implementation, construction, and maintenance of stormwater best management practices (BMPs) to reduce the introduction of sediment and other pollutants into local water resources;
- (C) Other education, engineering, inspection, monitoring, testing, and enforcement activities as necessary to maintain compliance with local, state, and federal stormwater requirements; and
- (D) Activities necessary to maintain compliance with the national pollutant discharge elimination system (NPDES), municipal separate storm sewer system (MS4) permit requirements established by the U.S. Environmental Protection Agency, including preparation, implementation, and management of a stormwater pollution prevention plan (SWPPP).

(Ord. 718, passed 4-8-2019)

### **§ 51.03 DEFINITION.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**IMPERVIOUS.** A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads. Paths, parking, and storage areas that consist of gravel and exposed dirt will be considered an **IMPERVIOUS SURFACE**.

(Ord. 718, passed 4-8-2019)

### **§ 51.04 STORMWATER UTILITY FUND.**

There is hereby created a Stormwater Utility Fund into which all fees, when collected, shall be placed. Such monies shall be first used to pay normal, reasonable, and current costs of operating and maintaining the city stormwater system and facilities.

(Ord. 718, passed 4-8-2019)

### **§ 51.05 ESTABLISHMENT OF STORMWATER UTILITY FEE.**

There shall be collected from every property in the city a stormwater utility fee. Stormwater utility fees shall be established by ordinance. Fees shall be based upon the operations of the stormwater utility, including an accounting of all monies received and disbursed, together with a working budget estimate of the needs of the utility.

(Ord. 718, passed 4-8-2019)

### **§ 51.06 RESIDENTIAL.**

The stormwater utility fee for properties classified as residential shall be calculated based on one drainage unit per residential unit. Residential properties include single-family, multi-family, townhome, mobile home park, and all other types of clustered residential housing, including the residential portion of mixed-use developments and excluding lodging.

(Ord. 718, passed 4-8-2019)

### **§ 51.07 NON-RESIDENTIAL.**

The stormwater utility fee for properties classified as non-residential shall be calculated based on seven drainage units per impervious acre. Every non-residential property shall have a minimum of at least seven drainage units. Impervious acreage will be rounded to the nearest full acre (e.g., one and one-half impervious acres are rounded to two acres).

(Ord. 718, passed 4-8-2019)

### **§ 51.08 STORMWATER UTILITY FEE EXEMPTIONS.**

The following land uses are exempt from stormwater utility fees:

- (A) Public rights-of-way and parks;
- (B) Vacant lands with no impervious surface; and
- (C) Railroad rights-of-way.

(Ord. 718, passed 4-8-2019)

### **§ 51.09 STORMWATER UTILITY ADJUSTMENTS.**

The Public Works Director, or designee, may adjust the impervious surface acreage for non-residential parcels of land based on a demonstration that the impervious coverage of such parcel is substantially different than the amount previously calculated. Supporting information, including maps and measurements to justify an adjustment, shall be supplied by the property owner. Administrative adjustments for impervious surface calculation differences shall be retroactive to the month said deviation is brought to the attention of the city.

(Ord. 718, passed 4-8-2019)

### **§ 51.10 APPEAL OF STORMWATER UTILITY FEE.**

If a property owner or person responsible for paying a stormwater utility fee believes that a particular assigned fee is incorrect, such person may request a recalculation. The City Council shall review and approve recalculations following any appeal and its decision shall be final.

(Ord. 718, passed 4-8-2019)

### **§ 51.11 PAYMENT OF FEES.**

Statements for stormwater utility fees shall be billed on the same basis (e.g., monthly, quarterly, and the like) as other utility charges. All fees shall be subject to established procedures for determining and collecting customer charges. Mobile home parks shall be billed in aggregate to the owner of the mobile home park. For other clustered residential units such as townhomes, the city has the discretion to bill either a homeowner association in aggregate or each homeowner. Both residential and non-residential fees shall be applied to mixed-use developments, with charges billed individually or in aggregate, to either tenant or property owner, at the discretion of the city. Monthly charges apply to temporarily vacated property. The charge is for service rendered in the month of the bill.

(Ord. 718, passed 4-8-2019)

### **§ 51.12 ESTABLISHMENT OF TAX LIEN.**

Any past due stormwater utility fees will be certified to the County Auditor for collection with real estate taxes against the property served by the utility established in this chapter for collection as other taxes are collected in the following year pursuant to M.S. § 444.075 subd. 3, as it may be amended from time to time, and the city code of ordinances. In addition, the city may have the right to bring a civil action or take other legal remedies to collect unpaid fees.

(Ord. 718, passed 4-8-2019)

### **§ 51.99 PENALTY.**

All stormwater fees not paid by the due date shall incur a penalty at the same rate set forth for other delinquent utility fees in the fee schedule ordinance.

(Ord. 718, passed 4-8-2019)