

SECTION 840
STORMWATER DRAINAGE UTILITY

840.01 Stormwater Drainage Utility

Subd. 1 Stormwater Drainage Utility Established

The municipal storm sewer system shall be operated as a public utility pursuant to Minn. Stat. Section 444.075 from which revenues will be derived subject to the provisions of this Ordinance and Minnesota statutes. The stormwater drainage utility shall be part of the Public Works Department and under the administration of the City Administrator.

Subd. 2 Definitions

Residential Equivalent Factor (REF). One (1) REF is defined as the ration of the average discharge rate generated by one (1) acre of a land use to the discharge rate generated by one (1) acre of a typical single family residential land, during a standard ten (10) year, one-half (1/2) hour rainfall event.

840.02 Stormwater Drainage Fees

Subd. 1 A storm water drainage fee for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the storm water drainage rate. The REF values for various land uses are as follows:

CLASS	LAND USES	REF
1	Single and Duplex	1.00
2	Commercial/Institutional	4.00
3	Open Space/Undeveloped	.25

Subd. 2 For the purpose of calculating storm water drainage fees, all developed single and duplex parcels shall be considered to have an acreage of one-third (1/3) acre.

Subd. 3 Separate undeveloped parcels which are contiguous to a developed parcel and are under one ownership shall be considered as part of the developed parcel and shall be considered as one unit.

Subd. 4 The storm water drainage rate for REF-acre shall be established by resolution of the City Council.

840.03 ADJUSTMENTS

Subd. 1 The Council may by resolution adopt policies for adjustment of the storm water drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards used by City to establish the REF. Such adjustments of storm water drainage fees shall not be made retroactively.

840.04 EXEMPTIONS

Subd. 1 The following land uses are exempt from storm water drainage fees:

- a. Public rights-of-way
- b. Lake Minnetonka or designated wetland areas
- c. Public parks

840.05 PAYMENT OF FEES

Subd. 1 Statements for storm water drainage fees shall be computed every quarter and invoiced by the Utility Department for each account on or about the twentieth (20th) day of the month following the billing period. Such statement shall be due on or before the date of the month stated on the billing. Any prepayment or overpayment of charges shall be retained by the City and applied against subsequent fees.

Subd. 2 Recalculation of Fee

If a property owner or person responsible for payment of the storm water drainage fee questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the City Administrator made within sixty (60) days of mailing of the invoice in question by the City.

Subd. 3 Penalty for Late Payment

Each billing for storm water drainage fees not paid when due shall incur a penalty charge per month of ten percent (10%) of the amount past due.

Subd. 4 Certification of Past Due Fees on Taxes

Any delinquent storm water drainage fees may be certified to the County Auditor for collection with real estate taxes in the following year pursuant to Minn. Stat. Section 444.075, Subdivision 3. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

840.06 ADJUSTMENT OF RATES

Subd. 1 The City Council may, by resolution, change the amount and basis of the drainage rate herein established from time to time.

840.07 STORM WATER DRAINAGE UTILITY MANAGEMENT FUND

Subd. 1 A separate fund shall be established and maintained for management fees and expenditures. In the event that said fund reaches or exceeds \$50,000, the City Council shall, by resolution, reduce or suspend the storm water drainage rates until such time as the fund balance is reduced to a level below \$50,000.