

ORDINANCE NO. 1010

AN ORDINANCE OF THE CITY OF WASECA, MINNESOTA ADOPTING A SURFACE WATER UTILITY PURSUANT TO MINNESOTA STATUTE 444.075

WHEREAS, In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated and maintained a surface water system. This ordinance is adopted in the further exercise of such authority and for the same purposes; and

WHEREAS, The surface water system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs or improving, maintaining and operating the system through the imposition or charges as provided in this ordinance; and

WHEREAS, In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system cost, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs or operating, maintaining and improving the system on the basis of the expected surface water runoff from various parcels of land within the City during a standard rainfall event;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WASECA:

Section 1. Findings and Purposes

The purpose of this ordinance is for the efficient, economic and safe operation of the surface water system for the protection of the health, safety and general welfare of the public within the City.

Section 2. Establishment

A municipal surface water system utility (the "surface water utility") is hereby established and shall be operated pursuant to Minnesota Statutes, 1992. Section 444.075 from which revenues will be derived subject to the provisions of this Section and other laws.

Section 3. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Surface water utility fee means the annual charge developed for each parcel of land.

Surface water management budget is the annual budget approved by the City Council for surface water management including planning, monitoring, capital expenditures, maintenance, personnel, and equipment.

Utility factor means the ratio of runoff volume, in inches, for a particular land use, to the runoff volume, in inches, for a one-quarter-acre residential lot with 38% impervious surface, assuming a 2.5-inch 24 hour 1-year rainfall event and Soil Conservation Service (SCS) “type B” soil conditions.

Section 4. Surface water utility factors.

Classification	Land Use	Utility Factor
1	Residential	1.0
2	Duplex/Triplex	.5
3	Apartment or Townhome – separate utility accounts	.25
4	Manufactured Home	.25
5	Apartment building – single utility account	2.6
6	Commercial or Industrial	2.6
7	Public/Quasi Public Institutions	2.6

The Surface water management fee for each tax parcel classified as 1 is the single-family residential fee. The fee for classifications 2, 3 and 4 is the single-family residential fee multiplied by the utility factor. The fee for classifications 5, 6, and 7 is calculated as follows: fee for single-family residential multiplied by the utility factor multiplied by the acreage of the parcel. For tax parcels classified 5, 6, or 7 with less than 42% impervious surface the fee shall be adjusted by multiplying the fee by the percentage of impervious surface and then dividing by 42%.

Classes 1-4 =Base Fee X Utility Factor

Classes 5-7, >42% Impervious Surface
=Base Fee X Utility Factor X Acreage

Classes 5-7, <42% Impervious Surface
=Previously Calculated Fee X (% Impervious Surface/.42)

Section 5. Credits to Fees

The Council may adopt policies, by resolution, for adjustment of the surface water utility fees for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of fees shall not be retroactive.

Section 6. Exemptions

The following land uses are exempt from the surface water utility fee.

- Cemeteries
- Public right-of-way
- Lakes and wetlands
- Railroads
- Agricultural without a home
- Undeveloped land with no impervious surface coverage

Section 7. Other Land Uses

Other land uses not listed in the foregoing table shall be classified by the City Engineer by assigning them to classes most nearly like the listed uses runoff volumes for a standard rainfall event. An appeal from the City Engineer's determination of a classification may be made to the City Council provided written notice is served as provided therein not later than thirty (30) days from the date written notice of the decision of the City Engineer is given to the Owner of the property which is the subject of the classification.

Section 8. Setting of Rates

The rate for surface water utility charges shall be determined from time to time by the Council by resolution. In doing so, the Council shall determine and set an annual budget for the system, including management, planning, inventory, capital expenditures, personnel, equipment and operations.

Section 9. Account Responsibility of Utility Account Holder or Property Owner

All accounts shall be the responsibility of the utility account holder. In the situation that the property does not have a City water, City sewer, or City electric account, the account shall be the responsibility property owner. The utility account holder or property owner shall be liable for the surface water management fee for his or her property, whether or not he or she is occupying the property and any charges unpaid shall be a lien upon the property.

Section 10. Payment of Fees.

The surface water fee will be invoiced every month with water, sewer, and electric utility bills. In the absence of an existing water, sewer or electric utility account, the surface water fee will be billed on an annual basis. The fee shall be due and payable on the same terms as water, sewer, and electric bills. If a bill is not paid in full on or before the due date, a late fee equal to ten percent of the current billed amount shall be added to the charges. Any prepayment or overpayment of charges shall be retained by the city and applied against subsequent fees.

Section 11. Appeal of Fee.

If a property owner or person responsible for paying the surface water fee believes that a particular fee is incorrect, such person may request that the fee be recomputed. A User or Customer requesting an adjustment may be required at the User or Customer's cost to provide supplemental information to the City including but not limited to a title or mortgage survey or other documentation to support calculation of the impervious surface area of the property.

Section 12. Surface Water Utility Fund

All fees collected for the surface water utility shall be placed in a fund for exclusive uses as permitted by Minnesota Statutes, Section 444.075. Administration of the fund will be the responsibility of the City Engineer.

This ordinance shall be effective immediately upon its passage and publication.

Adopted this ____ day of _____, 2013, by the City Council of the City of Waseca.

CITY OF WASECA

BY: _____
Roy Srp, Mayor

ATTEST:

Mary Buenzow, City Clerk

PROPOSED