

Ordinance No. 452, Third Series

AN ORDINANCE AMENDING CHAPTER 3 OF THE REDWING CITY CODE ESTABLISHING STORM WATER UTILITY REGULATIONS

THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:

SECTION 1: Chapter 3 of the City Code is hereby amended by deleting the ~~overstruck~~ language and inserting the underlined language as shown below:

SECTION 3.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. "Utility" means any City-owned utility system, including, but not by way of limitation, water, sewerage, storm water and refuse service.
2. "Consumer", "Customer" or "User" mean any user of a utility.
3. "Service" means providing a particular utility to a customer or consumer.

SEC. 3.02. FIXING RATES AND CHARGES FOR UTILITIES. All rates and charges for utilities, including, but not by way of limitation, rates for service, annual area fee, special storm water sewer connection charge, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution ordinance. Such ~~resolution~~, ordinance containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk-Treasurer and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the ~~resolution~~ ordinance authorized by this Section.

SEC 3.34 RULES AND REGULATIONS RELATING TO STORM WATER SERVICE

Subd. 1. Establishment. Stormwater management services shall be operated as a public utility pursuant to Minn. Stat. §444.075 from which revenues will be derived subject to the provisions of this chapter and Minnesota statutes.

Subd.2. Purpose. The City desires to improve the quality of stormwater runoff, its delivery of stormwater related services, long term financial sustainability and maintenance of infrastructure and compliance with regulatory requirements. The stormwater utility is established for the purpose of achieving these goals.

Subd. 3. Surface Water Management Fund. The funds collected by the city stormwater utility shall be maintained in a fund dedicated for the purposes for which it is collected.

Subd. 4. Stormwater Utility Fees. The surface water management fund shall be funded through two charges, an annual area fee and a stormwater system connection charge.

Subd. 5. Annual Area Fee. The annual area fee shall be determined through the use of a residential equivalent factor (REF). A residential equivalent factor is the ratio of the volume of runoff generated by one acre of a particular land use to the volume of runoff generated by one acre of residential land use based upon average annual rainfall.

A. **Determination of Residential Equivalent Factor for Land Uses.**

<u>Land Use</u>	<u>REF</u>
<u>Agricultural – cropped land only</u>	<u>.50</u>
<u>All residential</u>	<u>1.00</u>
<u>Community commercial</u>	<u>1.91</u>
<u>Downtown</u>	<u>3.89</u>
<u>Industry</u>	<u>1.74</u>
<u>Institutional</u>	<u>.87</u>
<u>Mixed Use Commercial</u>	<u>3.34</u>
<u>Regional Commercial</u>	<u>2.83</u>
<u>Golf Courses</u>	<u>.50</u>
<u>Utility</u>	<u>1.73</u>
<u>HRA and Port Authority</u>	<u>1.00</u>

B. **Establishing Unit Fee (UF).** The City Council shall, annually, by ordinance establish a Unit Fee.

C. **Calculating Annual Area Fee.** The annual area fee for each non-residential parcel of land shall be determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the Unit Fee (UF).

D. **Standardized Residential Annual Area Fee.** For the purpose of simplifying and equalizing charges against residential property, each of such properties shall be charged the annual Unit Fee.

E. **Other Land Uses.** Land uses not listed in the table set forth in Section 3.34 Subd. 5.A. shall be classified by City Staff comprised of the Engineering, Planning and Public Works Directors by assigning them to the most similar classes from the standpoint of probable hydrologic response.

- F. Exempt Land. The following land uses are exempt from all stormwater utility fees: city property, public rights-of-way, parks, open space, vacant, tribal land, and non-farmed agricultural land (except for the homestead which shall be treated as a residential property).
- G. Adjustments of Acreage. The total parcel acreage will be used to calculate the annual area fee. It is the responsibility of the owner of any parcel to supply the city with any necessary information required to determine if a parcel or portion of a parcel qualifies as an exemption or should be classified as a different land use and is eligible for an acreage adjustment. The city will review the proposed adjustment upon receipt of a complete submittal package. The owner or occupant of any parcel requesting an adjustment shall supply the city with such information as the city may reasonably request related to the use, development and area of the parcel. Failure to provide the requested information shall result in an estimated acreage with billing based on that estimate. Any adjustments must be approved by City Staff comprised of the Engineering, Planning, and Public Works Directors and will become effective at the beginning of the next billing cycle.
- H. Credits for Best Management Practices (BMP). The council may adopt policies recommended by City Staff comprised of the Engineering, Planning and Public Works Directors by resolution, for adjustment of the storm water annual area fee for parcels employing best management practices that significantly reduce the quantity or significantly improve the quality of stormwater runoff from their property that enters the storm water system. Such adjustments of the annual area fee shall not be made retroactively.
- I. Newly Platted Lots. Newly platted lots shall not be billed an annual area fee until the public improvements described in the developer's agreement have been installed and approved by the city engineer. In addition, the annual area fee shall not be activated until the Stormwater System Connection Charge has been charged to the parcel.

Subd. 6. Stormwater System Connection Charges

- A. A one time stormwater system connection fee shall be charged for new development and redeveloping properties. The fee shall be charged whenever a building permit application is made that requires a sanitary sewer and water connection fee be charged, or whenever a permit is taken out on a parcel for the construction of the principle structure in cases where there is no sanitary sewer and water service available. Payment shall be made at the time the building permit is issued. Whenever the use of a parcel intensifies by a change in land use, the stormwater system connection charge shall be recalculated at the higher rate corresponding to the intensified use.

B. The city council shall, annually, by ordinance establish a connection fee to be charged.

SECTION 2: Effective Date. This ordinance shall be in full force and effect after its adoption and publication in accordance with the City Charter.

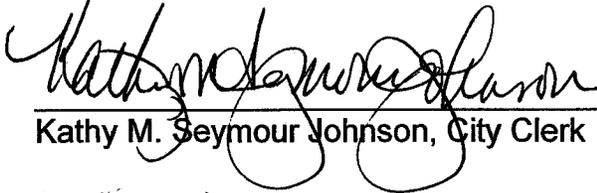
Introduced the 24th day of November, 2008.

Adopted this 8th day of December, 2008.



Carol Duff, Council President

ATTEST:



Kathy M. Seymour Johnson, City Clerk

(seal)

Presented to the Mayor at 9:13 p.m. on this 8th day of December, 2008.

Approved this 8th day of December, 2008.



Donna Dummer, Mayor