

ORDINANCE NO. 1527

AN ORDINANCE AMENDING CHAPTER 52 OF THE 2015 ORDINANCE CODE OF THE CITY OF OWATONNA, ENTITLED "STORM WATER UTILITY" BY ADDING DEFINITION OF AN EQUIVALENT RESIDENTIAL UNIT AND SECTION 52.04, NON-RESIDENTIAL

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OWATONNA, MINNESOTA, DO ORDAIN:

Section 1. Chapter 52 of the 2015 Ordinance Code of the City of Owatonna, entitled "Storm Water Utility" shall be amended to read as follows:

Section 52 - STORM WATER UTILITY

§ 52.01 GENERAL OPERATION.

The city storm water system shall be operated as a public utility (hereinafter, called the "Storm Water Utility"), pursuant to Minn. Stat. § 444.075, as it may be amended from time to time, from which revenues will be derived subject to the provisions of this subchapter and state statutes.

(1992 Code, § 280:00) (Ord. 1187, passed 7-7-1998)

§ 52.02 DEFINITIONS.

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

EQUIVALENT RESIDENTIAL UNIT (ERU). ERU are based on the effect of a typical single family residential home's impervious area footprint. The ERU is based on 1/3 acre

MONTHLY STORM WATER UTILITY REVENUE. The estimated monthly expenditures for planning and inventories, capital expenditures, personnel and equipment and operation of the storm water utility, in accordance with established city policy.

STORM WATER UTILITY FEE. The annual charge developed for each parcel of land.

UTILITY FACTOR. The ratio of run-off volume, in inches, for a particular land use, to the run-off volume, in inches, for an average single-family residence, assuming a two-inch rainfall and Natural Resources Conservation Services (NRCS) "Type B" soil conditions.

(1992 Code, § 280:05) (Ord. 1187, passed 7-7-1998)

§ 52.03 STORM WATER UTILITY FACTORS.

The storm water management fee shall be determined by first determining the percentage of total run-off in the city which is attributed to single-family residential property. The fee per acre for single-family residential is computed by computing the product of the run-off percentage and the monthly storm water utility revenue, divided by the estimated total acres of single-family residential land use in the city. The per acre fee for all other individual parcels shall be defined as the product of the single-family residential per-acre fee, the appropriate utility factor and the total acreage of the parcel. Single-family residential parcels shall be assessed on a per household basis.

Classification	Land Use	Intensity Utility Factor	% Impervious Assumed
1	Single-family residential	1	
2	Townhomes	4.92 0.8	
3	Multi-family residential	3.1 1.5	
4	Low-density commercial	3.1 2.0	60%
5	High-density commercial	4.23 2.8	85%
6	Low-density industrial	3.3 2.1	63%
7	High-density industrial	3.74 2.4	72%
8	Mobile homes	2.72 1.5	45%
9	Churches/institutions/schools	3.74 2.4	72%

The City of Owatonna will regularly review classifications of parcels and make adjustments to individual parcel classifications as necessary.

(1992 Code, § 280:10) (Ord. 1187, passed 7-7-1998)

§ 52.04 NON RESIDENTIAL – Example

$$\text{Fee} = \frac{1 \text{ Acre}}{0.33 \text{ acre}} \times \text{monthly fee Intensity factor}$$

* Residential Lot assumed acreage

FEES

The ERU shall be established as follows

<u>2016</u>	<u>\$2.92</u>
<u>2017</u>	<u>\$3.40</u>
<u>2018</u>	<u>\$3.88</u>
<u>2019</u>	<u>\$4.35</u>

Rates shall be effective January 1st the given year.

§ 52.04 52.05 CREDITS-FEE ADJUSTMENTS

The Council may adopt policies, by resolution, for adjustment of the storm water management fees. Information to justify a fee adjustment must be supplied by the property owner. Such adjustments of fees shall not be retroactive. ~~Credits will be reviewed regularly by a staff committee.~~

Properties of 5 acres or greater will be eligible for fee Adjustments. The owner must request in writing to the City engineer for the fee adjustment. In no case will the property pay more than the assumed rate assigned to the rate class. The existing impervious will be compared to the assumed impervious % and fees will be adjusted to the appropriate percentage.

(1992 Code, § 280:15) (Ord. 1187, passed 7-7-1998)

§ ~~52.05~~ 52.06 EXEMPTIONS.

The following land uses are exempt from the storm water management fee:

- (A) Public road right-of-way;

- (B) Lakes, streams and other bodies of water;
- (C) Wetlands of the city;
- (D) Agricultural land; without impervious surfaces
- (E) Undeveloped property;
- (F) Platted, un-developed residential lots
- (G) Cemeteries;
- (H) Golf courses; and
- (I) Railroads.

(1992 Code, § 280:20) (Ord. 1187, passed 7-7-1998)

§ ~~52.06~~ 52.07 PAYMENT OF FEE.

- (A) Storm water utility fees shall be billed with water and sanitary sewer bills.
- (B) The fee shall be due and payable with the same terms as sanitary sewer utility bills.
- (C) Any prepayment or overpayment of charges shall be retained by the city and applied against subsequent fees.

(1992 Code, § 280:25) (Ord. 1187, passed 7-7-1998)

§ ~~52.07~~ 52.08 APPEAL OF FEE.

If a property owner or person responsible for paying the storm water management fee believes that a particular assigned fee is incorrect, such person may request that the fee be recomputed.

(1992 Code, § 280:30) (Ord. 1187, passed 7-7-1998)

§ ~~52.08~~ 52.09 LATE PAYMENT; PENALTY.

Each billing for storm water utility fees not paid when due shall incur a penalty charge of 5% of the amount past due for unpaid fees up to \$500 and 2% of such fees over \$500.

(1992 Code, § 280:35) (Ord. 1187, passed 7-7-1998)

§ ~~52.09~~ 52.10 CERTIFICATION OF PAST DUE FEES ON TAXES.

(A) If three consecutive storm water utility fees have not been paid when due, then a penalty as set forth in § 52.08 of this chapter shall be added to the amount due.

(B) Any such past due fees may then be certified to the County Auditor for collection with real estate taxed on the following year pursuant to Minn. Stat. § 444.075, Subd. 3, as it may be amended from time to time.

(C) In addition, the city shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

(1992 Code, § 280:40) (Ord. 1187, passed 7-7-1998)

§ ~~52.40~~ 52.11 EFFECTIVE DATE.

This subchapter shall be in full force and effect from January 1, 2016 and after its passage and publication.

(Ord. 1187, passed 7-7-1998)

Section 2. Effective date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 18th day of August, 2015, with the following vote:

Aye 7; No 0; Absent 0.

Approved and signed this 18th day of August, 2015.

/s/ Thomas A. Kuntz, Mayor

ATTEST: /s/ Kris M. Busse, City Administrator/City Clerk

UNDERLINING INDICATES NEW LANGUAGE.

~~STRIKEOUTS~~ INDICATE DELETIONS.