AN ORDINANCE ESTABLISHING CITY CODE CHAPTER 55 REGULATING THE CITY OF LE SIEUR STORMWATER UTILITY:  

THE LE SIEUR CITY COUNCIL DOES ORDAIN

City Code Chapter 55 is adopted as follows:

CHAPTER 55: STORMWATER UTILITY

Stormwater Utility Fees
55.001 Definitions
55.002 Purpose and policy
55.003 Fee Determination
55.004 Payment
55.005 Recalculation
55.006 Certification of past due fees on taxes

STORMWATER USE REGULATIONS
§ 55.010 DEFINITIONS.
For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RESIDENTIAL EQUIVALENT FACTOR (REF). The ratio of the average annual volume of stormwater runoff, in inches, generated by one acre of land devoted to single family residential use as compared to the average annual volume of stormwater runoff, in inches, generated by one acre of land devoted to another land use.

§ 55.020 PURPOSE AND POLICY.
It is the intent of this article to establish a stormwater utility within the city to build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain stormwater drainage systems, including mains, holding areas and ponds, drainage channels, waterways and other utilities and facilities for the collection and disposal of stormwater and maintain and operate the systems pursuant to Minn. Stat. § 444.075 from which revenues will be derived subject to the provisions of this article and state statutes. The stormwater drainage utility shall be a part of the Public Services Department and under the administration of the Public Services Director and City Administrator.

§ 55.030 FEE DETERMINATION.
A) Stormwater utility fees for particular parcels of land shall be determined by multiplying the residential equivalent factor for the parcel area charge, as provided in this section, times the base rate established by the council, times the maximum allowable acreage per tier of the parcel of land.

[REF] BASE RATE = MAX ACREAGE = MONTHLY CHARGE

<table>
<thead>
<tr>
<th>Parcel Acreage Range</th>
<th>REF</th>
<th>Max Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;0.5 Acres</td>
<td>1.3</td>
<td>5.5</td>
</tr>
<tr>
<td>≥0.5 Acres and &lt;1.0 Acres</td>
<td>1.0</td>
<td>2.0</td>
</tr>
<tr>
<td>≥1.0 Acres and &lt;2.0 Acres</td>
<td>0.8</td>
<td>2.0</td>
</tr>
<tr>
<td>≥2.0 Acres and &lt;3.0 Acres</td>
<td>0.7</td>
<td>3.0</td>
</tr>
<tr>
<td>≥3.0 Acres and &lt;5.0 Acres</td>
<td>0.6</td>
<td>5.0</td>
</tr>
<tr>
<td>≥5.0 Acres</td>
<td>0.5</td>
<td>10.0</td>
</tr>
</tbody>
</table>

Example 1 – 0.33 ACRE PARCEL = REF – 1.5 and Max Acreage = 0.5
Example 2 – 0.89 ACRE PARCEL = REF – 1.0 and Max Acreage = 1.0
Example 3 – 3.79 ACRE PARCEL = REF – 0.6 and Max Acreage = 5.0
Example 4 – 12.2 ACRE PARCEL = REF – 0.5 and Max Acreage = 10.0

B) The council shall establish the base rate to be charged the tier for a maximum of one acre of land having a residential equivalent factor of 1.0, by resolution. The base rate shall be based on a determination of the share on a monthly basis of all land in the city relative to the total cost of maintaining the stormwater utility system and may be changed from time to time by the council to reflect changes in the costs of construction, reconstruction, maintenance, repair and operation of the system.

C) All property within the city shall be charged and the owner shall pay stormwater utility fees as established by this division.

D) Exemptions. The following land uses are exempt from stormwater utility fees:

- Public rights-of-way
- City-owned land except that which is leased to non-governmental entities or persons
- Public and private cemeteries
- Land outside city limits
- Land zoned floodplain (FP)

§ 55.040 PAYMENT.

Statements for stormwater utility fees shall be computed and invoiced by the city along with other utility bills such as sewer, water and garbage collection. Any prepayment or overpayment of charges shall be retained by the city and applied against subsequent fees.

§ 55.050 RECALCULATION.

If a property owner or person responsible for paying the stormwater utility 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 Public Services Director made within two months of the mailing of the invoice in question by the city. In the event an error in calculation is discovered, no adjustment of fees shall be made retroactive more than one billing cycle prior to the date recalculation was requested.

§ 55.060 CERTIFICATION OF PAST DUE FEES ON TAXES.

Stormwater utility fees shall constitute a lien against the property against which they are charged from the date they are due and until they are paid in full. Any stormwater utility fees in arrears at the end of 90 days past due on October 1 of any year may be certified to the county auditor for collection with real estate taxes in the following year pursuant to Minnesota Statutes 444.075, Subdivision 3. The city shall also have the right to bring a civil action and to pursue any other available legal remedies to collect unpaid fees.

Effective Date: This Ordinance becomes effective from and after its passage and seven (7) days after its publication. This Ordinance was passed by the Common Council on October 23, 2017.

ATTEST:

Greg Hagg Stacy Lawrence
Mayor Commissioner/Assistant City Clerk

14055 SPH 11/04/2017