

Sample Storm Drainage Ordinance

AN ORDINANCE ESTABLISHING A STORM DRAINAGE UTILITY AND AUTHORIZING THE IMPOSITION OF STORM DRAINAGE CHARGES.

THE CITY COUNCIL OF THE CITY OF _____ DOES ORDAIN:

SECTION 1. Establishment of storm drainage utility.

The municipal storm sewer system shall be conducted as a public utility pursuant to M.S. Section 444.075 from which revenues will be derived subject to the provisions of the Ordinance and said Minnesota Statutes. The storm water drainage utility shall be a part of the Street Department. Just and reasonable changes for use, access, connection, and availability of storm sewer drainage facilities shall be calculated and determined based on expected and typical storm water run off as may be calculated within reasonable and practical limits and with dues and equitable charges.

SECTION 2. Purpose.

The purpose of all funds derived from the storm water drainage utility is to pay for all or part of the construction, reconstruction, repair, enlarge, improvement, acquisition, maintenance, operation, administrations, and use of the storm water utility as established by the City of _____. All revenues derived from the fee shall be credited to the appropriate storm water fund.

SECTION 3. Definitions.

Residential Equivalency Factor ("REF") -- One (1) REF is defined as the ratio of the average volume of surface water runoff generated from land use to the average volume of storm water runoff generated by a typical single family residential land use, during a standard one (1) year rainfall event.

SECTION 4 (Determining REFs for Land Uses.

The REF values for various land uses are as follows:

Land Use

Classification Land Use REF

- 1 Single family and duplex residential 1.00
- 2 Multiple family residential 2.50
- 3 Commercial, industrial, warehouse, institutions (school, churches, government buildings hospitals) 5.00

SECTION 5. Other Land Uses

Other uses not listed in the foregoing table shall be classified by the City Engineer by assigning them to the most similar class from the standpoint of probable hydrologic response.

SECTION 6. Storm Water Drainage Rates and Charges.

A. Fees the use and availability of the storm sewer system shall be determined through the use of the REF.

B. In determining charges, the Council shall, from time to time, by resolution establish a basic system rate to be charged against each parcel of land having a REF of one.

SECTION 7. Adjustments of Charges.

The City Council may by resolution, from time to time, adopt policies providing for the adjustment of storm water drainage charges from parcels of groups of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels. Such adjustment shall be made only after receiving the recommendation of the City Engineer and shall not be made effective retroactively. Adjustment of fees shall not be retroactive. If the adjustment would have the effect of changing the REF for all or substantially all of the land uses in a particular classification, such adjustment shall be accomplished by amending the REF table in Section 4 of this Ordinance.

SECTION 8. Exceptions.

The following land uses are exempt from storm water utility fees:

- (a) public rights of way;
- (b) wetlands and public waters as defined by state law;
- (c) municipal owned property.

SECTION 9. Supplying information.

The owner, occupant or person in charge of any premises shall supply the City with such information as the City may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this subsection.

SECTION 10. Estimate Charges.

If the owner, occupant or person in charge of any premises fails or refuse to provide the information requested, as provided in subsection (10), the charge for such premises shall be estimated and billed in accordance with such estimate, based upon information then available to the City.

SECTION 11. Billing Method.

Statements for storm water drainage utility fees will be computed every month and collected by the City monthly along with other utilities such as sewer and water. Any prepayment or overpayment of charges shall be retained by the City and applied against subsequent monthly fees. Delinquent accounts will be treated the same as sewer and water accounts.

SECTION 12. Certification of Past Due Fees on Taxes.

Any storm water utility fees 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 or any year thereafter. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

SECTION 13. Recollection of Charges.

If a property owner or person responsible for paying the storm water drainage fees or charges questions the correctness of an invoice for such charge or fee, such person may have the determination of the charge recomputed by written request to the Mayor made with 90 days of mailing of the invoice in question by the City.

SECTION 14. This Ordinance shall be Effective

Adopted this _____ day of _____ by the City Council of the City of _____, Minnesota.

ATTEST: