

CHAPTER 125
SURFACE WATER MANAGEMENT UTILITY

125.01 General Operation

The City of Chisago City Municipal Surface Storm Water Runoff system shall be operated as a public utility (hereunder called the surface water management utility) pursuant to Minnesota Statute Section 444.075, from which revenues will be derived subject to the provisions of this Section and Minnesota Statutes.

125.02 Definitions

A) Utility Factor

The utility factor is defined as to the ratio of runoff volume, in inches, for a particular land use, to the runoff volume, in inches, for a 1/3 acre residential lot, assume a 2" rainfall and Soil Conservation Service (SCS) "Type B" soil conditions.

B) Surface Water Management Fee

The surface water management fee is defined as the quarterly charge developed for each parcel of land pursuant to City regulations and zoning classifications and shall be established from time to time by City Council resolution.

C) Quarterly Surface Water Management Utility Budget

The quarterly surface water management budget is the estimated quarterly expenditures for planning and inventories, capital expenditures, personnel and equipment and operation of the surface water utility, in accordance with established City policy. This budget shall be established from time to time by City Council resolution.

250.03 Establishment and Calculation of Fees

Surface water management fees shall be established from time to time by City Council resolution. The following steps shall be taken to determine the quarterly fee to be charged to each property:

A) Zoning Area Acreage

A calculation is made of the total area, in acres, of the following zoning classifications of property within the City:

SF – RB	=	Single Family Small Lot
SF – RA	=	Single Family Large Lot
TH	=	Townhouse
APT	=	Apartment
CBC	=	Central Business Commercial
HC	=	Highway Commercial
OS	=	Office Services
OR	=	Office Residential
LI	=	Light Industrial
OI	=	Office Park Industrial
A	=	Agricultural

A) Development

A determination is made whether each individual property within these zoning classifications is developed or undeveloped.

B) Development Acres

The total number of developed acres of property within these zoning classifications is calculated.

C) SF-RA As Base Unit

The total acreage of developed property zoned as SF-RB, single family residential, small lot is divided by the total acreage calculated in step (C). This yields the percentage of total developed property that is zoned SF-RB.

D) Quarterly Budget

The City Council establishes, by resolution, the quarterly budget for the revenue to be generated.

E) SF-RA Portion of Budget

The portion of the quarterly budget to be charged against properties zoned SF-RB is calculated by multiplying the percentage found in step (D) by the budget amount in step (E).

F) SF-RB Rate

The rate per acre for property zoned SF-RB is calculated by dividing the revenue for SF-RB properties in step (F) by the total acreage of developed properties found in step (C). This rate is the basis for all rates charged to any other zoned properties within the City.

G) Volume of Runoff

The volume of storm runoff is calculated for all properties zoned SF-RA, SF-RB, TH, APT, CBC, CC, OS, OR, LI, OI and A. The methods used for these calculations follow the U.S. Department of Agriculture Soil Conservation Service Guidelines for soil types common to Chisago City, Minnesota. A curve number is chosen for each zoning classification which is an approximate

measure of the percentage of impervious surface on the property. The volume of runoff for each zoning classification is calculated using the following equation:

$$Q = \frac{(P-0.2S)^2}{P+0.8S}$$

Where Q = Runoff, cfs
 S = (1000/cn)-10, dimensionless
 P = 2, inches

H) Base Runoff Rate

The runoff value calculated in step (H) for SF-RB properties is considered the base rate. The runoff value for each of the other zoning classifications is then divided by the base rate to yield a utility factor for each zoning classification. This utility factor is a measure of the additional runoff created from the property as compared to a single family small lot. The utility factors for each zoning classification are listed in the following section of this ordinance.

I) Utility Rate

The rate per acre for all zoning classifications, except SF-RB, are calculated by multiplying the utility factor found in step (I) by the base rate determined in step (G).

125.04 Factors for Determining Fees for Various Land Uses

The utility factors for various land uses used to determine the surface water management fees are assigned as follows:*

<u>Zoning Districts</u>	<u>Land Use</u>	<u>Utility Factor</u>
SF-RA	Single Family Residential-Small Lot	1.00
SF-RB	Single Residential-Large Lot	1.00
TH	Townhouse	1.30
APT	Apartment	2.70
CBC	Central Business Commercial	2.70
CC	Convenience Commercial	2.70
OS	Office Services	2.70
OR	Office Residential	2.70
LI	Light Industrial	3.50
OI	Office Park Industrial	3.50
A	Agricultural	.50
*Government Property		2.10

125.05 Adjustment of Fees

The City Council may, by resolution, adopt policies for adjustment of the surface water management fees. Information to justify a fee adjustment must be supplied by the property owner. Surface water management fees will be adjusted under the following conditions:

A) Revision of Quarterly Surface Water Revenue Budget

The estimated expenditures for the management of surface water shall be reviewed at least annually. The fees will be adjusted accordingly and will follow established City procedures for this adjustment of utility (water and sewer) rates.

B) Changes in Developed Conditions of Parcels

C) Storm Water Retention

If it can be demonstrated that an individual parcel retains all or a portion of the rainfall that it receives, the surface water management fee will be reduced by a percentage equal to that percent of the parcel which produces no external runoff. A fee reduction of 20 percent or greater must be demonstrated.

125.06 Undeveloped Land

Undeveloped properties, without regard to zoning classification, shall be assessed at one-half the rate, charged to developed property zoned as SF-RA.

125.07 Exemptions

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

- A) Public Right-of-Way;
- B) Lakes; and
- C) Parks.

125.08 Mailing Statement of Charges

Statements for the preceding quarterly Surface Water Management fees shall be mailed to each property owner in accordance with procedures developed by the City.

125.09 Fee Appeal

If a property owner or person responsible for paying the surface water management fee believes that a particular assigned fee is incorrect, such a person may request that the fee be recomputed. Appeals will be heard by Council once a year in accordance with established City policy.

125.10 Penalties for Delinquent Payments of Fees

In addition to any other penalty available under the City's Ordinances or State law, a penalty equal to 10% of the amount due shall be added to accounts not paid in full on or before the 1st day of the second month following the billing periods and to each quarterly billing thereafter until the amount of the delinquent account plus accrued penalty is paid in full or otherwise certified to the Chisago County Auditor as a delinquent account pursuant to Section 125.11 below.

125.11 Annual Certification of Delinquent Accounts

Each year the City Administrator shall prepare a list of delinquent surface water management service charge accounts, include accrued penalties thereon, in the form of an assessment roll. On or before October 1, of each year, the City Council shall review the delinquent surface water management service charge assessment roll and adopt an appropriate resolution directing that the assessment roll be certified to the Chisago County Auditor as a lien against the premises served and directing the Chisago County Auditor to collect the assessment as part of the ensuing year's tax levy. All delinquent surface water management service charge assessments shall bear interest, at a rate determined by the City Council, from the date on which the delinquent surface water management service charge assessment resolution is adopted until December 31 of the following year.

125.12 Effective Date

This ordinance shall take full effect and be in full force from and after its passage and publication according to law.