

CHAPTER 413
STORM WATER DRAINAGE UTILITY CHARGES
AND
STORM WATER DRAINAGE CONNECTION CHARGES

Section

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413.01 Policy and Purpose.

The City of Waconia has a very extensive storm water drainage system which includes storm pipe, holding ponds, drainage ways, and creeks to serve the needs of the community. In order to help defray the cost of the establishment, construction, repair, replacement, maintenance, enlargement and improvement of said system it is hereby determined by the City Council that there shall be a Storm Water Drainage Utility Charge and a Storm Water Connection Charge payable by every lot, parcel or piece of property which shall hereafter connect to the storm water disposal system, or by each additional use causing excessive discharge of storm water, whether residential, commercial or industrial, or upon the construction of additional units upon land already connected to the system.

It is hereby determined to be the policy of the City that the benefit to any lot, piece or parcel of land developed within the City limits and benefitting from storm sewer or availability is similar and that payment for said services or availability should be collected on as fair, reasonable, and equitable basis as possible. It is further determined that any charge set forth pursuant to this Chapter is in addition to any connection charge, permit fee, or meter charge pursuant to any other ordinance of the City of any other governmental entity or agency.

413.02 Establishment of Storm Water Drainage District.

The entire corporate limits of the City of Waconia is hereby established as the Waconia Storm Water Drainage District.

413.03 Authority to Impose Storm Water Drainage Utility Charge.

For the purpose of providing funds to defray the cost of maintenance and operation of the storm water drainage system, the costs of construction, maintenance and operation of storm pipe, holding ponds, drainage ways and creeks, payment of capital charges represented by bonds, certificates of indebtedness, or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises presently or hereafter having any connection, directly or indirectly, with the storm water drainage system of the City, a monthly storm water utility charge determined as provided in this Chapter.

413.04 Authority to Impose Storm Water Drainage Connection Charge.

In addition to charges for storm water drainage utility charges pursuant to Section 413.03, the storm water utility connection charge shall be required of each individual or entity requesting or receiving a connection to the storm water drainage system shall be deemed to have occurred whenever, in the opinion of the City, a use is made of any parcel of property which increases the discharge of storm water from said parcel.

413.05 Operation and Enforcement of Storm Water Drainage.

The municipal storm water drainage system shall be operated as a public utility pursuant to Minnesota Statutes Section 444.075 et.seq. and this Chapter. The storm drainage utility will be under the administration oversight of the City Public Services Director or his designee as set forth in this Chapter. All revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

413.06 Collection of Fees.

Storm water drainage utility charges and connection charges shall be determined by resolution of the City Council upon advice of the City Finance Director, City Public Services Director and City Engineer and shall be set forth in Chapter 1100 of the Code. Storm water utility charges shall be collected in conjunction with other City utility charges. Storm water utility connection charges shall be payable with building permits. All fees shall be just and equitable and in accordance with Minnesota Statutes Section 444.075 et seq. and shall be calculated based on the type of account being assessed.

Residential customers (single and multi-unit) follow a flat rate structure for charges. Commercial, industrial, and institutional accounts shall be calculated based on impervious surface times the actual acreage with a set minimum rate. Commercial, industrial, and institutional lots and parcels of land that are abutting and owned by the same property owner will be combined and calculated based on all parcel's acreage and impervious surface and will be billed on one utility account. The multiplier for this calculation and minimum charge shall be set forth in Chapter 1100 of the Code. Commercial, industrial, and institutional accounts that are determined to be multi-tenant buildings because each unit has its own meter and utility account will be assessed a flat rate. Staff will address individual accounts with property owner's to determine if the account qualifies as a multi-tenant building.

The calculation of these charges will be prepared with each new account and change in ownership along with the move of any pre-existing utility account.

413.07 Exemptions.

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

- (a) Public rights-of-way; and
- (b) City owned property; and
- (c) Properties deemed undevelopable.

413.08 Revenues.

All revenues derived from those storm water drainage utility charges and connection charges adopted by the City Council resolution shall be credited to the storm water drainage utility funds.

413.09 Enforcement for Collection of Fees.

Any unpaid or delinquent storm water utility connection charges may be recovered from the occupant or owner of the premises billed therefore in a civil action by the City in any competent jurisdiction or, in the discretion of the City Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes. Either or both of such methods of collection thereof may be pursued by the City until payment in full has been made, and the initiation of one such method of collection shall not be deemed to be an election preventing the City from thereafter using the other method of collection until paid in full. Payment of delinquent storm drainage utility and connection charges shall be credited to the same fund used for current storm utility charges, deducting there from any costs of collection accruing to the City therefore.

413.10 Effective Date.

This ordinance shall take effect upon its passage and publication according to law.