

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

Section

- 413.01 Findings and Purpose
- 413.02 Authority
- 413.03 Definitions
- 413.04 Public Utility and Oversight
- 413.05 Storm Water Charges
- 413.06 Billing and Collection
- 413.07 Revenues
- 413.08 Effective Date

413.01 Findings and Purpose.

The City of Waconia has an extensive storm water drainage and conveyance system that serves the community. The City incurs various costs related to the construction, maintenance, repair and operation of such system. Pursuant to Minnesota Statutes §44.075, Subd. 3, the City may impose just and equitable charges to pay for the use and availability of the storm water drainage system and for connections to such system. The purpose of this Chapter 413 is to impose such charges and to set forth the procedure for calculating and collecting the charges.

413.02 Authority.

The storm water drainage utility and connection charges set forth in this Chapter 413 are imposed pursuant to authority granted by Minn. Stat. Sec. 444.075 and shall be as nearly as possible proportionate to the cost of furnishing the services they relate to.

413.03 Definitions.

The following terms, as used in this Chapter 413, shall have the meanings stated in this section:

“Chapter 413” means this Chapter 413 of the Waconia City Code, as amended.

“City Engineer” means the City Engineer appointed by the City Council, or such person’s designee.

“Finance Director” means the person acting as the finance director for the City, however titled, or such person’s designee.

“Parcel” means a parcel of real property.

“Public Services Director” means the person acting as the public services director for the City, however titled, or such person’s designee.

“Storm water system charges” means, collectively, the storm water utility charge and storm water connection charge described in Section 413.04.

“Storm water system costs” means costs associated with: i) the construction, reconstruction, repair, enlargement, improvement, or other obtainment, the maintenance, operation and use of storm water system facilities; and ii) obtaining and complying with permits required by law.

“Storm water system” means the pipe, holding ponds, reuse systems, drainage ways, best management practice improvements, creeks and other appurtenances used by the City to manage storm water, whether located within or outside of the City’s corporate limits.

“Storm water connection charge” means, collectively, the storm water system access charge and the storm water system trunk charge imposed pursuant to Section 413.04, Subd. 2.

“Storm water utility charge” means the ongoing monthly charge imposed pursuant to Section 413.04, Subd. 1.

413.04 Public Utility and Oversight.

Subd. 1. Public Utility. The City shall operate the storm water system as a public utility pursuant to Minn. Stat. Sec. 444.075, et. seq., as amended, and this Chapter 413.

Subd. 2. Oversight. The Public Services Director shall oversee the storm water system and the Finance Director shall oversee the billing and collection of the storm water system charges.

413.05 Storm Water Charges.

Subd. 1. Storm Water Utility Charges.

- A. Imposition. There is hereby levied and assessed upon each parcel presently or hereafter having any connection, directly or indirectly, with the storm water system, a monthly storm water utility charge (subject to the exceptions set forth in Subd. 3 below).

- B. Calculation. Residential customers (single family and duplex units) have a flat rate structure for storm water utility charges. The storm water utility charge for residential multi-family (except duplex units), commercial, industrial, and institutional parcels shall be calculated by multiplying: i) the applicable parcel’s impervious surface; ii) by the actual acreage of the parcel; iii) by the applicable rate/multiplier set forth in Chapter 1100, with a set minimum rate. Residential multi-family (except duplex units), commercial, industrial, and institutional parcels that are abutting and owned by the same property owner shall be combined and the storm water utility charge shall be calculated based on the collective impervious surface and acreage of the combined parcels and billed on one utility account. The rate for this calculation and minimum charge shall be set forth in Chapter 1100 of the Code. The storm water utility charge for a commercial, industrial, or institutional account that the City determines is a multi-tenant commercial building because each unit

has its own meter and utility account shall equal the minimum rate for multi-tenant commercial buildings as set forth in Chapter 1100. Utility charges for a parcel will be recalculated each time a new account is established, a pre-existing utility account is moved, there is a change in parcel ownership, a building permit is issued for the parcel, the use of a parcel changes, or any other time the City deems appropriate.

- C. Rates. Storm water utility rates (stated in dollars) shall be determined by resolution of the City Council upon advice of the Finance Director, Public Services Director and the City Engineer and shall be set forth in Chapter 1100 of the Waconia City Code.

Subd. 2. Storm Water Connection Charges.

- A. Imposition. In addition to the storm water utility charge described above, a storm water utility connection charge, which includes a storm water access charge and a storm water trunk charge, shall be levied and assessed upon each parcel having any connection, directly or indirectly, with the storm water system (subject to the exceptions set forth in Subd. 3 below). Connection to the storm water system shall be deemed to have occurred whenever, in the determination of the Public Services Director, a use is made of any parcel of property that increases the discharge of storm water from such parcel. Further, the subdivision of any parcel shall result in connection charges for each parcel created in connection with the subdivision unless the Public Services Director determines that the subdivision will not produce any increase in storm water discharge.
- B. Calculation. Residential customers (single family and duplex units) have a flat rate structure for storm water access charges and storm water trunk charges. The storm water access charges and storm water trunk charges for residential multi-family, commercial, industrial, and institutional parcels shall be calculated by multiplying the acreage of the parcel by the applicable trunk and access fees stated in Chapter 1100. Commercial, industrial, institutional and multi-family lots and parcels of land that are abutting and owned by the same property owner will be combined and calculated based on all parcel acreage. Residential multi-family, commercial, industrial, and institutional parcels that are abutting and owned by the same property owner shall be combined and the storm water connection charge shall be calculated based on total acreage of the combined parcels.
- C. Rates. Storm water connection rates (stated in dollars) shall be determined by

resolution of the City Council upon advice of the Finance Director, Public Services Director and the City Engineer and shall be set forth in Chapter 1100 of the Waconia City Code.

Subd. 3.Exceptions. The following land uses are exempt from storm water utility charges and storm water connection charges:

- A. Public rights-of-way;
- B. City owned property;
- C. Undeveloped open space areas associated with public parks or institutional outdoor green space that will remain unimproved and unsurfaced; and
- D. Properties deemed undevelopable.

Subd. 4.Other Charges. Any charge described in this Chapter 413 is in addition to any other connection charge, permit fee or meter charge set forth in any other chapter of the Waconia City Code (including Chapter 415) or imposed by any other governmental entity or agency.

413.06 Billing and Collection.

Storm water utility charges shall be billed on a monthly basis along with other City utility charges. Storm water connection charges shall be billed when a building permit is issued for a parcel. All billing, collection, imposition of late fees and assessment of past due amounts shall occur pursuant to the procedures set forth in Chapter 416 of the Waconia City Code.

413.07 Revenues.

All revenues derived from storm water system charges, when collected, and all moneys received from the sale of any storm water system facilities or equipment or any by-products, shall be placed in a separate fund, and used first to pay the normal, reasonable and current costs of operating and maintaining the storm water system. Net revenues received in excess of such costs may be pledged as security for qualifying debt pursuant to Minn. Stat. Sec. 444.075, Subds. 2, 3i and 3j, as amended.

413.08 Effective Date.

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

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