

## Ordinance

Amending City of Virginia City Code, Chapter 3, ADMINISTRATION AND GENERAL GOVERNMENT, creating Section 3.42 entitled STORM WATER SERVICE CHARGE SYSTEM

The City Council of the City of Virginia does hereby amend Chapter 3 of the City Code as follows:

### §3.42 STORM WATER SERVICE CHARGE SYSTEM.

#### A. Statutory Authority

Minnesota Statutes, Section 444.075 authorizes cities to impose just and equitable charges for the use and availability of storm sewer systems for the collection and disposal.

#### B. System Established

(1) The city hereby establishes a storm sewer service charge system whereby all revenues collected from users of the storm sewer system will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the storm sewer system.

(2) The system consists of all storm sewer conduits, manholes and catch basins, ditches, and ponds within the public right-of-way, and storm sewer conduits, manholes and catch basins, ditches and ponds in public purpose easements as of **JANUARY 1, 2020** and any additional storm sewer facilities and appurtenances required by the City in the future.

#### C. Rates and Charges

(1) Land Use Rate Calculation – Rates and charges to be imposed for the use and availability of the facilities shall be determined by the use of a residential equivalent factor (“REF”), which is defined as the ration of the average volume of surface water runoff from one acre of land subjected to a particular use, to the average volume of surface water runoff from one acre of land subject to typical single family uses within the City during a standard rainfall event. All developed single-family parcels shall be considered to have an acreage of one-fourth (1/4) acre per lot. Calculations of storm water utility rates for various land uses shall be based upon their REF. The REF values for various land uses are as follows:

LAND USE CATEGORY	REF
Single Family Residential	0.50
Multi-Family Residential	0.75
Commercial	0.95
Industrial	1.00
Public and Semi-Public	0.60

(2) Land use categories include, but are not limited to:

- i. **Single Family Residential** – Residential areas within the City used or intended for use as single and two-family homes located within a single residential lot.
- ii. **Multi-Family Residential** – a parcel designed or used for three or more dwelling units which is typically on a lot larger than a typical single family unit. This land includes apartments, town homes, and mobile home parks.
- iii. **Commercial** – This land use consists of land designed or used for commercial, retail, and office space as identified within the City’s land use plan.

- iv. **Industrial** – These areas are designed or used for industrial uses as outlined in the City’s land use plan.
- v. **Public and Semi-Public** – These areas are designed or used for churches, schools as outlined in the City’s land use plan.
- vi. **Excluded Lands** – The following land uses are exempt from the Storm Water Utility Fees established:
  - Public street right-of-way
  - Wetlands and public waters as defined by state law
  - Undeveloped and/or vacant parcels that are generally pervious
  - Park lands, natural areas, and recreational fields
  - Cemeteries
  - City-owned parcels

(3) Other Land Uses – Land uses not listed in the class charge rate calculation table shall be classified by the City Administrator, or designee, on assigning them to the class most nearly like the listed uses from the standpoint of probable hydraulic response. Appeal from the City Administrators decision may be made in writing to the City Council within fourteen (14) days of notice of the decision.

(4) Information – The owner, tenant, occupant, or person in charge of the premises must supply the City with such information as the City may reasonably request related to the use, development, and area of the premises. If the information requested is not provided, the charge for the premises will be estimated and billed in accordance with the estimate, which will be based on information available to the City.

#### ***D. Fees***

(1) Storm Sewer Utility Fee – The City shall establish a monthly fee for each parcel type. The fee will be included with the monthly utility billing to each parcel. All rates and charges will be reviewed annually and adjusted as deemed necessary by the City Council. Fees shall be charged to all parcels not listed as excluded lands.

(2) Penalties and Remedies for Delinquencies – All storm sewer utility charges shall be due and payable on the date specified by the City for the respective amount and shall be subject to delinquency thereafter.

- i. All delinquent accounts shall be subject to the late fees applied to delinquent city water and sewer billings and as approved by resolution of the City Council. The City shall attempt to collect delinquent accounts promptly.
- ii. Pursuant to Minnesota Statutes, Section 444.075, the City Administrator shall prepare an assessment roll each year providing for assessment of any delinquent accounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before the regular City Council meeting in November of each year for certification to the County Auditor for collection along with property taxes. The City shall have the right to bring a civil action or take other legal remedies to collect unpaid delinquent accounts.

***E. Revenues***

(1) Revenues collected for storm sewer service shall be deposited in a separate fund known as “The Storm Sewer Service Fund”. Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for maintaining the facilities. These expenditures may also include planning, engineering, monitoring, capital expenditures, personnel expenses, equipment and operation of the utility and any other use permitted by M.S. 444.075.

(2) Revenues may also be used to finance improvements, major repairs and betterments of the facilities. Storm Sewer service charges and the Storm Sewer Service Fund will be administered in accordance with the provisions of this section.

***F. Severability***

Should any section, clause, or other provision of this ordinance be held to be invalid by any Court of Competent jurisdiction; such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held to be invalid.