

CHAPTER 7.**PUBLIC AND PRIVATE UTILITIES****745. STORM WATER UTILITY ORDINANCE****Section 745.00 Storm Water Utility Ordinance**

Subd. 1. Definitions. The following terms shall have the meanings given to them unless another meaning is clear from the context.

- a) “billable acreage” means the parcel acreage minus wetlands, approved wetland buffers and approved conservation easements.
- b) “residential equivalency factor or REF” means the amount of runoff generated by a typical 0.33 acre single-family residential parcel with 30% impervious surface, which represents the basic unit of the storm water utility’s charge structure.

Subd. 2. Storm Water Utility. A storm water utility for the city of Medina is hereby established. The municipal storm sewer system shall be operated as a public utility pursuant to Minnesota Statutes, Section 444.075, from which revenue will be derived subject to the provisions of this section and Minnesota Statutes.

Subd. 3. Purpose of Funds Derived and Allocation of Revenue. The purpose of all funds derived from the storm water utility is to pay for all or part of the cost to construct, reconstruct, repair, enlarge, improve or obtain facilities and to maintain, operate and use the storm water management program as established by the city.

Subd. 4. Storm Water Utility Charges.

- a) Charges for the use and availability of the system are to be determined through the use of a residential equivalent factor. Calculations for the storm water utility for other land uses shall be based upon their residential equivalency factor. The rates for commercial, industrial, institutional, and higher density residential land uses also take into consideration the amount of hard surface on the property and the acreage of the site.
- b) Other land uses not matching a particular land use category shall be classified by the city administrator or designee so as to assign a residential equivalency factor, either by assigning them to the land use classification with the most similar hydrologic response or based on the amount of site impervious surface. Appeals from the city administrator's determination of the proper classifications may be made to the city council in the same manner as other appeals from administrative determinations.
- c) The storm water utility charges for use of the city’s storm water management facilities shall be established by ordinance and shall be just and equitable. Charges made for the use of the facilities may be fixed by reference to the square footage of the

property, adjusted for a reasonable calculation of storm water runoff, by reference to a reasonable classification of the types of premises to which the service is furnished, or by reference to the quantity, pollution qualities, and difficulty of disposal of the water, or on any other equitable basis including, but without limitation, any combination of those referred to above but not based on the amount of water consumed.

Subd. 5. Exemptions. The storm water utility charges established in subdivision 4 will not be charged against parcels with the following existing land use designations:

- a) Public and private right-of-way;
- b) Public open space;
- c) Public parks and recreation; or
- d) Single family residential or undeveloped parcels less than 0.08 acre in size.

For all land uses, billable acreage shall not include those portions of parcels covered by wetlands or wetland buffers or by conservation easements created pursuant to Minnesota Statutes, Chapter 84C or otherwise approved by the city.

Subd. 6. Residential Equivalency Factor (REF) Established. The residential equivalency factor for existing land use types in the city shall be as follows:

- a) Agriculture – 1 REF per 10 billable acres, rounded down to a whole REF, with a minimum of one REF for each agriculture parcel;
- b) Commercial – 6.4 REFs per billable acre;
- c) Industrial – 6.4 REFs per billable acre;
- d) Institutional – 4.3 REFs per billable acre;
- e) Multi-Family Residential and Townhome (including common spaces) – 5.3 REFs per billable acre;
- f) Private Recreation – 2.0 REFs per billable acre;
- g) Rural Residential – 1 REF per 10 billable acres, rounded down to whole REF, with a minimum of one REF for each rural residential parcel;
- h) Single-Family Detached and two-Family Residential – 1 REF per parcel; and
- i) Undeveloped Land – 1 REF per 10 billable acres, rounded down to a whole REF, with a minimum of one REF for each agriculture parcel.

Subd. 7. Appeals. The city council may adopt policies providing for the adjustment of charges for parcels, based upon data supplied by affected property owners, such as: parcel boundaries, site impervious area, or delineated wetland area, which is substantially more accurate than the information used by the city for the parcel. The adjustment may be made only after making written application for an appeal to the city clerk and being granted approval from the city council. The required written application for an appeal may include submittal of a completed application form, property survey information, wetland delineation report, appeal fee, or other materials established from time to time by city procedure. Adjustments may not be made effective retroactively.

Subd. 8. Collections and Penalties.

a) The city shall render invoices for charges for the use and availability of the system. The city council may also establish billing areas or districts and bill charges by calendar quarters or monthly quarters or such periodic intervals as the city council shall determine suitable and necessary. Charges shall be payable to the city and may be rendered in conjunction with other utility billings.

b) Penalties and remedies for late payments or nonpayment of charges are the same as those applicable to billings rendered for water and sanitary sewer service. In the event a charge becomes delinquent, the city council may cause the delinquent charge to be levied against the property served by certifying to the county auditor the amount of such delinquent charge in accordance with state statute.

Amendment History of this Section

Adopted May 20, 2008 (Ord. 442). A storm water utility ordinance was established under Section 745.00.

Amended December 4, 2012 (Ord. 541). Amended 745.00, Subd. 6 regarding residential equivalency factors.