

**CITY OF LAKE ELMO
ORDINANCE NO. 97-122**

**AN ORDINANCE ADDING CHAPTER 750 TO THE LAKE ELMO
MUNICIPAL CODE RELATING TO THE CREATION OF A
SURFACE WATER MANAGEMENT UTILITY**

The City Council ordains as an addition to the Municipal Code:

Chapter 750 is hereby added to read as follows to the Municipal Code of the City of Lake Elmo:

750. SURFACE WATER MANAGEMENT UTILITY

750.010 General Operation

The Municipal surface water system shall be operated as a public utility (hereinafter called the surface water management utility), pursuant to Minnesota Statutes Section 444.075, from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

In general, revenue from the Surface Water Utility shall be used for preparation of a Surface Water Management Plan, maintenance of existing ditches, culverts, pond, and storm sewers, capital improvement in developed areas, equipment, planning, inventories, and water quality improvements, including weed control.

750.020 Definitions

A. Utility Factor

The utility equation is defined as the amount of runoff per acre of land, per parcel for a particular land use divided by the amount of runoff from a 1.5 acre residential lot.

B. Surface Water Management Fee

The surface water management fee is defined as the yearly charge developed for each parcel of land.

C. Yearly Surface Water Management Revenue

The yearly surface water management revenue is the estimated yearly expenditures for planning and inventories, capital expenditures, personnel and equipment and operation of the surface water utility, in accordance with established City policy. The surface water management revenue and resulting surface water management fees shall be reviewed yearly by the City Council.

D. Current Land Use

Land Use as it appears on tax statement.

750.030 Surface Water Management Utility Equations

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

<u>Property Class Code</u>	<u>Current Land Use</u>	<u>Utility Factor</u>
151-208,402	Residential	1.0/Lot
101-111,401	Agricultural	6.0/Parcel
210	Manufactured Home Park	0.52/Acre
230,231, 233-241	Commercial/Industrial	3.08/Acre
250-252	Vacant Land	0.15/Acre
232	Golf/Park	0.35/Acre
900-999	School/Church	1.12/Acre
-	Conditional Use Permit	Site Specific

750.035 Surface Water Management Fee

Surface water management fees shall be established for a period of time as set by City Council resolution.

750.040 Credits

The Council may adopt policies, by resolution, for adjustment of the surface water management fees. Information to justify a fee adjustment must be supplied by the property owner. Such adjustments of fees shall not be retroactive, unless provided within said resolution. Credits will be reviewed annually by City staff.

750.050 Exemptions

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

- A. Public Right-of-way
- B. Parks
- C. Lakes
- D. Railroad Property

750.060 Statement of Surface Water Management Charges

Statements for the preceding yearly Surface Water Management service shall be mailed to each customer on or before March 5.

750.070 Appeal of Fee

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 the Council once a year in accordance with the schedule established for credit applications, in established City policy.

750.080 Penalties for Delinquent Payments

A penalty equal to \$5.00 or 10% of the amount due, whichever is greater, shall be added to accounts not paid in full on or before May 1.

520.090 Annual Certification of Delinquent Accounts

Each year the City staff shall prepare a list of delinquent surface water management service charge accounts, including 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 County Auditor as a lien against the premises served and directing that the County Auditor collect the assessment as part of the ensuing year's tax levy.

ADOPTED BY THE City Council of the City of Lake Elmo, this 15th day of July, 2003.

The provisions of this ordinance shall become effective on the first day of August, 2003. Published on the 23rd day of July, 2003.



Lee Hunt, Mayor

ATTEST:



Charles E. Dillerud, Acting City Administrator