

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-225

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING CHAPTER 53 TO ADD A NEW SECTION 53.10 REGARDING STORM
WATER AREA DISTRICTS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title V, Chapter 53, Storm Water Management Utility, by adding a new Section 53.10 as follows:

§ 53.10 STORM WATER AREA DISTRICTS.

(A) *Establishment of storm water area districts.* The City may create storm water area districts throughout the City, in which districts the City will require payment for the use of the City's storm drainage facilities, either through the connection and discharge to the City's storm drainage facilities or the receipt of volume control credits. Payments are required to assist in paying the costs of the establishment, construction, reconstruction, repair, replacement, enlargement, and improvement of the City's storm water and surface water drainage system. It is determined by the City Council that charges in accordance with the rates provided in the City's fee schedule shall be paid for every lot, parcel, or piece of land that connects to, or receives volume control credits from the use of the City's storm water and surface water drainage system in any storm water area district which the City may establish in the future.

(B) *Benefit.* It has been determined by the City Council that the City's storm water and surface water drainage systems benefit all properties located within the City's storm water area districts by providing for the conveyance, storage, treatment, and drainage of storm water, which protects the residents and property in the City. Charges against all real property in the City's storm water area districts will be calculated by the City to reasonably represent the benefit the City's storm water and surface water drainage system provides to the property in the particular storm water area district. The City Council determines that such benefit is in addition to any previous assessment or charge for construction of any storm water interceptor, trunk, or sub-trunk, and does not include any other fee or charge for service or availability, any amount paid for any permit fee, charges paid for inspection of connection pursuant to any other ordinance of the City or any other governmental agency or entity.

(C) *Connection and volume control use charges.* The applicable storm water and surface water system connection charge or volume control use charge shall be imposed by the City upon those parcels or land located within the boundaries of any applicable storm water area district. No City approvals, including, but not limited to, building permits or other development permits or approvals shall be issued, or any permits or approvals granted, within the established storm water area district, except upon payment of such storm water and surface water system connection or volume control use charges to the City. At the time a City approval such as a building permit or development permit or approval is required, the storm water and surface water system connection

or volume control use charge shall be computed by the City. Payment of the connection or volume control use charge shall be required at the time the permit is issued or approval granted.

(D) *Establishment of the Downtown Regional Storm Water District and connection charges.* The Downtown Regional Storm Water District is hereby established, and shall encompass that area of land and those lots, parcels, and pieces of property within the City, that are more particularly described and depicted on the City's "Downtown Regional Storm Water District Map" which is on file with the City Clerk. This map and all notations, references, and data thereon are hereby incorporated by reference into this Section and shall have the same force and effect as if fully set forth and described within this Section. The amount of the Downtown Regional Storm Water District connection charge is set forth in the City's fee schedule.

(E) *Establishment of the Regional Infiltration Basin Storm Water District and volume control use charge.* The Regional Infiltration Basin Storm Water District is hereby established, and shall encompass that area of land and those lots, parcels, and pieces of property within the City, that are within the Downs Lake Subwatershed as defined by the Valley Branch Watershed District. The purpose of this charge is to allow properties within the Regional Infiltration Basin Storm Water District to pay a use charge in order to receive a credit toward meeting the volume control requirements for the property's Valley Branch Watershed District permit. The property is not allowed to connect to and discharge storm water to the City's regional infiltration basin. The amount of the Regional Infiltration Basin volume control use charge is set forth in the City's fee schedule. If or when the volume control capacity is depleted at the regional infiltration basin, storm water management must be provided elsewhere by the property owner.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

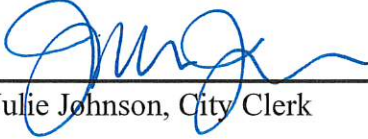
SECTION 3. Adoption Date. This Ordinance 08-225 was adopted on this 16th day of July 2019, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2019.