

**SPRING LAKE PARK
ORDINANCE 476**

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE ESTABLISHING
A STORM WATER UTILITY**

NOW THEREFORE, be it ordained by the Council of Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **ADOPTION** “5.16 STORM WATER UTILITY” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

5.16 STORM WATER UTILITY (*Added*)

SECTION 2: **ADOPTION** “5.16.010 Storm Water Utility Established” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

5.16.010 Storm Water Utility Established (*Added*)

A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to M.S. § 444.075, as amended from time to time, from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

SECTION 3: **ADOPTION** “5.16.020 Purpose” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

5.16.020 Purpose (*Added*)

The intent of this Ordinance is to improve the quality of storm water runoff, to promote the long term sustainability of storm water infrastructure, and to position the City to meet regulatory requirements. Consequently, the purpose of this Ordinance is to establish a storm water utility to collect charges to finance costs associated with the operation and maintenance of the City's storm sewer system and implementation of storm water management programs.

SECTION 4: ADOPTION “5.16.030 Rate Structure” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

5.16.030 Rate Structure(*Added*)

A. *Definition.* For purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RESIDENTIAL EQUIVALENCY FACTOR (REF). The ratio of runoff volume generated by one acre of land to the runoff volume generated by a typical low density residential lot.

B. *The REF for each land use established as part of this storm water utility shall be as follows:*

Land Use	REF
Low density residential	1.0
Medium Density Residential (3-10 units/acre)	5.6
High Density Residential (10+ units)	5.6
<u>Senior/Handicapped Residential</u>	<u>5.6</u>
Commercial	7.3
Commercial/Industrial	6.3
Public/Semi Public	6.3

C. *All storm water utility fees shall be calculated based on the following formula:*

1. *Low Density Residential: (REF)(Base Rate as established by the City Council) = Rate per Lot.*
2. *All other land uses: (REF)(Base Rate as established by the City Council) = Rate per Acre*

D. *Low Density Residential will be charged 1.0 REF per lot. Individual townhomes will*

be charged 1.0 REF if the townhomes are identified as separate parcels and the owners are billed separately for municipal utilities. If the townhome development is treated as one parcel and the townhome association is billed for utilities as a whole, the association will be treated as Medium Density Residential.

E. The quarterly base rate shall be established by the City Council by ordinance.

SECTION 5: **ADOPTION** “5.16.040 Exemptions” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

5.16.040 Exemptions(*Added*)

The following land uses are exempt from storm water utility fees:

- A. Public rights of way;
- B. Delineated wetlands, lakes and rivers;
- C. City-owned land; and
- D. Vacant, unimproved land with ground cover.

SECTION 6: **ADOPTION** “5.16.050 Appeal” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

5.16.050 Appeal(*Added*)

Property owners may appeal their storm water utility fee by providing data demonstrating that the actual storm water runoff volume from their site is substantially different from that of the assigned land use. These appeals shall be made to the City Engineer, who may make adjustments to individual parcels based on the information provided. No adjustments to the utility fee shall be made retroactive.

SECTION 7: **ADOPTION** “5.16.060 Billing And Payment” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

5.16.060 Billing And Payment(*Added*)

Storm water utility fees shall be computed and billed periodically along with the bill for other utility services such as water and sanitary sewer. Each billing for storm water utility fees which is not paid when due shall incur a penalty charge set forth under the City's fee schedule.

SECTION 8: **ADOPTION** “5.16.070 Certification Of Past Due Fees” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

5.16.070 Certification Of Past Due Fees(*Added*)

The City shall certify delinquent and unpaid charges, together with penalties, to the County Auditor to be collected with other real estate taxes on the parcel.

SECTION 9: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 10: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon passage and publication.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer Spring Lake Park