

CHAPTER 52: STORM WATER UTILITY AND ASSOCIATED FEES

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§ 52.01 PURPOSE.

The purpose of the storm water utility is to provide a funding mechanism for the following services:

(A) The administration, planning, implementation, operations and maintenance of the storm water best management practices (BMPs) to reduce the maintenance and removal of sediment and other pollutants into local water resources;

(B) The operation, maintenance and replacement of public drainage systems;

(C) Activities necessary to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) Permit requirements established by the U.S. Environmental Protection Agency, including preparation, implementation and management of a Storm Water Pollution Prevention Plan (SWPPP) to address the following control measures:

- (1) Public education and outreach on storm water impacts;
- (2) Public involvement and participation;
- (3) Illicit discharge detection and elimination;
- (4) Construction site storm water runoff control;
- (5) Post-construction runoff control in new development and redevelopment; and
- (6) Pollution prevention for municipal operations;

(D) Other education, engineering, inspection, monitoring, testing and enforcement activities as necessary to maintain compliance with local, state and federal storm water requirements.

(Ord. 52, passed 10-8-08)

§ 52.02 ESTABLISHMENT OF A STORM WATER UTILITY FEE.

There is established a public utility to be known as the Storm Water Utility for the City of Byron. The storm water utility will be operated as a public utility pursuant to the city code and applicable statutes. The revenues are subject to provisions of this section and M.S. § 444.075. The storm water utility is part of the Public Works Department and will be administered by the Public Works Director. This chapter applies to the entire City of Byron.
(Ord. 52, passed 10-8-08)

§ 52.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RESIDENTIAL EQUIVALENCY FACTOR (REF). The ratio of the volume of runoff generated by a unit area of a particular land use to the volume of runoff generated by a unit area of single-family residential property based on typical surface conditions and average annual rainfall.

UNIT AREA. For purpose of this chapter, the **UNIT AREA** ("UA") of a given parcel will be determined by the following formula:

First, the maximum residential unit area of a residential lot in the city is set at 10,890 square feet, then, this area is divided by 43,560 square feet equaling .25. The maximum residential **UNIT AREA** value for any residential lot parcel will be .25.
(Ord. 52, passed 10-8-08)

§ 52.04 RATES AND CHARGES.

A) *Calculation of utility charge.* The charges to be made against a given parcel of land will then be determined by multiplying the unit rate (UR) by the parcel's REF times the parcel's unit area (UA) times the impervious rate. And, the City Council may adopt changes to these rates by resolution during the year by a majority vote of the City Council.

(B) *Adjustments to charges.* The City Council may adopt by policies providing for the adjustment of charges for parcels or groups of parcels based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels. Such adjustment will be made only after receiving the recommendation of the Public Works Director, and will not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all of the land uses in a particular classification, such adjustment will be accomplished by amending this chapter.

(C) *Adjustment to area.* The total parcel area as shown in the County Assessor's records will be used to calculate the parcel unit area (UA). It is the responsibility of the owner or manager of any premises to provide the city with necessary land surveys and other information as the city may reasonably request to determine if a parcel, or a portion of a parcel, qualifies for an exception or an area adjustment. Requests for exceptions and/or adjustments will be reviewed after the receipt of all required information. Exceptions and/or adjustments must be approved by the Director of Public Works with discussions with City Engineer and City Administrator, and will become effective at the beginning of the next billing cycle following approval.

(D) *Exceptions.* Accounts that are billed annually are exempted from any fixed charge in place at this time (FC). The following land uses are exempt from the storm water utility fees established herein:

- (1) Public street right-of-way;
- (2) Wetlands and public waters as defined by state law;
- (3) Purposes up to the 100-year flood elevation;
- (4) Undeveloped parcels;
- (5) Publicly-owned park lands, natural areas, and recreational fields;
- (6) Railroad right-of-way;
- (7) Cemeteries,
- (8) Unsewered parcels situated within the AG (Agricultural) zoning districts of the city; and
- (9) City-owned land. Golf courses are an exempt use except for the club house/building/paved surface portions thereof. (Somerby)

(E) *Falsification of information.* Willful failure to provide information that the city reasonably requests related to the use, development and area of a premises, or falsification of such information, will constitute a violation of this chapter.

(F) *Estimated charges.* If, for any reason, precise information related to the use, development or area of a premises is not available, then storm water utility charges for such premise will be estimated, and billed, based upon information available to the city.

(G) *Billing method.* Storm water utility fees will be computed and collected by the city together with other city utility fees, in accordance with the procedures set forth in this code.

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(H) *Delinquent accounts.* Storm water utility fees past due on October 1 of any year may be certified to the County Auditor for collection with real estate taxes during the following year or any year thereafter in the manner prescribed in this code.

(Ord. 52, passed 10-8-08)