

**ORDINANCE 2014 – 01**

**CITY OF DUNDAS  
RICE COUNTY  
STATE OF MINNESOTA**

*An Ordinance Amending Dundas City Code Title 5, Public Works,  
to Add Chapter 504 Storm Water Utility*

RECITALS

There is hereby established a public utility to be known as the Storm Water Utility for the City of Dundas (the “City”). The Storm Water Utility shall be operated as a public utility pursuant to the Dundas City Code (the “City Code”) and applicable Statutes. The revenues shall be subject to provisions of this Section and Minnesota Statutes Section 444.075.

**WHEREAS**, the City has recently experienced significant rainfall events which have resulted in property damages; and

**WHEREAS**, the City believes it is essential to establish a Storm Water Utility to protect people, protect property, reduce insurance risks, improve property values, and protect water quality; and

**WHEREAS**, the funds generated from establishment of a fee based upon contributed runoff, said funds to be directed to maintenance activities such as street sweeping, erosion and sedimentation control systems and inspections, storm sewer system inspections and repairs, storm water pond and infiltration basin cleaning and maintenance, drainage ditch cleaning, and to meet the requirements of the Minnesota Pollution Control Agency (MCPA) and other outside agencies related to storm water management;

**NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF DUNDAS DOES ORDAIN:**

**SECTION 1.** Title 5: Public Works of the Dundas City Code is hereby amended by adding a new Chapter 504 Storm Water Utility shown by the following language:

**§ 504.01 TITLE.**

This Ordinance shall be titled and referred to as the Storm Water Utility Ordinance.

**§ 504.02 AUTHORITY.**

The Storm Water Utility shall be operated as a public utility pursuant to the Dundas City Code and applicable Statutes. The revenues shall be subject to provisions of this Section and Minnesota Statutes Section §444.075.

### **§ 504.03 DEFINITIONS.**

Unless the context specifically indicates otherwise, the following terms, as used in this ordinance, shall have the meanings hereinafter designated.

**STORMWATER.** Water that originates during precipitation events. It may also be used to apply to water that originates with snowmelt that enters the storm water system.

**SURFACE RUNOFF.** Storm water that does not soak into the ground becomes surface runoff, which either flows directly into surface waterways or is channeled into storm sewers, which eventually discharge to surface waters.

**STORMWATER COLLECTION SYSTEM.** The system of underground pipes, open channels, inlets, catch basins, maintenance hatches, and pumping stations used to collect surface runoff and convey it to a natural watercourse or to a treatment plant; usually man-made.

**SURFACE AREA.** “Surface Area”, referred to herein as “SA”, shall be the area of the parcel in acres, subject to any standardization, adjustments or exceptions outlined in this ordinance.

**LAND USE.** The “Land Use” for a given parcel shall be one of the land use classifications as shown in the Land Use chart below as determined by the City Zoning Officer.

**RESIDENTIAL EQUIVALENCY FACTOR.** “Residential Equivalency Factor”, referred to herein as “REF”, is the ratio of the accumulated direct runoff generated by a particular land use to the accumulated direct runoff generated by the residential land use.

**UNIT RATE.** “Unit Rate”, referred to herein as “UR”, is the rate in dollars per acre to be charged per one (1) REF as established by the City Council per City Code § 504.05

**SINGLE FAMILY RESIDENTIAL.** Land use classification of parcels with three (3) or less living units.

**MULTI-FAMILY RESIDENTIAL.** Land use classification of parcels with four (4) or more living units.

### **§ 504.04 PURPOSE.**

The purpose of this Ordinance is to provide a funding mechanism for the following services:

- (A) The administration, planning, analysis, installation, operation, maintenance and replacement of public drainage systems.
- (B) The administration, planning, implementation, construction, and maintenance of storm water Best Management Practices (BMP) to reduce the introduction of sediment and other pollutants into local water resources.

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

(D) Activities necessary to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) 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/participation.
- (3) Illicit discharge detection and elimination.
- (4) Construction site storm water runoff control.
- (5) Post-construction runoff control in new development and redevelopment.
- (6) Pollution prevention for municipal operations.

(E) The Storm Water Utility shall be part of the Public Works Department and shall be operated by the Public Works Director, as directed by the City Administrator/Clerk. This Ordinance shall apply to the entire City of Dundas.

#### **§ 504.05 FEES AND CHARGES.**

In determining charges the Dundas City Council may establish a Storm Water Utility Policy and Credit Policy to specify application fees, exemptions and exceptions, unit areas, residential equivalency factors, and unit rates to charge utility users based upon the volume or direct runoff estimated to be generated by various land uses within the City.

(A) Unit Rate Fee. The Unit Rate Fee will be established and amended from time to time by a Resolution of the City Council.

(B) Minimum or Maximum Fees. The City Council may establish minimum or maximum monthly fee per parcel.

(C) Estimated Charges. If for any reason precise information related to the use, development or area of a premise is not available, then Storm Water Utility Charges for such premise shall be estimated and billed based upon information then available to the City.

(D) Billing Method. Storm Water Utility Fees will be computed and collected by the City together with other City utility fees. For properties not serviced by City utilities, Storm Water Utility Fees will be computed on a semi-annual basis and be due on May 15 and October 15 of each year.

(E) Delinquent Accounts. Delinquent and unpaid storm water utility fees may be certified to the County Auditor for collection with real estate taxes during the following year or any year thereafter pursuant to Minnesota Statute 444.075, Subdivision 3.

(F) Appeal. If a property owner believes that the fee charged to a particular property is incorrect, they may request review and re-computation of said fee.

**§ 504.06 CALCULATION OF FEES AND CHARGES.**

(A) Determining the REF. The accumulated direct runoff (Q) used to determine the REFs shall be calculated based on an evaluation of the land use and application of a standardized soil type and rainfall event.

(B) The calculated direct runoff (Q) shall be based on the runoff equation in the Soil Conservation Services (SCS) National Engineering Handbook Section 4 – Hydrology. The City has utilized SCS TR-55 “Runoff Curve Numbers for Urban Areas,” and a 2-inch rainfall to determine runoff from varied land uses, and to establish REF values.

(C) The established “REF” for various zoning classifications in the City is as follows:

<u>Zoning Classification</u>	<u>REF</u>
Undeveloped/Vacant Land/Bluffs	0.843
RS/AG	0.535
NRSF/LDSF	0.640
R1, R2, R3	1.000
B1, B2	1.643
LI, GI	1.419

(1) The average single family lot in the City of Dundas is 0.315 acres. This results in 3.177 single family lots per acre.

(2) For multiple family housing developments with a homeowners association (HOA), the fee will be charged as follows: the total fee for all parcels in the HOA, including common areas and private roads, will be divided equally among all tax parcels with living units.

(3) The minimum annual fee shall be determined by the City Council, but shall not be less per acre than that for a residential lot.

(4) For any residential parcel exceeding 20,000 square feet, in a residentially zoned area (R1, R2, R3), the first 20,000 square feet will be charged a fee at the residential rate, and the balance of the square footage will be charged at the “Undeveloped Properties” rate.

(D) The REF for Land Uses not listed above shall be determined by the City based on probable hydrologic response.

**§ 504.07 ESTABLISHING UNIT RATES.**

The City Council shall from time to time, by resolution, establish the Unit Rate. The Unit Rate so established shall be on file with the City Administrator/Clerk and shall be used to compute the charges for a given parcel of land based on the following formula:

$$\text{Storm Water Charges} = (\text{UR}) \times (\text{REF}) \times (\text{SA}) \text{ where:}$$

UR = unit rate established by the City Council

REF = per table (504.05(C), above

SA – surface area

**§ 504.08 STANDARDIZED CHARGES.**

(A) A standard Surface Area of 0.315 acres shall be used for Single-Family Residential parcels.

(B) A standard Surface Area of 0.315 acres for each unit shall be used in computing storm water charges for the following dwellings: duplexes, twin homes, townhouses, and detached townhouses. (For example, a parcel that contains four townhouse units shall have a Surface Area computed as follows: 4 units x 0.315 acres/unit = 1.26 acres).

**§ 504.09 ADJUSTMENTS TO CHARGES.**

(A)The City Council may provide for the adjustment of charges for:

- (1) Parcels or groups of parcels based upon hydrologic response substantially different from the REF being used for the parcel, or
- (2) Parcels which employ Best Management Practices (BMP's) or other storm water management practices, on-site that significantly reduce the quantity or improve the quality of storm water runoff from the parcel. In no case shall an adjusted fee per acre be less than that of a residential lot.
- (3) The following are some examples of Best Management Practices (BMPs):

- Storm Water Retention and Detention Ponds
- Filter Strips
- Infiltration Trenches or Ponds
- Underground Storage or Filters
- Sand Filters
- Soak Away Pits
- Green Roof
- Pervious Pavers
- Dry Wells

(B) Such adjustment shall be made only after receiving the recommendation from the City Administrator, and shall not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all parcels in a particular land use classification, such adjustment shall be accomplished by amending the REF table listed in this Storm Water Utility Policy. Adjusted fees will be reviewed every five (5) years or sooner if physical changes occur.

**§ 504.10 ADJUSTMENTS TO AREA.**

The total parcel area as shown in the Rice County Assessor's records will be used to calculate the Surface Area for a given parcel, except that apparent errors or exception in the recorded values may be subject to recalculation by the City. It is the responsibility of the owner or manager of any parcel to provide the City with necessary surveys, and other information as

the City may reasonably request, to determine if a parcel, or portion of a parcel, qualifies for an exception or area adjustment. Requests for exceptions and/or area adjustments will be reviewed after receipt of all requested information. Exceptions and/or adjustments must be approved by the City, and shall become effective the beginning of the next billing cycle following approval.

(A) Exceptions. 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) Publicly-owned park lands, natural areas, and recreational fields
- (4) Railroad right-of-way
- (5) Cemeteries

(B) Falsification of Information. Willful failure to provide information that the City may reasonably request related to the use, development and area of a premise, or falsification of such information, shall constitute a violation of the City's Storm Water Utility Ordinance.

(C) Adjustments. City staff must approve all adjustment applications. Adjustments may be applied for year round. Applications must be received by September 15 to be applied to the following year's billing. The City may establish a fee for the review and processing of the adjustment application. The maximum adjustments are cumulative and cannot exceed 75% (seventy-five percent) and in no case shall the adjusted fee be less than that of a single-family residential parcel.

(D) Wetland areas shall be excluded from the total parcel area when calculating the Storm Water Utility Fee. Wetland areas that are shown on the County National Wetlands Inventory, or which have been otherwise delineated, will be subtracted from the parcel area assessed for the Storm Water Utility Fee.

#### **§504.11 LAND USE ADJUSTMENT.**

(A) Change in Development Condition of Parcel. As land is developed and/or redeveloped, the fees will be recomputed based on the revised land use.

**SECTION 2.** This Ordinance is effective immediately upon its passage and publication in accordance with law.

**BE IT FURTHER ORDAINED BY THE CITY COUNCIL FOR THE CITY OF DUNDAS:**

1. The attached Summary of Ordinance 2014-01 is hereby approved for publication.

**APPROVED** by the City Council of the City of Dundas, Minnesota, on this 24 day of March 2014.

CITY OF DUNDAS BY:

ATTEST:



\_\_\_\_\_  
Glenn Switzer, Mayor

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John McCarthy, City Administrator/Clerk

Ordinance 2014-01

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**ORDINANCE 2014-01**

CITY OF DUNDAS  
STATE OF MINNESOTA

*An Ordinance Amending Dundas City Code Title 5,  
Public Works, to Add Section 504 Storm Water Utility*

**The following is the official summary of Ordinance 2014-01, which was approved and adopted by the Dundas City Council on March 24, 2014:**

A new section, Chapter 504 “Storm Water Utility”, is added to the Dundas City Code.

A copy of the entire Ordinance 2014-01 is available for inspection by any person during regular office hours at the Dundas City Hall, 216 Railway Street North, Dundas, MN 55019; and is posted at the Dundas city website: [www.cityofdundas.org](http://www.cityofdundas.org).

ADOPTED BY THE DUNDAS CITY COUNCIL on the 24th day of March 2014.

Published by order:

John McCarthy, City Administrator/Clerk  
in the *Northfield News* on March 29, 2014