

CITY OF ANDOVER  
COUNTY OF ANOKA  
STATE OF MINNESOTA

ORDINANCE NO. 271

AN ORDINANCE ESTABLISHING A STORM WATER UTILITY.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ANDOVER, AS FOLLOWS:

**Section 1 Findings.**

The City Council of the City of Andover recognizes that the control and regulation of storm water drainage is necessary to protect the environment and the public health, safety and welfare. The Council further recognizes the state and federal regulations intended to protect the Nation's lakes and waterways will place a significant burden on the City's finances. The Council therefore finds that it is in the best interest of the City and its citizens for all contributors to the city's storm water drainage system to pay a proportionate share of the City's cost in complying with those regulations and maintaining an effective storm water drainage system.

**Section 2 Storm Water Utility Established.**

Pursuant to Minnesota Statutes Section 444.075 the City's Storm Water Drainage System will be operated as a public utility from which revenues will be derived subject to the provisions of this Ordinance and Minnesota State Statutes. The Storm Water Drainage Utility will be a part of the Engineering Department and under the administration of the City Engineer.

**Section 3 Definitions.**

For purposes of this Ordinance, the following definitions will apply:

- A. "Residential Equivalent Factor (hereafter REF) " means the ratio of the average volume of runoff generated by one (1) acre of a given land use to the average amount of runoff generated by one (1) acre of "Single Family Urban" land use during a standard rainfall event.
- B. "Storm Water Drainage Fee" means the quarterly charge developed for each parcel of land pursuant to established City policies and regulations.

**Section 4 Storm Water Drainage Fee.**

A storm water drainage fee for each parcel of land within each category shall be as follows:

<b><u>Land Use Category</u></b>	<b><u>REF</u></b>
Single Family Urban	1.0
Single Family Rural, Estate, Suburban & Farmstead	0.5
Manufactured Housing	1.2
Multiple Housing	1.1
Business, Commercial, Industrial & Public	2.1
Developed Parks	0.5
Elementary & Middle Schools	1.0
High Schools	1.0
Churches	1.0

For the purpose of calculating storm water drainage fee, all developed Single Family Urban parcels will be considered to have an acreage of one-half (1/2) acre.

The storm water drainage rate will be established from time to time by Fee Schedule by resolution of the City Council.

#### **Section 5 Credits.**

The City Council may, by resolution, adopt policies, recommended by the City Engineer, for the adjustment of the storm water drainage fee for certain parcels upon which hydrologic data, supplied by the owner of the parcel, demonstrates a hydrologic response substantially different from the adopted standards. Such adjustments of storm water drainage fees will not be made retroactively.

#### **Section 6 Exceptions.**

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

- A. Public Rights-of-Way.
- B. Vacant, unimproved land with ground cover.
- C. Lakes, wetlands, creeks, rivers, and similar bodies of water.

#### **Section 7 Payment of Fee.**

The storm water drainage fee will be computed quarterly and invoiced through the City's contracted billing service. The fee will be due and payable with that statement. The property owner will be the party ultimately responsible for payment of the fee whether or not the owner occupies the premises. Any prepayment or overpayment of the fee will be retained by the City and applied against subsequent quarterly fees.

#### **Section 8 Recalculation of Fees.**

Any property owner or party responsible for the payment of the storm water drainage fee may, in writing addressed to the City Engineer, request the City to redetermine or recalculate a particular invoice for the fee. The City must receive such request within three (3) months of the mailing of the invoice by the City.

#### **Section 9 Penalty for Late Payment.**

Each quarterly statement for storm water drainage fee which is not paid when due will incur a penalty of ten (10) percent of the past due amount.

#### **Section 10 Collection of Delinquent Fees.**

In the event a user fails to pay his storm water utility fee within a reasonable time, said fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection. (55C,8-02-83: 551,9-03-91)

**Section 11    Validity.**

- A. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- B. The validity or any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**Section 12    Ordinance in Force.**

This ordinance shall be in full force and effect from and after its passage, approval and publication according to the law of the State of Minnesota.

Adopted by the Andover City Council this   17th   day of June, 2003.

CITY OF ANDOVER

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Michael R. Gamache, Mayor

ATTEST:

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Victoria Volk, City Clerk