

CHAPTER 66; UTILITIES

ARTICLE V. Stormwater Drainage Utility

Section 66-150. Establishment of Stormwater Drainage Utility.

- (a) Pursuant to Minnesota Statutes, Section 444.075, the City establishes a stormwater drainage utility and authorizes the imposition of just and reasonable charges for the use and availability of stormsewer facilities.

Section 66-151. Findings and Determinations.

- (a) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated and maintained a stormsewer system ("the system"). This Ordinance is adopted in the further exercise of such authority and for the same purposes.
- (b) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this Ordinance.
- (c) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system cost, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected volume of stormwater runoff from the various parcels of land within the City during a standard rainfall event. For the purposes of this Ordinance, a standard rainfall event is defined as the one-year storm of one-day duration.
- (d) Assigning costs and making charges based upon expected typical storm water runoff volume cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this Ordinance undertake to establish a reasonable and practical methodology for making such charges.

Section 66-152. Rates and Charges.

- (a) *Runoff equivalent factor.* Rates and charges for the use and availability of the system shall be determined through the use of a "Runoff Equivalent Factor" ("REF"). For the purposes of this Ordinance, the REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the City during a standard rainfall event. For the standard rainfall event, the volume of runoff from a given parcel is directly related to the area of imperviousness of that parcel. Therefore the REF is computed as the ratio of the average imperviousness of a given land use by the average imperviousness of single-family residential land use.
- (b) *Stormwater drainage charges.* In determining charges the City Council shall by ordinance establish a base system rate to be charged against one acre of land having a REF of one (1.0). The charge to be made against each parcel of land shall then be

determined by multiplying the REF for the parcel's land use category, times the parcel's acreage, times the base system rate. The REFs for the following land use categories within the City are as follows:

	LAND USE CATEGORY	RANGE OF IMPERVIOUSNESS (%)	AVERAGE IMPERVIOUSNESS (%)	REF
1	Open Space	0 - 15	7.5	0.33
2	Single-Family Residential	15 - 30	22.5	1.00
3	Townhouse/Two-Family Residential	30 - 40	35.0	1.56
4	Multi-Family/Apartments	40 - 50	45.0	2.00
5	Schools/Churches/Institutional	50 - 70	60.0	2.67
6	Commercial/Industrial/Retail	70 - 100	85.0	3.78

- (c) For the purposes of calculating stormwater drainage charges, each developed single-family residential lot shall be considered to have an acreage of one-third (1/3) of an acre. Townhouses and two-family residential lots shall be considered to have two units per one-third (1/3) of an acre.

Section 66-153. Other Land Uses.

- (a) Other land uses not listed in the foregoing table shall be categorized by the Director of Public Works by assigning them to categories most nearly like the listed uses, from the standpoint of percent imperviousness. An appeal from the Director of Public Works' determination of a property category may be made to the City Council.

Section 66-154. Public Hearing and Notice.

- (a) The City shall hold a hearing prior to determining whether to build, construct, enlarge or improve stormsewer facilities financed in whole or in part by the imposition of stormwater drainage fees. Notice of such hearing shall be published in the official City newspaper at least ten (10) days prior to the date of hearing. Owners of all property adjoining a proposed improvement shall be mailed or served with a notice at least ten days in advance of the hearing. Failure to give mailed notice or any defects in the notice shall not invalidate the proceedings.

Section 66-155. Exemptions.

- (a) Public street right-of-ways and City-owned property are exempt from stormwater drainage charges.

Section 66-156. Payment of Charge.

- (a) Stormwater drainage bills shall be mailed to the owner or other account holder with their city utility statement and shall specify the stormwater drainage charges.

Section 66-157. Delinquent Accounts.

- (a) *Payment Options.* Owners and other account holders shall have the option of paying a rate for payments made on or before the due date listed on the bill or the option of paying an extended payment rate for payments made after the due date listed on the bill. The extended payment rate shall include the rates detailed herein plus a charge of

five percent (5%) of the current bill amount that is not paid by the due date listed on the bill.

- (b) *Delinquent Stormwater Drainage Accounts.* Collection of delinquent stormwater drainage accounts will be done per City Utilities Rules and Regulations, Section 400.
- (c) *Assessment of Delinquent Accounts.* All delinquent accounts shall be certified to the City Assessor who shall prepare an assessment roll for each year providing for assessment of the delinquent amounts against the respective properties served. The assessment shall include the amount of the delinquent account and the administrative charge, together with interest thereon at the maximum lawful rate. This assessment roll shall be delivered to the City Council for adoption on or before October 10th of each year.

Section 66-158.

Recalculation of Charges.

- (a) If a property owner or person responsible for paying the stormwater drainage charge questions the correctness of such a charge, such person may have the determination of the charge recomputed by written request to the Director of Public Works. Such request shall be made within thirty (30) days of the mailing of the billing in question.

Section 66-159.

Adjustments and/or Credits to the Stormwater Drainage Charges.

- (a) The City Council may by resolution adopt policies providing for the adjustment of charges or credits to charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, of which data demonstrates a runoff volume for the standard rainfall event substantially different from that being used for the parcel(s). Such adjustment or credit shall be made by the Director of Public Works and shall not be made effective retroactively. An appeal from the Director of Public Work's determination may be made to the City Council.
- (b) The stormwater drainage utility uses a rate structure based on the anticipated relative contribution of stormwater runoff volume to the stormwater drainage system. A parcel's contribution is determined by that parcel's size and its land use, under the principle that more intensively developed land uses typically have a larger percentage of impervious surface and contribute a much greater volume of water to the system from the standard rainfall event.

It is recognized that some parcels, due either to their unique topographic, vegetative, geologic and/or other characteristics have a hydrologic response substantially different from that of similarly sized parcels of the same land use category. It is also recognized that some parcels may have a percent imperviousness substantially different than that typical of the parcel's assigned land use category. These differences can result in either a higher or lower runoff volume from that of the land use category assigned to the parcel.

To provide for an equitable assessment of stormwater drainage charges, based on reasonably expected contribution of flows, provisions need to be made to permit adjustments to the stormwater drainage charge for those parcels with unique or unusual characteristics, or credits to the stormwater drainage charge for those parcels with stormwater runoff volume control facilities. These adjustments can be initiated by either the landowner or the Director of Public Works or designee thereof.

- (c) The basis of the City of Anoka's stormwater drainage charges is the anticipated relative contribution of stormwater runoff volume to the stormwater drainage system from a given parcel. Where unique or unusual conditions exist where the actual contributions of stormwater runoff volume from a given parcel is substantially different from those anticipated by the stormwater drainage rate structure, the Director of Public Works, or designee thereof, may adjust or credit the stormwater drainage charge for said parcel to an appropriate level in accordance with the guidelines specified herein.

The ordinance establishing the Stormwater Drainage Utility provides for the Director of Public Works to make adjustments and/or credits to the charges when the property owner supplies data demonstrating a storm water runoff volume for the standard rainfall event substantially different from that being used for the parcel.

- (d) *Property Owner to Provide Detailed Information.* It is the responsibility of the property owner or agent thereof to present to the Director of Public Works, or designee thereof, sufficient information concerning a parcel's hydrologic characteristics to permit an accurate assessment of the conditions that exist. This information may include, but is not limited to:

- (1) Site plan showing locations of all buildings, paved areas and other development relative to lot lines.
- (2) The total lot area and area of impervious surfaces, in square feet.
- (3) Site topography or contours of sufficient detail to ascertain flow directions, rates and volumes.
- (4) Hydraulic calculations specifying outflow volumes and rates for various rainfall events.

- (e) *Adjustments Where Parcel Runoff is Significantly Different From Land Use Category.* Where the actual impervious area of a parcel differs from the assigned range of impervious percentage for that land use category by more than 20 percent, the Director of Public Works, or designee thereof, may adjust the parcel's stormwater drainage charge in accordance with the following procedure:

- (1) Calculation of the parcel's impervious area shall be submitted by a registered professional engineer and shall be based on actual current land use information such as aerial photography and/or current property land survey data identifying all buildings, paved areas and other development relative to lot lines.
- (2) If the calculated impervious area is shown to differ from the assigned range of impervious area for that land use category by 20 percent or more, the parcel shall be categorized based on percent imperviousness and not land use.
- (3) A parcel's stormwater drainage charge shall be subject to increases as well as decreases by this procedure.

- (4) For parcels with ponds covered by public easements, the area used for the calculation of the charge shall be reduced by the size of the easement area.
 - (5) Because single-family, townhouse, and two-family residential fees are not based upon actual parcel acreage, no adjustments for runoff differences will be made for those land uses except for totally vacant unimproved fully turfed parcels. In this case the parcel shall be categorized as Open Space.
 - (6) Adjustments shall not be retroactive.
 - (7) Adjustments shall become effective from the date they are approved.
- (f) *Procedure for Calculation of Stormwater Detention Credits.*
- (1) A parcel may be credited for up to 50 percent of the stormwater drainage charge for on-site ponds which are owned and maintained by the applicant and which limit stormwater outflow rates from the site. The Public Works Director shall determine the amount of credit based on calculations submitted, on behalf of the owner, by a registered professional engineer.
- (g) *City's Right to Inspect Facilities and Initiate Fee Adjustments and/or Credits*
- (1) The Director of Public Works, or designee thereof, reserves the right to inspect periodically all storm drainage control facilities to ascertain that they are operating properly. If such a system, due to improper maintenance or other reason, fails to detain or cleanse stormwater runoff in an effective manner, the Director of Public Works, or designee thereof, may eliminate or reduce credits to an appropriate level. Any such facility shall not be eligible to apply for storm drainage charge adjustments and/or credits until the stormwater system has been determined by the Department of Public Works or designee, to be operating properly. Adjustments and/or credits shall not be made retroactively. An appeal from the determination of the Director of Public Works may be made to the City Council.
 - (2) The issuance of any building permit or other action, which changes or intensifies an existing land use shall be cause for an adjustment of stormwater drainage charges to an appropriate level.
- (h) *Adjustment in Fees.*

In accordance with the City Charter, Chapter 12