

CITY OF CALEDONIA, MINNESOTA

ORDINANCE NO. 2018-004

**AN ORDINANCE CREATING A STORMWATER DRAINAGE UTILITY
FOR THE CITY OF CALEDONIA**

WHEREAS, 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 storm drainage system; and

WHEREAS, this system, as constructed has been financed and paid for through the imposition of special assessments and ad valorem taxes; and

WHEREAS, it is necessary and desirable to provide a dedicated, consistent method of recovering some or all of the future costs of improving, establishing, enlarging, replacing, repairing, maintaining and operating the system by imposing stormwater charges; and

WHEREAS, it is necessary to establish a methodology that undertakes to make stormwater charges just and equitable;

NOW THEREFORE, the City Council of the City of Caledonia, Houston County, Minnesota hereby ordains as follows:

Section 1. Amendment. Caledonia City Code Title V ("Public Works") is hereby renamed "Public Utilities."

Section 2. Amendment. Caledonia City Code Title V is hereby amended to add Chapter 54, entitled "Stormwater," which shall read as follows:

§ 54.01. Established.

Pursuant to Minnesota Statutes Section § 444.075, Subdivision 3, the city establishes a stormwater drainage utility and authorizes the imposition of just and reasonable charges for the use and availability of stormwater drainage facilities. The stormwater drainage utility operations shall be a part of the public works department and under the administration of the director of public works.

§ 54.02. Purpose.

The purpose of this chapter is to protect the public health, safety, and welfare of the residents of the city by reducing and controlling stormwater runoff.

§ 54.03. Definitions.

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

Equivalent residential unit (ERU).

For the purpose of this chapter, one equivalent residential unit (ERU) is defined as the ratio of the average volume of surface water runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land, during a standard one-year rainfall event. The ERU values for various property types are as follows, with ERU values rounded to the nearest whole number:

STORMWATER EQUIVALENT RESIDENTIAL UNIT (ERU) VALUES

Property Use	ERU Method
Single-family residential	1.0 ERU
Farm or agricultural land with dwelling unit	1.0 ERU
Townhouse/duplex/triplex/quadplex with all dwelling units on first floor	1.0 ERU per dwelling unit
Apartments and multifamily structures with dwelling units on two or more levels	1.0 ERU plus 0.5 ERU per dwelling unit
Mobile and manufactured homes	0.5 ERU per dwelling unit or pad
Commercial, industrial, and governmental	1.0 ERU per 4,000 sq. ft. of property
Parking lots and vacant lots with impervious surfaces	1.0 ERU per 4,000 sq. ft. of property
Schools, churches, and fairgrounds	1.0 ERU per 12,000 sq. ft. of property

§ 54.04. Stormwater Drainage Utility Fund.

There is hereby created a stormwater drainage utility fund into which all fees, when collected, and all monies received from the sale of any related facilities or equipment or any byproducts shall be placed. Such monies shall be used first to pay the normal, reasonable and current costs of operating and maintaining the facilities.

§ 54.05. Stormwater drainage utility fee.

In determining the stormwater drainage utility fee, the City Council shall by resolution establish a stormwater drainage system rate to be charged monthly per equivalent residential unit (ERU). The stormwater drainage utility fee for each parcel of land shall be determined by multiplying the ERU for the parcel's land use classification times the stormwater drainage system rate.

§ 54.06. Standardized acreage.

For the purpose of calculating stormwater drainage utility fees, all developed single-family parcels shall be considered to have an ERU of one.

§ 54.07. Other land uses.

Other land uses not listed in the table in City Code Section 54.03 shall be classified by the director of public works by assigning them to classes most nearly like the listed uses, from the standpoint of runoff volume for the standard rainfall event. An appeal of such classification may be made to the city clerk-administrator.

§ 54.08. Exemptions.

Cemeteries and public rights-of-way are exempt from the stormwater drainage utility fee. Vacant parcels or agricultural parcels without a dwelling unit are also exempt.

§ 54.09. Payment of fee.


Stormwater drainage utility services shall be billed and paid once per year for agricultural or vacant lots (with no impervious services) that do not have electric, water, or sewer charges. Stormwater drainage utility services shall otherwise be billed and paid as part of monthly utility bills, in accordance with the procedures for billing and paying electric, water, and sewer charges established in Title V of the City Code. Parcels with impervious surfaces that are not billed for electric, water, or sewer charges will receive a monthly stormwater utility bill.

§ 54.10. Establishment of tax lien.

Any delinquent stormwater drainage utility fees shall be certified to the county auditor for collection with real estate taxes against the property served by the stormwater drainage utility established in this chapter as other taxes are collected in the following year, pursuant to Minnesota Statutes Section § 444.075, Subdivision 3, and in accordance with this chapter. In addition, the city shall have the right to bring a civil action or take other legal remedies to collect unpaid fees.

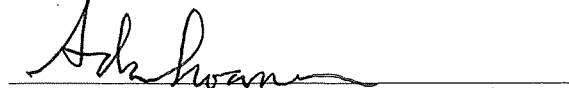
Section 3. Effective Date. This ordinance shall become effective upon January 1, 2019 after passage and publication.

ADOPTED this 8th day of October, 2018, by the City Council of the City of Caledonia.



Robert Lemke, Auxiliary Mayor

ATTEST:

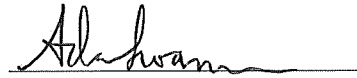


Adam G. Swann, City Clerk-Administrator

CERTIFICATION

I, Adam Swann, clerk-administrator of the City of Caledonia, Houston County, Minnesota, do hereby certify that the foregoing Ordinance No. 2018-004 was duly passed and approved by the Council of the City of Caledonia, Minnesota on the 9th day of October, 2018; and said Ordinance No. 2018-004 was published in the *Caledonia Argus*, a newspaper of general circulation in the City of Caledonia, Minnesota on the 17th day of October, 2018, all as provided by law.

Dated this 24th day of October, 2018.


City Clerk-Administrator