

ORDINANCE 147, FOURTH SERIES

AN ORDINANCE OF THE CITY OF PIPESTONE AMENDING SECTION 50.12 OF THE PIPESTONE CITY CODE WITH REGARD TO STORM SEWER CHARGES.

THE CITY OF PIPESTONE ORDAINS:

Article I. Pipestone City Code, Section 50.12, is amended by adding the following double-underlined language and deleting the ~~stricken~~ language:

§ 50.12 STORM SEWER CHARGES.

~~(A) *Creation of storm sewer charge.* Subject to the rules set forth below, a monthly charge shall be made with the normal utility charges which shall be entitled “storm sewer charge”. The amount of this monthly charge shall be established by ordinance of the Council and may be amended from time to time by further ordinance of the Council. *Established.* The city storm sewer system shall be operated as a public utility pursuant to Minnesota Statutes, section 444.075, from which revenues will be derived subject to the provisions of this chapter and state law. The storm sewer drainage utility will be part of the Water/Wastewater Department and under the administration of the Water/Wastewater Superintendent.~~

~~(B) *Basic charge.* All single-family residential properties with lots less than 25,000 square feet will be charged the basic rate. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**LOT OR PARCEL.** A piece or parcel of land occupied or capable of being occupied by one or more structures or a use.~~

~~**RESIDENTIAL EQUIVALENT FACTOR (“REF”).** One REF is defined as the ratio of the average volume of 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.~~

~~**RESIDENTIAL LOT.** One or more adjacent parcels that are occupied by one (1) single-family dwelling, two-family dwelling or three-family dwelling.~~

~~(C) *Properties charged greater than the basic rate.* Residential properties with lots greater than 25,000 square feet, duplexes, and triplexes; commercial/industrial and all other uses less than 100,000 square feet, fourplexes and above; and commercial/industrial and all other uses greater than 100,000 square feet. *Rates and Charges.* Rates and charges for the use and availability of the system are to be determined through the use of a REF system. Storm sewer charges for each parcel of land that is not classified as a Residential Lot shall be determined by multiplying the REF for the parcel’s land use by the parcel’s acreage and then multiplying the resulting product by the applicable storm sewer rate established by the City Council. The REF values for various land uses are as follows:~~

<u>Property Categories</u>	<u>REF Category</u>	<u>REF</u>
<u>School</u>	<u>SCH</u>	<u>1.7</u>
<u>Multifamily</u>	<u>MF</u>	<u>1.8</u>
<u>Institutional</u>	<u>INST</u>	<u>1.8</u>
<u>Commercial</u>	<u>C</u>	<u>1.9</u>
<u>Industrial</u>	<u>I</u>	<u>1.9</u>

For the purpose of this section, “multifamily” shall not include one-family, two-family or three-family dwellings.

~~(D) Exceptions Exemptions from to charges. No city owned property will be charged a monthly fee. Undeveloped property having no hard surfaces will not be charged a monthly fee. No privately owned property shall be exempt from charges on the basis it is vacant or unoccupied. The following land uses are exempt from storm sewer charges:~~

- (1) City owned property used solely for a public purpose;
- (2) Cemeteries;
- (3) Agricultural;
- (4) Undeveloped property having no impervious surfaces; and
- (5) Public streets and rights-of-way or railroad rights-of-way.

With regard to undeveloped property, “impervious surface” shall include gravel.

(E) Land Use Determination. For the purpose of determining the applicable storm sewer rate and exemption, the land use determination shall be made on a lot-by-lot basis.

(F) Billing and Payment. Storm sewer charges shall be computed and billed on a monthly basis and included as a charge on bills issued by the city for other utility charges. If the lot subject to the storm sewer charge is not served by city water or sewer, a separate bill shall be issued on a monthly basis for the storm sewer charge.

(G) Maximum Monthly Storm Sewer Charge. In no event shall the monthly storm sewer charge exceed \$100 per parcel.

(H) Minimum Monthly Storm Sewer Charge. In no event shall the monthly storm sewer charge for land that is not classified as a Residential Lot be less than \$17.50 per parcel.

(I) Adjustment of Charges. The City Council may by resolution, from time to time, adopt policies providing for the adjustment of charges for parcels or groups of parcels, based upon data supplied by affected property owners, demonstrating an actual runoff volume substantially different from the calculation being used for the class of parcel or parcels. The adjustment may be made only after receiving the recommendation of the Water/Wastewater Superintendent and may not be made effective retroactively.

(J) Penalties and Remedies for Delinquency or Default in Payment. Penalties and remedies for late payments or non-payment of billings are the same as those applicable to billings rendered for other municipal utilities as set forth in this chapter.

(K) ~~(E)~~-Use of funds. Funds collected by the storm sewer utility charges will be used to fund infrastructure replacement, operation, ~~and~~ maintenance, and wetland mitigation. All new development or first-time improvements will be assessed their appropriate share of the costs. (2005 Code, § 3.50)

Article II. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article III. Effective Date. This ordinance shall become effective the day after its legal publication.

Passed and adopted by the City Council of the City of Pipestone this 21st day of August, 2023.

/s/ Dan Delaney
Dan Delaney
Mayor

ATTEST:

/s/ Deb Nelson
Deb Nelson
City Administrator

(Published in the Pipestone County Star on August 24, 2023)
Effective Date: August 25, 2023