

ORDINANCE NO. 608

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

AN ORDINANCE ADDING CHAPTER 31 TO THE CITY CODE OF THE CITY OF NEW BRIGHTON
ESTABLISHING A STORMWATER UTILITY.

The New Brighton City Council ordains that the New Brighton City Code is amended
by adding a new Chapter 31, to read as follows:

Chapter 31
STORM SEWER
ARTICLE I. STORMWATER UTILITY

Sec. 31-1. General Operation.

The municipal storm sewer system shall be operated as a public utility pursuant to
Minnesota Statute Section 444.075 from which the revenues will be derived subject to
the provisions of this Chapter and Minnesota Statutes. The stormwater utility will be part
of the public works department and under the administration of the Director of Public
Works.

Sec. 31-2. Definitions.

The following terms in this chapter shall be as noted herein.

Stormwater Utility Rate: The stormwater utility rate is defined as the quarterly rate
developed for each land classification pursuant to City regulations and shall be established
by City Council resolution.

Stormwater Utility Fee: The stormwater utility fee is defined as the quarterly charge
developed for each parcel and is equal to the stormwater utility rate multiplied by the
parcel area, in acres. In the case of the single family and two family residential land
classification, a standard lot size of 1/3 acre will be used to calculate the stormwater
utility fee, regardless of actual lot size.

Stormwater Utility Budget: The stormwater utility budget is defined as the estimated
annual expenditures for planning, reconstruction, and maintenance of the New Brighton
storm sewer system. This budget shall be established during the annual City budget
process by the City Council.

Sec. 31-3. Establishment of Stormwater Utility Fee.

Stormwater fees shall be established by City Council resolution. The following steps
are taken to determine the quarterly fee to be charged each property:

A. The depth of runoff for a one year rainfall event (a 2" rainfall), is determined
using the U.S. Department of Agriculture Soil Conservation Service guidelines for soil
types common to New Brighton. A Curve Number (CN), based on the percentage of
impervious surface, is chosen for each land classification. The depth of runoff for each

land classification is calculated using the following equation from the Soil Conservation Service, Technical Release No. 55:

$$Q = \frac{(P - 0.2S)^2}{P + 0.8S}$$

Where: Q = Depth of runoff, inches
 S = 1000/CN - 10, dimensionless
 P = 2 inches

The following table represents the runoff depths, in inches, for each the land classifications from the above calculations.

Classification	Description	Runoff Depths
1	Parks, Cemeteries, Golf Courses	0.08
2	Single Family and Two Family Residential	0.28
3	Schools	0.28
4	Townhouse and Mobile Home Parks	0.36
5	Churches	0.47
6	Apartments, Condominiums, Senior Housing, Nursing Homes	0.55
7	Commercial, Industrial, Warehouse	0.98
8	Unimproved Vacant	0.06

B. The depth of runoff due to development for each land classification is calculated by subtracting the depth of runoff calculated in step A. for unimproved vacant land.

C. The total area for each land classification from the above table is then calculated.

D. The volume of runoff for each land classification is then calculated using the depth of runoff due to development from step B. and multiplying it by the area for each land classification found in step C.

E. The total volume of runoff due to development for the entire city is calculated by summing the results from step D.

F. The annual revenue to be provided to the stormwater utility by each land classification is then calculated by dividing the volume of runoff due to development for each land classification found in step D. by the total runoff due to development for the entire city from step E. and multiplying this result by the stormwater utility budget.

G. The stormwater utility rates are then calculated by using the annual revenue for each land classification from step F. and dividing it by the total area for each land classification from step C., then dividing by four to convert to a quarterly rate.

H. The stormwater utility fee is then calculated by multiplying the parcel's lot size, in acres, by the stormwater utility rate from step G. In the case of the single family and two family residential land classification, a standard lot size of 1/3 acre will be used to calculate the stormwater utility fee, regardless of actual lot size.

Sec. 31-4. Adjustment of Stormwater Fees.

Fees may be adjusted under the following circumstances. In the case of adjustment under paragraphs C through E, information required to justify an adjustment must be provided by the resident.

A. Revision of the stormwater utility budget - The estimated expenditures for the management of storm runoff will be revised at a frequency and procedure consistent with the sanitary sewer and water utilities.

B. Changes in land classification of existing parcels.

C. Parcel runoff is significantly different from land classification standard - No adjustments will be made to single family and two family residential parcels. Where the unit runoff generated by a parcel differs from the amount for that land classification by more than twenty percent (20%), the Director of Public Works may adjust the parcel's stormwater utility fee in accordance with the following procedure:

1. Resident applies for reduction and supplies the City with the following information:
 - a. Site Plan.
 - b. Lot Size.
 - c. Total area of impervious surface.
2. Director of Public Works determines the difference in parcel unit runoff to land classification standard unit runoff.
3. Percent credit =
$$\frac{\text{Difference from step 2}}{\text{Land classification standard unit runoff}}$$

D. Stormwater detention - No adjustments will be made to single family and two family residential parcels. An adjustment of up to twenty-five (25%) will be made for those parcels with onsite measures that limit outflow peak events according to the following conditions:

1. Ten percent (10%) credit for parcels that limit peak outflow rates during a 5-year rainfall event to rates comparable to the rates from an unimproved vacant property of the same size.
2. An additional fifteen percent (15%) credit will be given to parcels that limit peak outflow rate during a 100-year rainfall event to rates comparable to the rates from an unimproved vacant property of the same size.

It should be noted by the applicant that no adjustment will be made to the existing stormwater utility fee without a skimming device being install with the onsite measures that limit peak outflow events. Skimming shall be considered adequate if a baffle structure extends at least 4 inches below the normal water surface and the velocity of water passing under the baffle does not exceed 0.5 feet per second for the one year rainfall event.

E. Wet ponding credit - An adjustment of up to twenty-five percent (25%) will be made to the stormwater utility fee of a parcel for onsite measures which are owned and maintained by the applicant that effectively reduces the amount of sediments/nutrients

that enter the system. No adjustments will be made to single family residential parcels. It is the responsibility of the applicant to prove that the wet pond in question meets the following design criteria.

1. **Permanent Pool Volume:** The volume of the permanent pool ("dead storage") should be at least 1.3 and preferably up to 2.5 times greater than the runoff volume generated from a 0.34 inch rainfall event (average summer storm) over the pond tributary area.
2. **Permanent Pool Depth:** To promote settling and provide space for sediment accumulation, the average depth (volume/area) of the permanent pool should be at least 4 feet with a maximum depth of 10 feet.
3. **Pond Shape:** The pond should be wedge shaped, narrowest at the inlet and widest at the outlet. A minimum length to width ratio of 3:1 should be used. The distance between storm sewer outfalls and the pond outlet should be maximized to prevent short-circuiting.
4. **Detention Time:** The pond should provide a detention time of at least 6 hours.
5. **Skimming:** The pond should have some type of facility to retain oils and floatable debris. This facility will be maintained by the applicant.

Skimming shall be considered adequate if a baffle structure extends at least 4 inches below the normal water surface and the velocity of water passing under the baffle does not exceed 0.5 feet per second for the one year rainfall event.

6. **Emergency Overflow:** An emergency overflow structure or stabilized spillway will be provided to accommodate discharges during a storm event greater than a 2.5 inch rainfall.
7. **Side Slopes:** For purposes of stability, the side slopes should not exceed three feet horizontal to one foot vertical.

Sec. 31-5. Exemptions.

The following land classifications are exempt from any stormwater fees:

- a. Public Right-of-Way
- b. Land that is owned by the City of New Brighton
- c. Unimproved vacant land

Sec. 31-6. Fee Appeal.

If a property owner or person responsible for paying for the stormwater fee believes that a particular fee is incorrect, such person may request in writing that the fee be recomputed. If an error has been made, the fee will be adjusted and the landowner will be reimbursed the additional moneys collected due to the error for a period of one year from the date of the letter.

If a property owner does not agree with the decision of the Public Works Director, the owner may appeal the decision to City Council.

Sec. 31-7. Penalties for Delinquent Payment of Fees.

Whenever user charges remain unpaid as of the due date, a fee of ten percent (10%) shall be charged on the unpaid balance. The fee shall be cumulative and paid in full or otherwise certified to the Ramsey County Auditor as a delinquent account.

Sec. 31-8. Annual Certification of Delinquent Accounts.

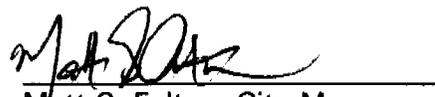
Each year the City Manager shall prepare a list of delinquent stormwater service charge accounts, including accrued penalties thereon, in the form of an assessment roll. On or before October 1 of each year, the City Council shall review the delinquent stormwater service charge assessment roll and adopt an appropriate resolution directing that the assessment roll be certified to the Ramsey County Auditor as a lien against the premises served and directing the Ramsey County Auditor to collect the assessment as part of the ensuing year's tax levy. All delinquent stormwater service charge assessments shall bear interest, at a rate determined by the City Council, from the date on which the delinquent stormwater service charge assessment resolution is adopted until December 31 of the following year.

Effective Date. This ordinance shall become effective the day following its publication.

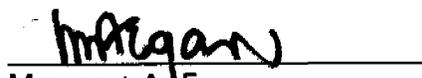
Adoption Date. Passed by the City Council of the City of New Brighton the 13th day of December, 1994.

CITY OF NEW BRIGHTON


Robert J. Benke, Mayor


Matt S. Fulton, City Manager

ATTEST:


Margaret A. Egan
Finance Director/City Clerk

Publication Date. Published on the 20 th day of DEC, 1994

Affidavit of Publication

State of Minnesota }
County of Ramsey } ss.

N. Theodore Lillie, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as New Brighton Bulletin, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Ordinance No. 608

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Wednesday the 21st day of Dec., 19 94 and was thereafter printed and published on every _____ to and including _____, the _____ day of _____, 19____; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

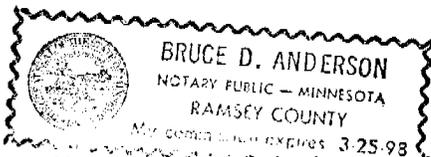
*ABCDEFGHIJKLMNORSTUVWXYZ
*ABCDEFGHIJKLMNORSTUVWXYZ
*abcdefghijklmnopqrstuvwxyz

BY: N. Theodore Lillie
TITLE: V.P.

Subscribed and sworn to before me on this 21st day of Dec., 19 94.

Bruce D. Anderson
Notary Public

*Alphabet should be in the same size and kind of type as the notice.



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$14.10 per col. inch
- (2) Maximum rate allowed by law for the above matter \$7.63 per col. inch
- (3) Rate actually charged for the above matter \$ _____ per col. inch

then calculated by dividing the volume of runoff due to development for each land classification found in step D. by the total runoff due to development for the entire city from step E. and multiplying this result by the stormwater utility budget.

G. The stormwater utility rates are then calculated by using the annual revenue for each land classification from step F. and dividing it by the total area for each land classification from step C., then dividing by four to convert to a quarterly rate.

H. The stormwater utility fee is then calculated by multiplying the parcel's lot size, in acres, by the stormwater utility rate from step G. In the case of the single family and two family residential land classification, a standard lot size of 1/3 acre will be used to calculate the stormwater utility fee, regardless of actual lot size.

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Fees may be adjusted under the following circumstances. In the case of adjustment under paragraphs C through E, information required to justify an adjustment must be provided by the resident.

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Effective Date. This ordinance shall become effective the day following its publication.

Adoption Date. Passed by the City Council of the City of New Brighton the 13th day of December, 1994.

CITY OF NEW BRIGHTON

/s/ Robert J. Benke

Mayor

/s/ Matt S. Fulton

City Manager

ATTEST: /s/ Margaret A. Egan
Finance Director/City Clerk
(Bulletin: Dec. 21, 1994)

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Sec. 31-3. Establishment of Stormwater Utility Fee.

Stormwater fees shall be established by City Council resolution. The following steps are taken to determine the quarterly fee to be charged each property:

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Where: Q = Depth of runoff, inches
 S = 1000/CN - 10, dimensionless
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The following table represents the runoff depths, in inches, for each the land classifications from the above calculations.

Classification	Description	Runoff Depth
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2	Single Family and Two Family Residential	0.2
3	Schools	0.2
4	Townhouse and Mobile Home Parks	0.3
5	Churches	0.4
6	Apartments, Condominiums, Senior Housing, Nursing Homes	0.6
7	Commercial, Industrial, Warehouse	0.8
8	Unimproved Vacant	0.0

B. The depth of runoff due to development for each land classification is calculated by subtracting the depth of runoff calculated in step A. for unimproved vacant land.

C. The total area for each land classification from the above table is then calculated.

D. The volume of runoff for each land classification is then calculated using the depth of runoff due to development from step B. by multiplying it by the area for each land classification found in step C.

E. The total volume of runoff due to development for the entire city is calculated by summing the results from step D.

F. The annual revenue to be provided to the stormwater utility by each land classification

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 STATE OF MINNESOTA
 COUNTY OF RAMSEY
 CITY OF NEW BRIGHTON**

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Chapter 31

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ARTICLE I. STORMWATER UTILITY

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Stormwater Utility Fee: The stormwater utility