

ORDINANCE NO. 151

AN ORDINANCE ESTABLISHING AND REGULATING A STORM WATER DRAINAGE UTILITY FOR THE CITY OF LAMBERTON

WHEREAS, the City Council of the City of Lambertton has determined that it is in the best interests of the City to establish a public utility known as the Storm Water Drainage Utility, and;

WHEREAS, the purpose of the utility is to manage and fund the construction, maintenance, reconstruction and administration of the storm water drainage system in the City, and;

WHEREAS, it is necessary to amend certain provisions of the City Code of the City of Lambertton in order to establish said utility.

NOW, THEREFORE, it is hereby ordained by the City of Lambertton as follows:

1. There is hereby established a public utility which shall be known as the Storm Water Drainage Utility in and for the City of Lambertton. The Storm Water Drainage Utility shall be operated as a public utility pursuant to the City Charter, City Code, and applicable statutes. The revenues there from shall be derived subject to the provisions of this Ordinance and Chapter 444, Minnesota Statutes. The Storm Water Drainage Utility shall be administered by the City Clerk under the administration of the City Council.
2. Definitions: The following terms shall have the definitions as hereinafter stated with respect to the construction and interpretation of this Ordinance:
 - A. Construction. Construction shall mean the improvements to the storm water system in areas not previously served with lateral and trunk lines.
 - B. Maintenance. Maintenance shall include direct and indirect costs as well as equipment costs for repairs and cleaning. Cleaning includes catch basin cleaning, jetting, thawing pipes and any other operation which assures a dependable drainage system. It shall also include the administrative costs.
 - C. Reconstruction. Reconstruction shall mean the improvements made to the storm water drainage system in areas previously served with lateral and trunk lines.
 - D. Administrative. Administrative costs as associated with acquiring and maintaining the necessary contour maps which define the watershed in and

for the City of Lambertton. Also included shall be periodic planning & engineering studies which shall determine the adequacy and condition of the storm water drainage system.

- E. Developed Land and Undeveloped Land: The term-developed land is land which has been platted. Undeveloped land is any land which has not been platted.
3. Storm Water Drainage Fees. Storm water drainage fees for each parcel shall be the rate due and payable to the city as established from time to time by the City Council.
 4. Exemptions. The following land uses are exempt from storm water drainage fees: Public right of ways, railroad right-of-ways, municipal property being used for public service, and City parks are exempt from the storm water drainage fees.
 5. Deferred Storm Water Drainage Fees. Undeveloped Land shall be included in financing construction projects but all costs relating thereto shall be deferred until the land becomes Developed Land as herein defined.
 6. Payment of Fees. The City Council shall establish policy relating to the payments of fees and penalties relating thereto. The fees are to be billed along with City water, sewer and garbage charges on a quarterly basis.
 7. Recalculation of Fees. If a property owner or person responsible for paying the storm water drainage fee questions the correctness of a bill for such charge, such person may have the determination of the charge recomputed by written request to the City Clerk, made within twelve (12) months of mailing of the invoice by the City. The property owner may appeal the decision of the City Clerk to the City Council by filing notice of such appeal with the City Clerk within sixty (60) days of the City Clerk's determination.
 8. Certification of Past Due Fees on Taxes. Any past due storm water drainage fees in excess of ninety (90) days past due on October 1, of any year may be certified to the County Auditor for collection with real estate taxes in the following year

pursuant to Minnesota Statute Sec. 444.075, Subdivision 3. In addition the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

Approved this 11th day of October, 2011



Mayor

ATTEST:



City Clerk