

On Motion of Clpn. Wright

Seconded by Clpn. Juarez

**ORDINANCE NO. 05-20**

**AN ORDINANCE ENACTING  
WEST ST. PAUL CITY CODE SECTION 730  
REGARDING STORM WATER UTILITY**

The City Council of West St. Paul does ordain:

**SECTION 1. AMENDMENT.** West St. Paul City Code Section 730 is hereby enacted as follows:

**SECTION 730**

**STORMWATER DRAINAGE UTILITY**

**730.01. Establishment.** A stormwater drainage utility for the City of West St. Paul is hereby established. The municipal storm sewer system shall be operated as a public utility pursuant to Minn. Stat. §444.075, from which revenues will be derived subject to the provisions of this Section and Minnesota Statutes. The stormwater drainage utility will be a part of the City's Public Works Department and under the administration of the Public Works Director.

**703.03. Purpose of Funds Derived and Allocation of Revenue.** The purpose of all funds derived from the stormwater drainage utility is to pay for all or part of the construction, reconstruction, repair, enlargement, improvement, maintenance, operation, and use of the storm sewer utility, and complying with permits required by law, as established by the City of West St. Paul. All revenues derived from the stormwater drainage utility fees shall be credited to the appropriate storm sewer fund.

**730.05. Storm Sewer Utility Fee.**

Subd. 1. Connection Fee. A storm sewer utility fee for the connection and availability of the storm sewer facilities shall be determined by City Council resolution, as adjusted from time to time, and shall be just and equitable. A charge for the connection and availability of storm sewer service may be imposed for all premises abutting on streets or other places where municipal storm sewers are located, whether or not connected to them.

Subd. 2. Use Fee. The storm sewer utility fee for use of the storm sewer facilities shall be determined by City Council resolution, as adjusted from time to time, and shall be just and equitable. Charges made for the use of the facilities may be fixed by reference to the square footage of the property charged, adjusted for a reasonable calculation of the storm water runoff, or by reference to a reasonable classification of the types of premises to which the service is furnished, or by reference to the quantity, pollution qualities, and difficulty of disposal of storm water runoff produced, or fixed by any other equitable basis including, but without limitation, any combination of those aforementioned factors.

Subd. 3. Adjustments. The City Council may, by resolution, adopt policies and standards for the adjustment of the fees for parcels. Such adjustments shall not be made retroactively.

**730.07. Exemptions.**

Subd. 1. Public rights-of-way are exempt from the fees established in Section 730.05.

Subd. 2. Vacant, unimproved land with ground cover and city-owned land are exempt from the fees established in Section 730.05.

**730.09. Invoices.** The City shall prepare invoices for the owner, lessee or occupant of the property served for charges for the fees established in Section 730.05. All invoices shall be payable at the office of the Finance Director.

**730.11. Recalculation of Fees.** If a person responsible for paying the fees established in Section 730.05 questions the correctness of such fees, that person may have the determination of the fees recalculated within 30 days of the mailing of the fees by submitting a written request to the Public Works Director.

**730.13. Collections and Assessments.** Payment of all fees are due on the due date specified by the City and shall be delinquent 15 days thereafter if not paid. The City shall endeavor to promptly collect delinquent accounts, and, in all cases where satisfactory arrangements for payments have not been made, all such delinquent accounts shall be certified by the City Clerk, who shall prepare an assessment of the delinquent accounts against the property served or to be served. The City may add certification charges in the amount provided for in a City Council resolution, as adjusted from time to time, to each delinquent account. The City Clerk shall deliver this assessment roll to the City Council for adoption prior to the final date for certification to the County Auditor for collection together with property taxes payable in the following year. Such assessment action is optional and may be taken in addition to any other legal action to collect delinquent accounts.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 27th day of December, 2005.

Ayes: 6      Nays: 0

Attest:

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John A. Zanmiller, Mayor

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Diane K. Meissner, Deputy City Clerk

Introduced:            12/12/05  
Published:            12/11/05  
Final Reading:        12/27/05  
Published:            1/8/06  
Effective:              1/8/06