

CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. 22-02

AN ORDINANCE REVISING STORMWATER MANAGEMENT

WHEREAS, the first reading of this Ordinance occurred on January 6, 2022.

WHEREAS, the second reading of this Ordinance occurred on January 20, 2022.

THE CITY COUNCIL OF LEXINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Subdivision 1. Chapter 3 of the Lexington Code of Ordinances, shall reflect the following changes.

Section 3.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated *below. All other terms in this Chapter shall take the meaning as found elsewhere in this Code or as otherwise defined by law.*

“Adjustment” means a change to the number of ERUs assigned to a customer in cases where the Stormwater Utility Manager determines that cumulative rate charges for multiple parcels or units within a parcel are not appropriate.

“Credit” means a fee reduction that a customer may receive for implementing practices or providing services that reduce the City’s costs for managing storm water runoff.

“Developed parcel” means any parcel where the land has been altered by the construction or exposure of impervious area.

“Duplex” means a building containing two dwelling units, or as otherwise defined in the City’s Building and Zoning Codes.

“Equivalent runoff unit (ERU)” means the statistical average amount of impervious surface area per parcel, measured in square feet, associated with parcels within the City, containing single-family or duplex units. One ERU is equal to 4,110 square feet of impervious area. Each residential parcel shall be assigned one ERU per dwelling unit on that parcel.

“Impervious area” means a surface as measured on a horizontal plane that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, loading docks, parking lots, sidewalks, any removal of pervious soil layer that results in the exposure of an impervious soil or rock layer and compacted clay and gravel which are used as driveways or parking lots. Impervious area is deemed to generate excess or increased runoff as compared to property in its undeveloped state.

"Multifamily residential parcel" means that parcel of land containing three or more dwelling units.

"Owner" means a person having a vested or contingent interest in the property in question and includes the duly authorized agent or attorney of the owner, a purchaser, a deviser, or a fiduciary of the subject property.

"Quarterly stormwater utility revenue". The quarterly stormwater utility revenue is the estimated quarterly expenditures for planning and inventories, capital expenditures, personnel and equipment and operation of the stormwater utility, in accordance with established city policy. The quarterly stormwater utility revenue and resulting stormwater utility fees shall be established for a period of time as set by council resolution

"Residential parcel" means that parcel of land intended for single-family or duplex use.

"Single-family" means a building containing one dwelling unit, or as otherwise defined in the City's Building and Zoning Codes.

"Stormwater utility" is the municipal stormwater system operated as a public utility.

"Stormwater utility fee" is defined as the quarterly charge developed for each parcel of land.

"Stormwater Utility Manager" is the City Administrator or that person so designated by the City Administrator to oversee and manage the activities of the Utility.

"Undeveloped or undeveloped parcel" means a parcel on which no manmade land disturbing activities have occurred that resulted in the creation or exposure of impervious surface of or on the land. Undeveloped parcels are not deemed to generate excess or increased runoff. There shall be no charges imposed on undeveloped parcels.

Sec. 3.40. RULES AND REGULATIONS RELATING TO GENERAL OPERATION OF MUNICIPAL STORMWATER SYSTEM.

Subd. 1. Purpose and Creation of a Municipal Stormwater System.

Purpose. The purpose of a stormwater system is to control stormwater runoff, minimize erosion, and prevent contaminants from entering storm sewers and exit into wetlands, lakes, rivers, and streams.

Creation. The municipal stormwater system shall be operated as a public utility pursuant to Minnesota Statute Section 444.075, or a succeeding statute in conformity therewith, from which revenues will be derived subject to the provisions of City Ordinances, and other applicable law and regulation.

Subd. 2. Establishment of Fees.

A stormwater utility charge to cover the costs of the storm water management system shall apply to each developed parcel in the City. The Stormwater Utility Manager shall prepare a map

depicting impervious areas of all such properties in the City other than single-family and duplex units and which shall be approved by the City Council. In the alternative, the Stormwater Utility Manager may submit data justifying the calculation of impervious surface areas for properties other than single-family and duplex units not yet included on such map. A copy of such map or such calculations of impervious areas shall be kept on file in the office of the Stormwater Utility Manager. Storm water charges shall not apply to public rights-of-way or railroad rights-of-way.

Stormwater Utility fees shall be established by Resolution adopted by the Council. The following steps shall be taken to determine the quarterly fee to be charged to each property:

(a) Residential Parcels:

a. Each single-family residential parcel shall be charged for one (1) ERU.

b. Each unit within a duplex shall be charged for 0.5 ERUs

(b) Nonresidential Parcels. Each Nonresidential parcel shall be charged for one (1) ERU or a number of ERUs equal to the ratio of the total impervious area of the parcel to the square footage of one (1) ERU whichever is greater. The number of ERUs shall be rounded to the nearest tenth.

(c) Mixed Use Parcels. Each parcel which contains both Residential and Nonresidential uses, Stormwater Utility Manager shall apportion the use on a per unit basis.

Subd. 3. Adjustment of Fees.

The Stormwater Utility Manager may adjust the number of ERUs assigned to a customer in cases where the Stormwater Utility Manager determines that cumulative rate charges for multiple parcels or units within a parcel are not appropriate. Adjustments shall not be retroactive.

Subd. 4. Stormwater utility credits.

The council may adopt policies, by resolution, for credits which may be obtained toward a reduction of the storm water fee chargeable to a given parcel that is attributable to operation and maintenance expenses of the Stormwater Utility. Information to justify a Credit must be supplied by the property owner. Credits shall not be retroactive, unless provided within said resolution.

In the event the City grants any storm water fee credits, the cost of any credits may be reallocated across all properties within the City by increasing the charge rate of a single ERU so that the total revenue available to the Stormwater Utility shall not be reduced by the amount of the credits allowed.

Subd. 5. Appeal of stormwater utility fee.

If a property owner or person responsible for paying the stormwater utility fee believes that a particular assigned fee is incorrect, such a person may request that the fee be recomputed. Appeals will be heard by the Council once a year in accordance with the schedule established for credit applications, in established city policy.

Subdivision 2. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Subdivision 3. Summary Publication.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lexington, due to the lengthy nature of this Ordinance does direct that this title and summary be prepared for publication pursuant to Minn. Stat. 412.191, Subd. 4

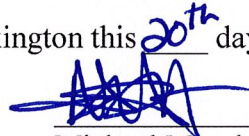
The Council finds that the following text clearly informs the public of the intent and effect of Ordinance 22-0__, and hereby approves the following summary text for publication:

“SUMMARY PUBLICATION OF ORDINANCE 22-0__.

AN ORDINANCE REVISING STORMWATER MANAGEMENT, was approved by the Lexington City Council on January 20, 2022. This Ordinance revised stormwater management and the imposition and regulation of a fee structure for this management.

NOTICE: the full text of Ordinance 22-0__ and its attachments are available for public inspection at Lexington City Hall located at 9180 Lexington Avenue, Lexington, MN 55014, during regular office hours.”

PASSED by the City Council of the City of Lexington this 20th day of January, 2022.



Michael Murphy, Mayor

ATTEST:



Bill Petracek, City Administrator

Published in the Quad Press on _____ ##, 2022