

is permissible in yards, courts or driveways of any building site. When pipes are driven, the drive pipe shall be at least one size larger than the pipe to be laid.

Subd. 8. Cover. The minimum cover over building sewer connections shall be 6 feet in order to prevent freezing. Where 6 feet is not practical at the building then 6 feet shall be attained as soon as possible. All such connections must be approved by the Building Official before work commences. Wherever possible the cover shall be maintained by 7 feet.

Subd. 9. Size, Slope, Materials and Placement. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code and other applicable rules and regulations. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

Subd. 10. City Inspection. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the Building Official or his or her designee.

Subd. 11. Barriers and Restoration. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored at the property owner's expense in a manner satisfactory to the Building Official.

SECTION 609.01. STORM WATER DRAINAGE UTILITY.

Subd. 1. Establishment. The City hereby establishes a storm water drainage utility, pursuant to Minnesota Statute § 444.075, from which revenues will be derived subject to the provisions of this Section and Minnesota Statutes. The storm water drainage utility shall be operated as a public utility and will be part of the street, sewer and park department and shall be supervised by the Council.

Subd. 2. Finance. For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging, improving, or in any other manner obtaining the facilities or any portion of them, or administering the City's storm drainage system, the City may issue and sell general or special obligations in accordance with Chapter 475 of the Minnesota Statutes. These obligations may be payable from any of the sources as set forth in Minnesota Statute § 444.075, Subd. 2 which include, but are not limited to, those revenues derived by the utility as set forth below.

Subd. 3. Storm Drainage Utility Fund. There shall be maintained within the City's accounting system a separate fund to be known as "Storm Drainage Utility Fund." All revenues derived by the utility shall be deposited in such fund. Such fund shall be used for the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging, improving, or in any other manner obtaining the facilities or any portion of them, or administering the City's storm drainage system.

Subd. 4. Rates and Charges.

A. Residential Equivalent Factor. Rates and charges for the use and availability of the system shall be determined through the use of a "residential equivalent factor" ("REF"). One REF is defined as a factor assigned to the amount of runoff generated by a typical single family residential parcel (41% Impervious, .4 acre parcel) during a 5 year rainfall event. For the purpose of this Section the number of REF's of a given parcel is defined as the ratio of the average volume of surface water runoff generated by the parcel to the average volume of runoff generated by a typical single family residential parcel. Appendix 1 presents the REF values per acre for any given percentage of impervious area in a parcel. After determining the percentage of impervious area of a parcel, the parcel shall be assigned a corresponding REF using the chart set forth on Appendix 1.

B. Storm Drain Rates: The Council, from time to time, by resolution, shall determine a "Base Storm Drainage Rate" which shall be based upon the financial needs of the Storm Water Drainage Utility System.

C. Calculation of Charges. Storm water drainage charges for parcels of land shall be determined using the following formula:

$$\text{Parcel's REF per Acre} \times \text{Parcel's Acreage} \times \text{Base Storm Drainage Rate} = \text{Parcel's Charges/Month}$$

For the purpose of calculating storm water drainage charges on residential parcels, all developed single family parcels shall be considered to have an acreage of .4 acre with a 41% impervious surface. For the purpose of calculating storm water drainage charges for apartments, duplexes and any other residential parcels containing greater than one living unit, the total REF shall be calculated for the entire unit and divided between the number of units to equal a per unit REF. It is further assumed that the land in Delano is Type B soil based upon the United States Geological Survey and that a five year rainfall event generates 3.6" of rainfall in 24 hours based upon the United States Department of Commerce Weather Bureau T.P. #40.

D. Adjustments. The Council may, by resolution, adopt policies providing for adjustment of the storm water drainage charges for parcels based upon hydrologic data to be supplied by the property owners, which data demonstrates a hydrologic response substantially different from the standards used by the City to establish the REF. Such adjustments of storm water drainage charges shall not be made retroactively.

E. Exemptions. The following land uses are exempt from storm water drainage fees:

1. Public right-of-way;
2. Vacant, unimproved land with sufficient ground cover so as not to create any significant runoff as determined by the City Engineer; and
3. Land owned by the City.

Subd. 5. Payment of Charges.

- A. Statements. Statements for storm water drainage charges shall be computed every month and invoiced as part of the sewer and water utility billing system. Such statements shall be due on or before the 15th day of each month stated on the bill. It shall be the responsibility of the owner, lessee, occupant, or all of them, jointly and severally, to pay the charges as set forth within the statement when due.
- B. Recalculation of Charges. If the owner, lessee, occupant or the person responsible for paying the storm water drainage charges questions the correctness of an invoice for such charges, said person may have the determination of the charge recomputed by the City by written request to the Clerk made within 60 days of mailing of the invoice in question.
- C. Penalty for Late Payment. Each monthly billing for storm water drainage charges not paid on or before the 15th day of the month stated on the billing statement shall incur a penalty charge of 10% of the amount past due.
- D. Establishment of Tax Lien. Any past due storm water drainage charge levied pursuant to this Section shall be a lien against the subject property. Charges more than 30 days past due, having been properly mailed to the occupant or owner of the premises, shall be certified by the Council to the county auditor, shall specify the amount thereof, the description of the premises, the name of the owner thereof, and the amount so certified shall be extended upon the tax rolls against such premises in the same manner as other taxes, and collected by the county treasurer and paid to the City along with other taxes.

SECTION 610.01. SEWER SERVICE CHARGES.

It is the purpose of this Section to recover from users of the City facilities, on an equitable basis, the share of the City facilities' costs attributable to such users, and to provide funds for the operation and maintenance, debt service, replacement and improvements of the City.

Subd. 1. Charges Levied. The user charges provided for in this Section are hereby levied and assessed upon each lot, parcel of land, building or premises having any connection with, or discharging either directly or indirectly into the sewer system.