

**ORDINANCE NO. 1019**

**AN ORDINANCE ESTABLISHING STORM WATER UTILITY SERVICE**

WHEREAS, the City Council for the City of Wahpeton finds that the expenses to operate and maintain a storm sewer system are costs that should be borne by residential and nonresidential properties located within the city.

WHEREAS, the City Council further finds that without proper maintenance and operation of the storm water system, all properties within the city are potentially subject to damage due to local and/or widespread flooding.

BE IT ORDAINED, by the City Council of the City of Wahpeton, North Dakota, that Chapter 44, Article VII, of the Wahpeton City Ordinances be adopted to include:

Chapter 44 – UTILITIES

Article VII. - Storm Sewer Utility Service

Sec. 44-701 – Generally. A monthly storm water service charge shall be collected for each property located within the city.

Sec. 44-702 – Definitions. The following definitions shall apply in the interpretation and enforcement of this Article:

1. Impervious Area is a surface area that repels rainwater and does not permit it to infiltrate the ground. The total square footage of all the impervious surfaces contained within the boundaries of each parcel of land in the city will be determined by the Public Works Director or designee, in conjunction with the city Geographical Information System (GIS), and/or a site plan provided to the city at building permit issuance.
2. Storm water rate is that portion of the expenses which the city council determines is to be charged to a parcel with a specific land use or zoning classification to provide such services as the management and operation of the storm water system as well as the construction, reconstruction, repair, enlargement, maintenance, use and operation of all storm water utility improvements.
3. Storm water service charge is the actual charge imposed against each parcel of land within the city.
4. Residential Equivalent: For the purposes of this ordinance the Residential Equivalent shall mean the average impervious surface area on a medium sized residential lot, which is 3,849 square feet. A medium sized residential lot shall have Residential Equivalent of 1. The total Residential Equivalent is calculated by dividing total

square feet of impervious surface by 3,849 square feet (1 Residential Equivalent).

Sec. 44-703 – Fees. Property within the city shall be assessed a monthly storm water service charge. The amount of the monthly storm water service charge for all properties shall be established by resolution of the city council.

Sec. 44-704 – Collection. The storm water service charge shall be collected from each parcel on a monthly billing. In the event a property does not currently have a sewer and/or water service area connection, but does have impervious surface area, a separate invoice will be generated for the monthly storm water utility fee.

Sec. 44-705 – Calculation. The monthly charge for storm water service shall be calculated by the following formula: (Residential Equivalent) x (storm water service charge rate set by resolution). The storm water service charge shall be calculated on a Residential Equivalent basis.

1. Small Residential Lots with lot area between 0 and 7,000 square feet have a Residential Equivalent of .67.
2. Medium Residential Lots with lot area between 7,001 and 12,000 square feet have a Residential Equivalent of 1.0.
3. Large Residential Lots with lot area greater than 12,001 square feet have a Residential Equivalent of 1.76.
4. The Residential Equivalent for Commercial properties shall be based upon the amount of impervious surface of each property. The Residential Equivalent for commercial property shall be calculated by the following formula: (Impervious Surface Area/Average Impervious Surface for Medium Residential Unit, 3,849 sq. feet = Residential Equivalent for Commercial Properties).

Sec. 44-706 – Exemptions. The following properties are exempt from stormwater service charges:

1. Private and public cemeteries;
2. Street right-of-way;
3. Agricultural lands;
4. Lots with no impervious surface area.

Sec. 44-707 – Review of Storm Water Service Charge.

1. If a property owner responsible for paying the storm water utility fee questions the accuracy of such charge, such person may have the determination of the charge reconsidered by written request to the Public Works Director. The property owner may appeal the decision of the Public Works Director to the City Council by filing notice of such appeal with

the City Auditor within 60 days of the Public Works Director's determination.

Sec. 44-708 – Certification of unpaid charges. The balance of any unpaid storm water service charges shall be certified for collection with real estate taxes in the following tax year.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF WAHPETON

By \_\_\_\_\_  
Steven L. Dale, Mayor

ATTEST:

\_\_\_\_\_  
Darcie E. Huwe  
Finance Director/City Auditor

First Reading:  
Second Reading:  
Adoption: