

PUBLISHED MARCH 25, 2015

OFFICIAL PROCEEDINGS

Excerpt from the minutes of the Duluth City Council meeting held on Monday, March 23, 2015, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

ORDINANCE NO. 10360

AN ORDINANCE AMENDING SECTION 43-67 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO REQUIRE THE PAYMENT OF A FILING FEE WHEN APPEALING THE DENIAL OF A STORMWATER UTILITY FEE ADJUSTMENT BY THE DIRECTOR OF PUBLIC WORKS AND UTILITIES.

The city of Duluth does ordain:

Section 1. That Section 43-67 of the Duluth city code, 1959, as amended, is hereby amended to read as follows:

Sec. 43-67. Utility fee adjustments.

(a) Any person liable for the payment of stormwater utility fees on nonresidential property may, subject to the limitations set forth in the Section, apply to the director for a utility fee adjustment if the person believes the utility fee to be incorrect. The request for adjustment shall be made in writing and shall state, in detail, the grounds upon which relief is sought. The director may require the applicant for relief to submit, at applicant's expense, supplemental information including, but not limited to, survey data certified by a registered land surveyor and engineering reports certified by a registered professional engineer. The director may grant an adjustment if it is found that:

(1) A substantial error was made in the calculation of the impervious area on the nonresidential property;

(2) The stormwater runoff from the property never enters any facility of the stormwater drainage system;

(3) The property is subject to stormwater management practices that significantly improve the quantity or quality of the stormwater runoff from the property;

(b) Adjustments and denials of adjustments shall be made in writing by the director. No adjustment shall be made retroactively, except for initial appeals filed within six months of the effective date of this ordinance;

(c) Any person denied an adjustment by the director may appeal the denial to the city council by filing written notice of appeal with the city clerk within 30 days of receipt of the director's decision and by paying a filing fee in an amount established pursuant to Section 31-8 of this Code. The city council shall hear the appeal and affirm, modify or reverse the decision of the director, applying the standards for granting adjustments set forth in this Section.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: April 24, 2015)

Councilor Julsrud moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Krug, Russ, Sipress and President Larson -- 9

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed March 23, 2015
Approved March 23, 2015
DON NESS, Mayor