

9.0 FEES

9.1 **Policy Findings.** The Board of Managers finds that:

- 9.1.1 When property owners are encouraged to seek permits for potential projects, the public benefits by improving or maintaining water quality and quantity of water resources in the District. Other benefits include reduced inspection and enforcement costs for correcting unpermitted activities in violation of District rules, state and federal clean water laws.;
- 9.1.2 It is in the public interest that land disturbance subject to District rules be inspected and analyzed by District staff to provide the Board of Managers sufficient information to evaluate compliance with District goals and Rules and applicable law. The District's annual tax levy should not be used to pay the cost to monitor private development projects; and
- 9.1.3 From time to time persons perform work requiring a permit from the District without a permit, and persons perform work in violation of an issued District permit. In this case, the cost of engineering inspection and analysis and actions to gain compliance typically exceeds the ordinary cost of monitoring a compliant site. This cost should be borne by the property owner that has not followed required procedures, and not by the District's general taxpayer base.

9.2 Calculation of Fees. As an element of a complete application, the applicant shall submit to the District a permit fee and permit fee deposit that reflects the District's actual costs of permit application review and field inspection of the work, including investigation of the area affected by the work, analysis of the work, services of a consultant, including engineering and legal consultants, and activity performed to monitor and secure compliance with the permit and District rules. The permit fee schedule will be established, and amended from time to time, by resolution of the Board of Managers.

9.3 **Payment of Fees.**

- 9.3.1 The District may notify any person performing work that it finds to be in violation of a District rule or permit. If a permit has not been issued for the work, the person performing the work shall promptly apply for a permit and submit the permit application fee and permit fee deposit.
- 9.3.2 On permit review, the District shall notify the permit applicant of any additional permit fee deposit due. The permit fee deposit shall be paid to the District before the permit will issue.
- 9.3.3 When the District determines that work under a permit has been completed, it will return to the permittee the remaining portion of the permit fee deposit. If the District expends funds in excess of the permit fee deposit, it may invoice the permittee for the excess at any time. The fee shall be paid to the District within thirty (30) days from the date of invoice. Failure to pay the permit fee deposit is a violation of the permit terms and the District may recover the permit fee by any means authorized by law.

9.4 Governmental Agencies Exempt. The fee provided for in this Rule shall not be charged to any agency of the United States or any governmental unit in the State of Minnesota.