

**MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**13. FEES RULE
PURSUANT TO MINNESOTA STATUTES §103D.341**

**Adopted XXX
Effective XXX**

1. FINDINGS. The Board of Managers finds that:

- a. Public awareness of and compliance with the permitting process will be served by a policy of charging a minimal permit application fee. Encouraging applicants to seek permits for potential projects reduces public inspection and enforcement costs.
- b. Large-scale development projects and activities in sensitive locations should be inspected by District staff to provide the Board sufficient information to evaluate compliance with District rules and applicable law.
- c. From time to time persons perform work requiring a District permit, but for which the District has not issued a permit, and persons perform work in violation of an issued District permit. The Board finds that District engineering, inspection and analysis costs in such cases exceed those where the applicant has complied with District requirements. The Board further concludes that watershed property owners subject to the District's annual tax levy should not pay costs incurred because of a failure to meet District requirements. Therefore, the Board adopts a rule charging fees to the responsible persons in such cases.

2. FEES.

- a. The District will charge an applicant an initial permit processing fee in accordance with a fee schedule set, and revised from time to time, by resolution of the Board of Managers to account for the expected processing and initial inspection cost based on the type and extent of the proposed activity and applicable rule requirements. A permit application is not complete and will not be acted on by the District until the permit processing fee is paid. A current fee schedule is found at the District website at www.minnehahacreek.org.
- b. Beyond the initial permit processing fee, a permit applicant is responsible for the District's actual cost to administer and enforce a permit; the actual cost of field inspections or investigations of the area affected by the proposed activity; analysis of the proposed activity; engineering and other technical analysis; legal fees and costs and administrative expenses; and monitoring of permitted activity.
- c. An applicant or permittee will be invoiced for costs incurred by the District beyond the permit processing fee, as enumerated in this section.
- d. In accordance with section 5 of the Enforcement Rule, permittees are liable for enforcement costs incurred by the District, including but not limited to the cost to inspect

and monitor compliance; fees for engineering and other technical analysis; legal fees and costs; and administrative expenses.

- e. An invoice issued in accordance with the provisions of this rule must be paid within thirty (30) days of receipt. Failure to pay a District permitting-fees invoice will constitute a failure to comply with District permit-application requirements or a violation of the terms of an issued permit. The Board of Managers may deny a permit application or revoke a permit based on nonpayment of fees.
3. **RECOVERY OF FEE.** The fees provided for in this rule may be recovered by the District by any legal action authorized by law.
 4. **GOVERNMENTAL AGENCIES EXEMPT.** No permit fee will be charged to an agency of the United States or any governmental unit in the State of Minnesota.

DRAFT