

STORM WATER UTILITY

51.01 Establishment.

The Village of Allouez finds that the management of storm water and other surface water discharge within and beyond the Fox River and East River is a matter that affects the health, safety and welfare of the Village, its citizens and businesses, and others in the surrounding area. Specific requirements have been placed on the Village through the Wisconsin Department of Natural Resources (DNR)'s Regulation 216 requiring the Village improve the quality of storm water discharged to the waters of the State. The Village shall be permitted by the DNR and shall be required to remain in compliance with their permit. This permit includes compliance with the Village's Storm Water Management Plan. Failure to effectively manage storm water affects the sanitary sewer utility operations of the Village by, among other things, increasing the likelihood of infiltration and inflow in the sanitary sewer. In addition, surface water runoff may create erosion of lands, threaten businesses and residences with water damage, and create sedimentation and other environmental damage in the Fox River and East River. Those elements of the system that provide for the collection of and dispose of storm water and regulation of groundwater are of benefit, and provide services to all properties within the Village of Allouez, including property not presently served by the storm elements of the system. The cost of operating and maintaining the Village storm water management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

There is hereby established a Village of Allouez Storm Water Utility. The operation of the Storm Water Utility shall be under the supervision of the Village Board. The Director of Public Works/Engineer shall be in charge of the Storm Water Utility.

51.02 Authority.

The Village, through the Storm Water Utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such real estate and facilities as are deemed by the Village to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, water courses, retaining walls and ponds, detention basins, and such other facilities as will support a storm water management system.

51.03 Definitions.

For the purposes of this Ordinance, the following definitions shall apply: Words used in the singular shall include the plural, and the plural, the singular, words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive. Terms not specifically defined herein shall have the meaning defined in NR 216.002, Wisconsin Administrative Code, and as the same may be amended from time to time, if defined therein; or if not therein defined, shall be construed to have the meaning given by common and ordinary use, as defined in the latest edition of Webster's Dictionary.

- A. DIRECTOR. The term "Director" means the Director of Public Works, or his/her designee.
- B. DEVELOPED PROPERTY. The term "developed property" means the real property that has been altered from its natural state by the addition of any improvements that may include a building, structure, impervious surface, and change in grade or landscaping.

- C. EQUIVALENT RUNOFF UNIT (ERU): The term “ERU” means the statistical average horizontal impervious area of “single family homes” within the Village of Allouez on the date of adoption of this Ordinance. The horizontal impervious area includes, but it is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.
- D. IMPERVIOUS AREA OR IMPERVIOUS SURFACE. The term “impervious area or impervious surface” means areas that have been paved, covered or compacted to inhibit the natural infiltration of water into the soil or cause water to run off the area in greater quantities or at an increased rate of flow from the present under natural conditions as undeveloped property. Such areas may include, but are not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, gravel, athletic courts and compacted surfaces. Excluded from this definition are undisturbed land, lawn and fields.
- E. DUPLEX UNIT. The term “duplex unit” means any residential space identified for habitation by members of the same household attached to only one other residential space or as classified by the Village Building Code.
- F. DWELLING UNIT. The term “dwelling unit” means any residential space identified for habitation by members of the same household or as classified by the Village Building Code. A dwelling unit includes, but is not limited to, all duplexes, apartments, residential condominiums and townhouses living units.
- G. RESIDENTIAL PROPERTY. The term “residential property” means any lot or parcel developed exclusively for residential purposes including, but not limited to, single-family homes, manufactured homes, multi-family apartment buildings and condominiums.
- H. NON-RESIDENTIAL PROPERTY. The term “non-residential property” means any developed lot or parcel not exclusively residential, as defined herein, but not limited to, transient rentals (such as hotels and motels), mobile home park, commercial, industrial, institutional, governmental property and parking lots.
- I. RUNOFF. The term “runoff” means the surface water, including rain and snowmelt, which is inhibited by impervious surfaces from naturally infiltrating into soil.
- J. STORM WATER FACILITIES. The term “storm water facilities” means all constructed facilities or natural features used for collecting, storing and conducting storm water to, through and from drainage areas to the point of final outlet. Storm water facilities collectively constitute a storm water system.
- K. UNDEVELOPED PROPERTY. The term “undeveloped property” means that which has not been altered from its natural state by the addition of any improvements, such as a building, structure, impervious surface, change or grade or landscaping. For new construction, a property shall be considered developed pursuant to this Ordinance at the time of water meter installation or upon review of the actual impervious area by January 1st.

51.04 Rate Charges.

By this Ordinance, the Village Board is establishing the rate charge upon each lot and parcel within the Village of Allouez for services and facilities provided by the Storm Water Utility. The actual charges to be imposed, the establishment of formulas for calculations of the charges, the

establishment of specific customer classifications and any future changes in those rates, formulas, rate charges and customer classifications, may be made by resolution. All rates established pursuant to this Ordinance will be fair and reasonable in accordance with the decision and judgement of the Village Board. The current rates will be on file with the Village Administrator/Clerk/Treasurer.

Rate charges shall be used to share the costs of the Storm Water Utility. These rate charges may include:

- A. BASE CHARGE (BC). The Base Charge may be imposed on all property in the Village. The Base Charge will be designed to reflect the fact that all properties benefit from the storm water management activities of the Village and that all property contribute in some way to the storm water discharge that must be managed by the Village. The BC will be designed to collect the administrative costs of the storm sewer utility and the portion of the capital costs not covered by special assessment. The BC is equal to 0.7 ERU. The BC may be based upon the size of a parcel of property.
- B. EQUIVALENT RUNOFF UNIT CHARGE (ERU). This charge shall be imposed on all property that has any developed impervious area. The ERU will be designed on the basis of a typical residential unit of property. Other units of property will be charged multiples of the ERU, based upon the impervious area contributing to surface water runoff.
- C. SPECIAL CHARGE (SC). This charge may be imposed on property that is in an area specially benefited by a particular storm water management facility. The SC will be developed to reflect the benefits/services in a particular area that may not be appropriate to spread to property throughout the Village. The SC will be calculated on an ERU basis.
- D. The Village Board may make such other and customer classifications as will be likely to provide reasonable and fair distribution of the costs of the Storm Water Utility. In so doing, the Board may provide credits against certain of the charges set forth above for facilities installed and maintained by the property owner for the purpose of lessening the storm water flow from that given property.
- E. The Village of Allouez is hereby appointed as the collection agency for the Village Storm Water Utility. Bills shall be prepared by the Village or its agent and sent to the Owner of each premise served. The Village shall allocate the actual cost of billing and collecting.
- F. The bills for Storm Water Utility charges shall be mailed to the Owner of the property. Bills for water services are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 1 _ percent per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next eight days, service may be disconnected.
- G. PAYMENT; LIEN; PENALTY. Storm water utility charges shall not be payable in installments. Storm water utility charges shall be payable upon receipt, subject to the provisions of this section. If a charge remains unpaid for a period of 20 days after the date of the utility bill, such charge shall become a lien on the property to which it relates as provided in ss. 66.0821(4)(d) and 66.0809(1), Wis. Stats. Delinquent charges shall be automatically extended upon the next available tax roll as a delinquent tax against the

property, and all proceedings relating to the collection, return and sale of property for delinquent real estate taxes shall apply to such charges. Charges remaining unpaid for a period of 20 days or more from the date of the utility bill shall be assessed a late payment charge.

51.05 Customer Classification.

- A. For purposes of imposing the storm water charges, all lots and parcels within the Village are classified into the following six (6) customer classes:
 - 1. Residential – Single-Family.
 - 2. Residential – Duplex.
 - 3. Residential – Multi-Family and Condominium.
 - 4. Non-Residential.
 - 5. Undeveloped.
 - 6. Village Owned.
- B. The Director of Public Works shall prepare a list of lots and parcels within the Village of Allouez, and assign a classification of residential, non-residential or undeveloped to each lot or parcel.
- C. The average square footage of impervious area of the ERU is established to be equivalent to 3,663 square feet.
- D. The charges imposed for single-family residential properties shall be the rate for one ERU.
- E. The charges imposed for duplex residential properties shall be the rate for 0.6 of one ERU per each individual dwelling unit existing on the property (ERU rate multiplied by the number of dwelling units).
- F. The charges imposed for multi-family and condominium residential properties shall be the same as non-residential properties (refer to Section 51.08)
- G. No charges shall be imposed for Village-owned property.
- H. The charges imposed for non-residential properties, as defined herein, shall be the rate for one (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU. The factor shall be rounded down to the nearest 1/10th, i.e.:

$$\frac{(\text{ERU Rate}) (\text{Impervious Area in Square Feet})}{3,663 \text{ square feet}}$$

$$\text{e.g. } \frac{10,000 \text{ square feet}}{3,663 \text{ square feet}} = 2.6 \text{ (ERU Rate)}$$

- I. The Director of Public Works shall be responsible for determining the impervious area, based upon the best available information, including, but not limited to, data supplied by the Building Inspector, aerial photography, the Property Owner, Tenant or Developer. The Director of Public Works may require additional information, as necessary, to make the determination. The billing amount shall be updated by the Director of Public Works on any additions to the impervious area. Upon Property Owner's written notification and request, the Director of Public Works shall review impervious area for possible reductions.
- J. The minimum charges for any developed parcel shall be equal to the BC rate.

51.06 New Construction.

The Owner shall also be liable for storm water charges under this Ordinance for the improvement from the date of water meter installation or upon review of the actual impervious area by January 1st.

51.07 Method of Appeal.

- A. The Storm Water Utility charge may be appealed, as follows:
 - 1. A written challenge to the storm water charge must be filed with the Director of Public Works on behalf of the customer, specifying all bases for the challenge and the amount of the storm water charge the customer asserts is appropriate. Failure to file a challenge within 30-days of payment waives all right to later challenge the charge. The Director will forward these documents to the Administrator/Clerk/Treasurer.
- B. A property owner not satisfied with the Director of Public Works' decision can appeal to the Village Board for their review and action.
- C. Following review by the Director of Public Works and the Administrator/Clerk/Treasurer, the Village Board will determine whether the storm water charge is fair and reasonable, or whether a refund is due the customer. The Village Board may act with or without a hearing, and will inform the customer in writing of its decision.
- D. If the Village Board determines that a refund is due the customer, the refund will be applied as a credit on the customer's next storm water billing, if the refund will not exceed the customer's next storm water billing or will be refunded at the discretion of the Village Board without interest.
- E. Credit Policy. The Village of Allouez Storm Water Utility has established a Credit Policy for residential (multi-family/condominium) and non-residential property. The Policy is on file in the Village offices.

51.08 Alternative method to collect storm water charges.

The Village Board hereby finds and determines that the storm water utility charges established under this chapter reasonably reflect the services rendered to property and may be, and are hereby authorized to be levied and imposed on property as a special charge pursuant to s.66.0627, Wis. Stats., in addition to other provisions of law. The mailing of the bill for stormwater utility charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of s. 66.0627, Wis. Stats.

The Village may provide notice each October and any unpaid charges to the storm water utility and such charges, if not paid by November 15, may be placed on the tax roll in accordance with s. 66.0627, Wis. Stats. The collection method provided in this section is in addition to the collection method provided for in Section 51.04.

51.09 Budget Excess Revenues.

The Storm Water Utility finances shall be accounted for in a separate Storm Water Management Fund by the Village. The Utility shall prepare an annual budget, which is to include all operation and maintenance costs, administrative costs, depreciation costs, debt service and other costs related to the operation of the Storm Water Utility. The budget is subject to approval by the Village Board. The costs shall be spread over the rate classifications as determined by the Board. Any excess of revenues over expenditures in a year will be retained by the Storm Water Management Fund for subsequent years' needs.