

CHAPTER 10

STORM WATER UTILITY

10.01 PURPOSE

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Town to collect charges from all users of the Town storm water collection system. The proceeds of such charges will be used to fund the management of its storm water system of the Town to include reinvestment in the maintenance and improvement of existing infrastructures, and other improvements to the system that will reduce urban non-point source pollution in storm water run-off consistent with federal and state regulations.

10.02 DEFINITIONS

Unless the ordinance specifically indicates otherwise, the meaning of terms used in this section shall be as follows:

- (a) "Developed Property" means real property which has been altered from its natural state by the addition of any improvements, such as a building, structure or impervious surface.
- (b) "Dwelling Unit" means a single unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (c) "Equivalent Run-Off Unit (ERU)" means the statistical average amount of horizontal impervious area per single family property of all "single family properties" within the Town on the date of adoption of this ordinance. One ERU has been calculated to be an average of 6,642 sq. ft. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, and sidewalks.
- (d) "Extension and Replacement" means all costs of extension, addition, and capital improvements to the system, the renewal and replacement of capital assets or purchase and installation of new equipment for the system, or land acquisition for the system, or any related costs thereto, or payment for extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance.
- (e) "Fiscal Year" means a twelve (12) month period commencing on the first day of January of any year.
- (f) "Impervious Area" or "Impervious Surface" means a horizontal surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, semi-impervious

surfaces such as compacted clay, gravel, as well as streets, roofs, sidewalks, parking lots, and other similar surfaces.

- (g) "Mobile Home" means a single residential unit (mobile home) within a mobile home park.
- (h) "Multifamily" means a residential property with two (2) or more dwelling units.
- (i) "Nonresidential" means any developed property not used, primarily, as a permanent residence, such as a commercial, industrial property or an institutional property (schools, churches, hospitals, fraternal organizations, parks, municipal facilities, etc).
- (j) "Operating Budget" means estimated revenues and the estimated costs for operations and maintenance, extension, and replacement of the system for each fiscal year.
- (k) "Operation and Maintenance" means the current expenses, paid or accrued, of operation, maintenance, and current repair of the system, as calculated in accordance with sound accounting practice and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be in accordance with sound accounting practice.
- (l) "Rate" means the user fee charged on each ERU. The rate is determined by the Town Board for each fiscal year.
- (m) "Revenues" mean all rates, fees, assessments, rentals, fines or other charges or other income received by the Town in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account, as herein required, and any amounts contributed by the Town, all as calculated in accordance with sound accounting practices.
- (n) "Single Family" or "Single Family Property" means a residential property with exactly one (1) dwelling unit.
- (o) "Storm Water System" or "System" means the existing storm water collection system of the Town and all improvements thereto which by this section are constituted as the property and responsibility of the Town to be operated as an enterprise to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

- (p) "Town" means the Town of Lisbon, Town Board means the Town Board of the Town.
- (q) "Undeveloped Land" means any real property with no impervious area.
- (r) "User Fee" means the charge established by the Town Board on developed property in the Town to pay for operations and maintenance, and extension and replacement for the storm water system.

10.03 DISPOSITION OF REVENUE

- (a) The user fees hereunder shall generate adequate annual revenues to pay costs for the operation, maintenance, and capital improvements to the Town storm water system.
- (b) The Town shall establish a storm water utility fund and account for all the revenues and expenses in this fund.
- (c) Fiscal year end balances in the fund shall be carried over to the same fund in the subsequent fiscal year. Moneys which have been transferred from other sources to meet temporary shortages in the storm water utility fund shall be returned to their respective accounts upon appropriated adjustment of the user fee rates. The user fee rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

10.04 USER FEES AND RATES

- (a) User Fee. The Town Board shall require that adequate revenues are generated through user fees to provide for a balanced operating budget. The Town Board hereby authorizes the imposition of user fees on all developed property in the Town.
- (b) Rates. The Town Board will establish rates for each fiscal year. All rates established by the Town Board will be fair and reasonable and calculated to achieve a balanced operating budget for the system. Current rates will be on file in the office of the Town Clerk and Town Treasurer.

- (c) Rate Schedule. For purposes of the imposition of the user fee, the developed property in the Town shall be divided into four (4) classes, which shall be called "customer classes". The rate within each customer class shall be uniform. The rate schedule is as follows:

<u>Customer Class</u>	<u>Storm Water Charge</u>
Single family	1 ERU
Multifamily	1 ERU for each 6642 sq. ft. of Impervious Area
<u>Number of Dwelling Units</u>	
Nonresidential	1 ERU for each 6642 sq. ft. of Impervious Area;
Undeveloped Lands	No Charge

- (d) Minimum charge. The minimum ERU calculations for any customer other than undeveloped properties shall be not less than the rate of 1/2 of one ERU.
- (e) New construction. For all classifications other than single-family residential, the construction of new or expanded buildings, driveways or other structures shall be subject to an increase in the number of ERUs assigned to a lot or parcel. The Town shall recalculate the number of ERUs upon completion of new construction

10.05 BILLING AND PAYMENT

The user fee is a special charge to be billed on the taxpayers' tax bill. The special charge is due by January 31 of the each year.

10.06 LIEN

All user fees established hereunder shall be a lien upon the property served pursuant to sections 66.076 (7) and 66.069 of the Wisconsin Statutes and shall be collected in the manner therein provided.

10.07 ESTABLISHMENT OF RATE SCHEDULE

The Town Board shall set the ERU Rate by Separate Resolution.

10.08 CREDIT POLICY

The Town board shall adopt a system of stormwater utility credits and shall operate as follows. In general, no credit shall be given for the installation of storm water management facilities required by the Town, Waukesha County, or State Storm Water Regulations.

- (a) Non-residential properties which are not covered by the Post Construction Runoff Ordinance which take mitigating steps to improve the quality of stormwater discharge by implementing best management practices that reduce the average annual loading of total suspended solids from existing development by 40 percent or more and are designed and/or implemented in accordance with current Wisconsin Department of Natural Resources guidelines and have

maintenance agreements in place with the Town of Lisbon for the best management practice as applicable, may be eligible for a reduction of the annual user fee for that portion of the impervious area treated by best management practices. The reduction shall be determined on a case by case basis up to a maximum 50 % reduction.

- (b) Non-residential properties or portions of properties with impervious surface areas that are internally drained may be eligible for a reduction of the annual user fee. The reduction shall be determined on a case by case basis up to a maximum 50% reduction.
- (c) No credit shall be considered for structural or nonstructural best management practices that are required in order to comply with any local, state, or federal regulation including but not necessarily limited to the Town of Lisbon Stormwater Management Ordinance, and state regulations such as NR 216, Chapter 30 and NR 103.
- (d) No credits shall be considered for any "natural" features such as but not limited to wetlands, lakes and floodplains or water impoundment of any kind in existence prior to passage of this Ordinance.

10.09 ADJUSTMENT OF FEES AND APPEAL PROCEDURE

- (a) Requests for Adjustment. Requests for adjustment of the user fee shall be submitted to the Town Administrator, who is hereby given the authority to develop and administer the procedures and standards for the adjustment of fees as established herein. All requests shall be judged on the basis of the amount of impervious area on the site. Requests for adjustment shall be limited to non-residential properties owners. However, the Town retains the right to grant storm water user fee credits to individual properties within the Town that exhibit benefits to the storm water management system. The following procedure shall apply to all adjustment requests of the user fee.
 - (i) Any non-residential customer who has paid a user fee and believes the user fee to be incorrect, may, within thirty (30) days of the payment and subject to the limitations set forth in this section, submit an adjustment request of the Town Administrator.
 - (ii) Adjustment requests shall be in writing and set forth in detail, the grounds upon which relief is sought.
 - (iii) The customer requesting the adjustments may be required, at his own expense, to provide supplemental information to the Town Administrator, including, but not limited to, survey data approved by a Registered Land Surveyor (R.L.S.) and engineering reports approved by a Professional Engineer (P.E.). Failure to provide such information may result in the denial of the adjustments request.

(iv) The Town Administrator shall issue a written determination as to whether the request for adjustment shall be granted. For adjustments that are granted, a credit shall be applied to the customer's account. The credit shall only apply for the period of time subsequent to the filing of the request for adjustment. There shall be no retroactive adjustment for fees collected prior to the filing of the request. Denials of adjustment requests shall be made, in writing, by the Town Administrator.

(b) Appeal Procedure.

(i) Upon receipt of the written denial of an adjustment request, the customer who initially requested the adjustment may, within thirty (30) days of receipt of such denial, appeal to the Town Board.

(ii) The Town Board shall complete its review within forty-five (45) days of the receipt of said request for review. The Town Board determination shall be in writing and set forth in detail, the reason or reasons for its decision.

(iii) In reviewing denials of adjustment requests, the Town Board shall apply the standard and review criteria contained in subsection (a) of this section.

10.10 PUBLIC SERVICE COMMISSION COMPLAINT

Notwithstanding subsection (8), any user may file a complaint with Public Service Commission claiming that rates, rules and practices herein are unreasonable or unjustly discriminatory pursuant to State Statutes 66.076(9), Wis. Stats.

REVISIONS TO MASTER CODE			
SECTION	R&R / CREATED	ORD WHICH UPDATED IT	UPDATED ON DATE