

**Chapter 24 STORMWATER MANAGEMENT(Cr. #3257)**

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**24.01 FINDINGS AND NECESSITY.**

The City of Beloit finds that the management of stormwater and other surface water discharge within and beyond the Rock River is a matter that affects the health, safety and welfare of the City, its citizens and businesses. Stormwater affects the sanitary sewer utility operations of the City by, among other things, increasing the likelihood of infiltration and inflow in the sanitary sewer. In addition, surface water runoff may foster erosion, threaten businesses and residences with water damage and create sedimentation and other environmental injury to the City's waterways. A system which provides for the collection of and disposal of stormwater benefits and provides services to all property within the City of Beloit. The cost of operating and maintaining the City stormwater management system and financing necessary repairs, replacements, improvements and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom. In addition, the Common Council finds that the provisions herein are required by and consistent with the Federal Clean Water Act (33 U.S.C.S. 1251 et seq.) and §62.234, Wis. Stats., both as amended from time to time, the regulations set out thereunder and the WPDES permit issued to the City by the State of Wisconsin Department of Natural Resources. In order to protect the health, safety and welfare of the public, the Common Council exercises its authority under Chs. 62 and 66, Wis. Stats., to establish a Stormwater Utility and set the rates for stormwater management services.

**24.02 ESTABLISHMENT OF STORMWATER UTILITY.**

There is hereby established a City of Beloit Stormwater Utility. The Public Works Director shall be in charge of the day-to-day operation of the Stormwater Utility, subject to the supervision of the City Manager and Common Council.

**24.03 AUTHORITY.**

The City may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities as are deemed by the City to be proper and reasonably necessary for its Stormwater Utility. Such facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls and ponds and such other facilities as will support a stormwater management system.

**24.04 DEFINITIONS.**

Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the

latest edition of Webster's Dictionary.

- (1) CITY. "City" means the City of Beloit.
- (2) COMMON COUNCIL. "Common Council" means the Common Council of the City of Beloit or designee.
- (3) CONDOMINIUM. "Condominium" means property subject to a condominium declaration established under Ch. 703, Wis. Stats.
- (4) PUBLIC WORKS DIRECTOR. "Public Works Director" means the duly appointed Public Works Director or designee.
- (5) DUPLEX STRUCTURE. "Duplex structure" means any residential space intended for one dwelling unit attached to only one other dwelling unit or as classified by the City's Property Maintenance or Zoning Codes.
- (6) DWELLING UNIT. "Dwelling unit" means that part of a residential building intended for occupancy by a single-family unit or as classified by the City's Property Maintenance or Zoning Codes.
- (7) IMPERVIOUS AREA OR IMPERVIOUS SURFACE. These terms mean a horizontal surface that 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 or gravel, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.
- (8) MULTIFAMILY STRUCTURE. "Multifamily structure" means any structure comprised of 3 or more dwelling units.
- (9) NONRESIDENTIAL PROPERTY. "Nonresidential property" means any developed lot or parcel not exclusively residential as defined herein, including, but not limited to, transient rentals (such as hotels and motels), commercial, industrial, institutional, governmental property and parking lots.
- (10) SINGLE-FAMILY STRUCTURE. "Single-family structure" means a single-family home intended for occupancy by a single-family unit as identified in the City's Property Maintenance or Zoning Codes.
- (11) SINGLE-FAMILY UNIT (SFU). "SFU" means the statistical average horizontal impervious area of single-family structures within the City on the date of adoption of this chapter. The horizontal impervious area includes, but is not limited to all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.
- (12) UNDEVELOPED PROPERTY. "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 of grade or landscaping. For new construction, a property shall be considered developed pursuant to this chapter (a) upon issuance of a Certificate of Occupancy, or upon completion of construction or final inspection if no such certificate is issued, or (b) where construction is at least 50 percent complete and construction is substantially halted for a period of 3 months.

#### **24.05 RATES, RATE CHARGES AND IMPLEMENTATION DATE.**

(1) By this chapter, the Common Council hereby establishes that a rate charge shall be imposed upon all real property within the City of Beloit for services and facilities provided by the Stormwater Utility. The actual rate to be imposed and any future changes in those rates based upon the rate charges provided for herein shall be as determined by Resolution of the Common Council. All rates established pursuant to resolution shall be kept on file by the City Clerk. The City Treasurer shall implement the rate and rate charges established herein effective January 1, 2007, and shall adjust the rates from time to time as provided for by Common Council resolution. Rate charges shall include:

(a) Single-Family Unit Charge (SFU Charge) . An SFU charge shall be imposed on all property in the City made subject to such charges herein. The formula for the SFU Charge shall reflect that of a typical single-family unit. Other units of property will be charged multiples of the SFU based on the impervious area contributing to surface water runoff.

1. The average square footage of impervious area of SFU is hereby established to be equivalent to 3,347 square feet.
2. The charge imposed for a single-family structure shall be the rate for one SFU.
3. The charge imposed for duplex residential properties shall be the rate of one SFU for each individual dwelling unit existing on the property.

4. The charge imposed for 3 or 4 unit residential - multifamily properties shall be the rate of 0.7 of one SFU for each individual dwelling unit existing on the property. (SFU rate multiplied by the number of dwelling units.)
5. The charge imposed for 5 or more unit residential - multifamily properties shall be the rate of 0.5 of one SFU for each individual dwelling unit existing on the property.
6. The charge imposed for nonresidential properties as defined herein shall be the rate of one SFU, multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property by the square footage of one SFU. The factor shall be rounded down to the nearest 0.1, i.e.

## TABLE INSET:

	Impervious area
SFU rate x	_____
	SFU (3,347 square feet)

7. The charge imposed for residential condominiums shall be the applicable residential rate based upon the number of dwelling units as provided in subparagraphs 2. through 5. of this subsection (1)(a) and the rate for commercial condominiums shall be as provided for nonresidential properties in subparagraph 6. of this subsection (1)(a).
8. There shall be no charge imposed for agricultural or undeveloped properties.
9. The Public Works Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Public Works Director may require additional information as necessary to make the determination.
10. The minimum charges for any nonresidential parcel shall be equal to the rate for one SFU.
11. All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.
12. Any properties containing both residential and nonresidential uses in the same structure shall be subject to both the residential and nonresidential rates determined hereunder; provided, however, that the total monthly fee shall not exceed the calculation of total SFU's as provided for in subparagraph 6. of this subsection (1)(a).

(b) Credit . The Public Works Director may provide for a credit or system of credits against charges for facilities installed and maintained by property owners for the purpose of limiting stormwater flow from the subject property.

(2) The City's Treasury Division shall take all steps necessary to invoice all charges and collect all stormwater utility payments for the City Stormwater Utility.

(3) Stormwater Utility charges shall be allocated to the property served and included on the monthly utility bill for such property. Billings for stormwater utility charges shall be mailed to owners of record for tax-exempt property.

## 24.06 CUSTOMER CLASSIFICATION.

(1) For purposes of imposing the stormwater utility charges, all lots and parcels within the City are initially classified into the following 8 [7] customer classes:

- (a) Residential - Single-Family.
- (b) Residential - Duplex.
- (c) Residential - Multifamily Units (3 or 4 units).
- (d) Residential - Multifamily Units (5 or more units).
- (e) Nonresidential.

- (f) Agricultural.
- (g) Undeveloped.

(2) The Public Works Director shall prepare a list of lots and parcels within the City and assign such appropriate classification to each lot or parcel.

#### **24.07 NEW CONSTRUCTION.**

(1) Except for single-family structures, a property owner shall be responsible for submitting a stormwater utility service application at the time a building permit application is submitted or a site plan review is conducted, whichever occurs sooner. The application shall be made on a form prescribed by the City and provided with each application for a building permit or application for site plan review. No building permit shall be issued until such application is submitted and approved by the Public Works Director.

(2) The property owner shall be liable for all stormwater charges attributable to such property from the date of commencement of construction.

#### **24.08 METHOD OF APPEAL.**

(1) The stormwater utility charge may be appealed as follows:

(a) Appeals shall be limited to the customer classification determination made for an individual property under §24.06 herein and the calculation of total impervious area for nonresidential properties made under §24.05(a)(6) herein. An appeal shall be filed within 30 days of the due date of the initial billing establishing customer classification or the impervious area calculation; provided, however, should any property be reclassified or recalculated, an additional period of appeal, as provided for herein, shall be allowed. There shall be no right of appeal as to the underlying findings and necessity of this ordinance or the single-family unit charge as applied to any single-family, duplex or residential - multifamily properties.

(b) Within 30 days of the billing due date, a written appeal to the stormwater charge must be filed with the Public Works Director on behalf of the property owner, specifying the reason for challenge. Failure to file an appeal within 30 days of the billing due date shall be deemed a waiver of appeal by the property owner.

(c) The Public Works Director shall issue a written decision within 30 days from filing and mail the decision to the appellant thereafter.

(d) The decision of the Public Works Director shall be final unless challenged through the Municipal Administrative Appeal Procedure set out in §1.15 of the Code of General Ordinances for the City of Beloit.

(e) No other appeals, other than as specifically provided herein, shall be allowed.

#### **24.09 SPECIAL CHARGE AUTHORITY.**

The charges established hereunder reasonably reflect costs of current services rendered and the benefits conferred on property and therefore may be charged against the property accordingly. The City Treasurer shall bill all property owners subject to stormwater utility rate charges on a monthly basis. The City Treasurer shall be responsible to collect payments for stormwater utility services. Delinquent stormwater rate charges for customers in the City, together with penalties, shall be taxed and collected in the manner provided in §§66.0809 and 66.0627, Wis. Stats. All delinquent charges shall be subject to 10 percent penalty in addition to any other charges, interest or penalties imposed if such delinquent special charge is extended upon the tax roll. In addition to or in lieu of this method of collection, the City may initiate a civil action against the user for recovery of unpaid delinquent water service charges and penalties.

#### **24.10 BUDGET EXCESS REVENUES.**

The stormwater utility finances shall be accounted for in a separate Stormwater Enterprise Fund established by the

City. The utility shall prepare an annual budget, subject to approval by the Common Council, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the stormwater utility. Any excess of revenues over expenditures in a year will be retained by the Stormwater Enterprise Fund for subsequent years' needs.

#### **24.11 SEVERABILITY.**

In the event any section, subsection, clause, phrase or portion of this chapter is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this chapter. It is the legislative intent of the Common Council that this chapter would have been adopted if such illegal provision had not been included or any illegal application had not been made.

#### **24.12 REPEAL.**

All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed.