



CITY OF BELOIT
STORMSEWER UTILITY
ADJUSTMENT AND CREDIT POLICY

2-19-2007

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Section 1 - Introduction

The City of Beloit established a Stormwater Management Utility on November 6, 2006, pursuant to WI Stats 62.234, with the passage of Ordinance No. 3257 (**Appendix A**). The utility provides the City with the authorization to establish and collect just and equitable rates, fees, and charges for the services and facilities provided by the utility system.

The City's Stormwater Management Utility establishes a mechanism for billing the costs of operating and maintaining the City's stormwater management system, and financing the necessary repairs, replacements, improvements, and extensions. The City's ordinance provides the mechanisms for billing and payment, accounting for capital contributions, and establishing the Stormwater Utility Fund. This Adjustment and Credit Policy outlines the guidelines under which the City will grant adjustments and credits to stormwater user fees.

1.1 Definitions

The following definitions shall apply in the use of this Adjustment and Credit Policy. 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. 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.

ACCELERATED WATER EROSION. The wearing away of the land surface by stormwater runoff, or snow melt water, occurring at a much more rapid rate than geologic or normal erosion, primarily as a result of denuding the land and/or altering its slope.

AGRICULTURAL LANDS. Those lands utilized for any agricultural use, including forestry.

APPLICANT. Any person, or a duly designated representative applying for a permit or other type of city, federal, or state regulatory approval to proceed with a project.

APPROVING AGENCY. The approving agency shall be the Department of Public Works, City of Beloit, WI

AQUIFER. An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store, or yield usable quantities of water.

AS-BUILT PLANS. The final plans amended to include all locations, dimensions, elevations, capacities, features and capabilities, as actually constructed and installed.

BEST MANAGEMENT PRACTICES (BMP). Programs, technologies, processes, site layout techniques and criteria, operating methods, measures, or devices that control, prevent, remove, or reduce pollution.

BILLING PERIOD. Means the service period identified on the utility bill. Each account will be billed monthly for the service period. Developed property that receives City of Beloit water, sewer or other services will be billed monthly. Developed property that does not receive City of Beloit water, sewer or other services will also be billed monthly.

BONDS. Means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction of the system.

CHANNEL. A natural stream that conveys water. A ditch, or passageway, excavated to permit or accommodate the flow of water.

CITY. The City of Beloit, WI and its authorized agents.

CITY ENGINEER. A professional engineer designated by and representing the City of Beloit, WI or such engineer's authorized designee.

CITY MANAGER. Means the City Manager of the City of Beloit, or the City Manager's designee.

CLEARING. The removal of trees, brush, and other ground cover from all or a part of a tract of land, but shall not include mowing.

COMMON COUNCIL. Means the Common Council of the City of Beloit or designee.

COMPENSATING STORAGE. Equivalent floodplain storage provided to counterbalance floodplain filling.

CONDOMINIUM. Means property subject to a condominium declaration established under Ch.703, Wis. Stats.

CONCENTRATED STORM RUNOFF. Surface runoff that converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels, or storm sewers and which exceeds the maximum specified flow rates of filters or perimeter controls intended to produce or control sheet flow.

COST OF CONSTRUCTION. Means costs reasonably incurred in connection with providing capital improvements to the Stormwater System or any portion thereof, including, but not limited to, the costs of the following:

- (1) Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore;
- (2) Physical construction, installation and testing, including the costs of labor, services materials, supplies and construction services used in connection therewith;
- (3) Architectural, engineering, legal and other professional services;
- (4) Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation;
- (5) Any taxes or other charges which become due during construction;
- (6) Expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
- (7) Principal and interest of any bonds; and
- (8) Miscellaneous expenses incidental thereto.

COUNTY. Rock County, W I.

CUSTOMER. Means the owner of a property and any person occupying or using the property or a portion of the property that has impervious areas.

DETENTION or TO DETAIN. The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by providing temporary on-site storage.

DEVELOPMENT or DEVELOPMENT ACTIVITY. The alteration, construction, installation, demolition or removal of a structure, impervious surface, pipe, conduit, cable or line, above or below ground, or the clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

DIRECTLY CONNECTED IMPERVIOUS AREAS. Those impervious areas which are directly connected to the City’s drainage system by a ditch, storm sewer, channel, or other man-made device for the conveyance of stormwater runoff.

DISCHARGE. The flow of water from a project, site, aquifer, drainage basin, or other drainage facility.

DITCH. An artificial waterway for the purpose of irrigation or for stormwater conveyance.

DRAINAGE FACILITY. Any component of a stormwater management system.

DRAINAGE SYSTEM. All facilities used for the movement of stormwater through and from a drainage area including, but not limited to, any and all of the following:

conduits, pipes and culverts, including appurtenant features such as catch basins, inlets, manholes, and headwalls, channels, ditches, flumes, curbs, streets and other paved areas, and all watercourses, standing or flowing bodies of water, and wetlands. While some such facilities may be isolated in a given storm event, all are interconnected in a given drainage system for a storm event exceeding a certain magnitude.

DUPLEX STRUCTURES. Means any residential space intended for a dwelling unit attached to only one other dwelling unit or as classified by the City’s Property Maintenance Code or Zoning Codes.

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.

EASEMENT. A grant by a property owner for a specified use of all or a specified portion of land to a person or the public at large.

ENGINEERING DIVISION. Means the Engineering Division of the Department of Public Works of the City of Beloit (also referred to as the Division).

EROSION. The wearing or washing away of soil by the action of water.

FACILITIES. Various drainage works that may include inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

FEMA. Federal Emergency Management Agency.

FISCAL YEAR. Means a 12-month period commencing on January 1, and ending on December 31 of the succeeding year.

FOREBAYS. Areas with hardened bottoms, located at detention basin inlets, that are designed to trap coarse sediment particles by separating approximately ten percent of the basin volume from the remainder of the basin with a lateral sill, rock-filled gabions, a retaining wall, or horizontal rock filters.

FREQUENCY YEAR STORM. A rainfall event expressed as an exceedence probability with a specified chance of being equaled or exceeded in any given year, as follows:

One Year.....	100 percent
Two Year.....	50 percent
Ten Year.....	10 percent
Twenty-Five Year.....	4 percent
Fifty Year.....	2 percent
One-Hundred Year.....	1 percent

GROUNDWATER. Water below the surface of the ground, in known or defined natural channels, whether flowing or not.

HOA. Homeowners Association.

HYDROGRAPH. A graph of inflow and/or discharge versus time for a selected point in the drainage system.

IMPERVIOUS SURFACE OR AREA. A surface which has been compacted or covered with a layer of material so that it is resistant to infiltration by water, including semi-pervious surfaces such as compacted clay, most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces.

INSPECTOR. A person designated by the City Engineer who conducts the necessary inspection of stormwater related work to ensure conformance with the Approved Plan and the provisions of this chapter.

INTENSITY. The depth of accumulated rainfall per unit of time.

MAINTENANCE. The action taken to protect, preserve, or restore the as-built, functionality of any facility or system.

MULTIFAMILY STRUCTURE. Means any structure comprised of 3 or more dwelling units.

MUNICIPAL PROPERTY. Property or facilities owned by the City of Beloit.

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.

NOTICE. A written or printed communication conveying information or warning.

OPEN CHANNEL. An uncovered ditch, channel, or swale used to convey stormwater runoff.

OWNER. The person in whom the fee, ownership, dominion, or title of property (i.e., the proprietor) is vested. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

OPERATING BUDGET. Means the annual operating budget for the Stormwater Management Utility adopted by the City Council for a fiscal year.

OPERATIONS AND MAINTENANCE EXPENSE. Means the current expenses, paid or accrued, for operation, maintenance and current repair of the Stormwater System, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including record keeping, 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 expected to be incurred in accordance with the sound accounting practice.

PARCEL or PARCEL OF LAND. A tract, or contiguous tracts, of land in the possession of, owned by, or recorded as property of the same claimant person as of the effective date of the Stormwater Regulations.

PEAK RATE OF FLOW. The maximum rate of discharge resulting from a given storm event.

PERMITTEE. Any person who has been granted a permit to proceed with a project.

PERSON. Any individual, firm corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common business interest, or any other legal entity.

POSITIVE OUTLET. A gravity discharge from a basin via overland flow, artificial waterway, natural waterway, or pipe.

POST-DEVELOPMENT. The hydrologic and hydraulic condition of a project site immediately following completion of the development for which a permit has been applied.

PRE-DEVELOPMENT. The hydrologic and hydraulic condition of a project site immediately before development or construction begins.

PRIVATE. Property or facilities owned by individuals, firms, entities, corporations, and other organizations and not by local, state or federal governments.

PROFESSIONAL ENGINEER. A professional engineer licensed by the State of Wisconsin, skilled in the practice of civil engineering and the engineer of record for the project under consideration.

PUBLIC. Property or facilities owned by local, state or federal governments.

PUBLIC WORKS DIRECTOR. Means the Public Works Director of the City of Beloit, or the Public Works Director's designee.

RAINFALL INTENSITY. The depth of accumulated rainfall per unit of time.

RATE. Volume of water, or other material, per unit of time.

RECEIVING WATERS or WATER BODY. Any water body, watercourse, or wetland into which surface water flows.

RESIDENTIAL DEVELOPED PROPERTY. Means any lot or parcel developed exclusively for residential purposes including, but not limited to, single-family homes, manufactured homes, multifamily, apartment buildings, and condominiums.

RETENTION or TO RETAIN. The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by complete on-site storage.

REVENUES. Means all rates, fees, assessments, rentals or other charges or other income received by the Utility, 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 and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

SEDIMENT. Solid material, whether mineral or organic, that is in suspension, is being transported, or has been moved from its place of origin by water.

SEDIMENT CONTROL DEVICE. Any structure or area that is designed to hold runoff water until suspended sediment has settled out.

SINGLE FAMILY STRUCTURE. Means a single-family home intended for the occupancy by a single-family unit as identified in the City's Property Maintenance or Zoning Codes.

SINGLE FAMILY RESIDENTIAL UNITS (SFU). Means the statistical average horizontal impervious area of single-family structures within the City on the date of adoption of the Stormwater Ordinance. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, and sidewalks.

SITE. Any tract, lot, or parcel of land or contiguous combination of tracts, lots, or parcels of land that is in one ownership, or contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.

STORM EVENT. A storm of a specific duration, intensity, and frequency.

STORMWATER OR RUNOFF. Refers to the flow of water which results from, and which occurs during and following a rainfall event.

STORMWATER DESIGN STANDARDS. The design standards presented in the Stormwater Regulations, and such other standards that may be adopted by the City from time to time.

SITE STORMWATER MANAGEMENT PLAN. Refers to the approved, detailed analysis, design, and drawings of the stormwater management system required for all construction.

STORMWATER MANAGEMENT SYSTEM OR FACILITIES. Refers to the existing, designed, and/or constructed features which collect, convey, channel, store, inhibit, or divert the movement of stormwater.

STORMWATER MANAGEMENT PLAN. The technical and policy manuals, plans, regulations and/or calculations, and any subsequent updates or amendments thereto, used by the City Engineer to administer the stormwater regulations.

STORMWATER USER FEE. Means fee established to pay the cost of administration, operation and maintenance, debt service, cost of construction for capital improvements, planning and engineering, and all other costs incurred by the City in operating the System.

STORMWATER USER FEE FUND. Means the enterprise fund created to operate, maintain, and improve the System.

STRUCTURE. Anything constructed or installed with a fixed location on or in the ground.

SUBGRADE. The top elevation of graded and compacted earth underlying roadway pavement.

SWALE. An artificial or natural waterway which may contain contiguous areas of standing or flowing water following a rainfall event. A swale may be planted with or otherwise contain vegetation suitable for soil stabilization, stormwater re-treatment, and/or nutrient uptake; or may be designed to accommodate or account for soil erodibility, soil percolation, slope, slope length, and contributing area, so as to prevent erosion and reduce the pollutant concentration of any discharge.

UTILITY. The stormwater management utility provided for in Ordinance No. 3257 (Stormwater Management, Appendix A).

VACANT IMPROVED LAND. A lot or parcel of land that is without any building, structure or improvement, including impervious surfaces, but does not include recreation, green or open space created around private or public facilities nor parcels connected or contiguous thereto for the same or similar uses.

WATER BODY. Any natural or artificial pond, lake, reservoir, or other area that ordinarily or intermittently contains water, and which has a discernible shoreline.

WATERCOURSE. Any natural or artificial stream, creek, channel, ditch, canal, waterway, gully, ravine, or wash in which water flows either continuously or intermittently, and which has a definite channel, bed, or banks.

WATER QUALITY. Those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological or radiological integrity of water.

WATER QUANTITY. Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.

WET DETENTION. A detention basin that contains a permanent pool of water that will retain runoff for a minimum period of 14 days for an average rainfall summer, and which has a littoral zone over a substantial portion of the pond surface area.

WETLAND. An area that is inundated or saturated by surface or groundwater with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WORKS. All artificial, man made structures, including, but not limited to, canals, ditches, swales, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters of the state.

WATERSHED. Drainage area contributing stormwater runoff to a single point.

Section 2 – User Fee Adjustment and Credits

The following procedure addresses both adjustments and credits of Stormwater user fees. The City grants user fee adjustments when customers identify incorrect information contained in the City's billing database. Adjustments typically occur when the City has incorrectly delineated the impervious area within a nonresidential property, or when residential customers are assigned more than one stormwater billing unit.

User Fee Credits are associated with the construction, operation, and maintenance of privately owned stormwater facilities that provide beneficial use to the City. Both residential and nonresidential customers can qualify for user fee adjustments; whereas only nonresidential customers and private property homeowner's associations (HOAs) qualify for user fee credits. **Appendix B** contains Stormwater Utility adjustment application forms that are used as part of the adjustment and credit policy.

The City Engineer, or designee, will review adjustment and credit requests made during the first 30 days after the billing due date that the stormwater user fee is imposed and when customers implement a change to their existing stormwater facility. These requests will be reviewed within a 30 day period from the date of filing of the request.

2.1 User Fee Adjustments

Requests for adjustment of the stormwater user fee shall be submitted through the City Engineer, or designee, who shall be given authority to administer the procedures and standards, and review criteria 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.

The following procedures shall apply to all adjustment requests of the stormwater user fee:

- Any owner who believes the Single Family Residential Unit (SFU) component of his/her stormwater user fee to be incorrect, may submit an adjustment request on a form supplied by the City Engineer, or designee. Residential SFU Adjustment Application or a Nonresidential SFU Adjustment Application.
- The first step in the adjustment process will be a review of the City's calculation of the impervious area. If resolution is not achieved, the City may request the customer to provide supplemental information to the City Engineer including, but not limited to, survey data prepared by a Wisconsin registered Professional Land Surveyor that presents the amount of impervious area and compacted gravel area on a parcel and/or engineering reports prepared by a Wisconsin registered Professional Engineer (P.E.). Failure to provide such information may result in the denial of the adjustment request.
- The City Engineer, or designee, shall respond in writing to all adjustment requests. The response shall provide an explanation of adjustment approval or denial as well as requests for additional information.

Adjustment denials may be appealed to the Public Works Director, or designee, as presented in Section 2.3.

2.1.1 Additional Stormwater Adjustments

In addition to the requirements presented above, adjustments may also be given when an owner meets any of the following requirements:

- Owner demonstrates rainfall that occurs on an impervious area does not generate runoff (has no outlet), is completely watertight, and has at least 18 inches of freeboard. This adjustment is for unusual structures, such as swimming pools, hazardous material storage areas, etc. For these specific cases, a customer's SFUs will be adjusted by removing from the SFU calculation the amount of impervious area that does not generate runoff.
- Owner demonstrates that on-site gravel is not compacted, not used for vehicular traffic, and not impervious. The City may grant adjustments for non-compacted gravel areas used for landscaping or other purposes. The City considers all compacted gravel areas (drives, storage areas, etc.) as impervious areas, and as such, no adjustment will be granted. The City Engineer will make the decision regarding the intended purpose of gravel areas.

2.2 User Fee Credits

Nonresidential customers and private property HOAs may qualify for user fee credits when they can demonstrate that their existing or proposed stormwater facilities provide the City with a cost savings that the City otherwise would incur as part of their efforts to manage stormwater. The amount of reduction will be determined by the City on a case-by-case basis.

Credit requests must be applied for in writing by the property owner using Non-Residential Credit Application form and submitted to the City Engineer, or designee. To receive the credit, the property owner must supply to the City the following:

1. Site plan and as-built construction drawings (signed and sealed by a licensed surveyor or engineer) at an appropriate scale, showing the site, topographic details, overland flow paths, all stormwater facilities, and surrounding area;
2. If water quality credits are requested, design calculations must be submitted for the existing or proposed stormwater facilities. The calculations shall document the design criteria for the facilities and indicate the facility's efficiency or ability to remove both suspended solids and dissolved pollutants.
3. If water quantity credits are requested, design calculations must be submitted for the existing or proposed stormwater facilities. Design calculations shall be based upon hydrologic and hydraulic methodologies approved by the City that accurately describe the runoff and conveyance through the site;
4. Topographic map outlining the size of the drainage area upstream of the developed property;
5. Detailed floodplain and floodway information of the site, if it exists;

6. A detailed report that clearly describes how the stormwater facility functions for design storm events for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year frequency storm events;
7. A proposed maintenance schedule submitted by the property owner that describes in detail the maintenance activities for the stormwater facility.

In cases where the City Engineer or designee documents that conditions exist to warrant a credit or adjustment per the policy the above requirements may be waived or changed. Credit denials may be appealed to the Public Works Director, or designee, as presented in Section 2.3

2.2.1 User Fee Credit Components

Credits will be awarded for only those activities for which the City incurs costs as part of their current stormwater management program. Nonresidential customers and private property homeowner's associations (HOAs) that perform these activities and provide the City with a cost savings will be eligible for credits. The amount of credit will be proportional to the costs that the City typically incurs for these activities. Utility customers will not be eligible for credits associated with activities that cannot be performed by the City's customer base. These activities include the administration of the utility, stormwater planning and management, and regulatory permitting, which currently comprises approximately ten (10) percent of the City's stormwater program budget; therefore, the maximum user fee credit is limited to 90 percent. The City will grant credits to nonresidential customers and private property HOAs that construct, operate, and maintain stormwater facilities that address water quality and/or water quantity. To be eligible for credits, stormwater facilities must be designed and constructed to specifications exceeding City requirements (see Section 2.2.1.2 below for more detail).

2.2.1.1 Water Quality Credits

Nonresidential customers and private property HOAs may receive credits for structural best management practices (BMPs) that provide stormwater quality enhancement. The City currently incurs operation and maintenance and capital costs associated with water quality components of the City's stormwater system. Nonresidential customers and private property HOAs provide the City with cost savings by constructing new or retrofitting existing stormwater facilities to improve the quality of the City's receiving streams. Customers who apply for credits must provide supporting documentation that their existing or proposed facilities are properly designed to provide pollution reduction. This criterion exceeds the City's current design requirements and provides the City with reduced stormwater management costs associated with lower capital costs. Structural BMPs that are eligible for credits include, but are not limited to the following:

- Vegetated Swales and Filter Strips,
- Infiltration and Percolation Basins,
- Percolation Trenches,
- Buffer Strips and Swales,
- Porous Pavement,
- Extended (Dry) Detention Basins,
- Retention (Wet) Ponds,
- Constructed Wetlands, and

- Media Filtration.

Customers requesting a water quality credit must submit documentation that their facilities meet the design requirements outlined in Chapter 5 of the Urban Runoff Quality Management – WEF Manual of Practice No. 23.

2.2.1.2 Water Quantity Credits

The City's design standards require that stormwater facilities manage the runoff generated from the property's developed area. To qualify for water quantity credits, nonresidential customers and private property HOAs must demonstrate that their existing/proposed facilities manage stormwater generated from their immediate property and from additional upstream drainage areas. This criterion exceeds the City's current design requirements and provides the City with reduced stormwater management costs associated with lower capital costs. Structural best management practices (BMPs) that are eligible for credits include, but are not limited to, the following:

- Stormwater Detention Basins
- Stormwater Retention Basins
- Storm Sewers
- Storm Culverts
- Stormwater Channels

2.2.1.3 Local & System-Wide Stormwater Facilities

User fee credits will be proportional to the savings provided to the City by the customer's stormwater facility. The savings provided by each privately owned facility will depend upon the upstream drainage area of each stormwater facility. Stormwater facilities are subdivided into two classifications, local and system-wide facilities.

Privately owned stormwater facilities that assist the City in managing system-wide storm flows will qualify for a greater credit than facilities that only manage local flows. Local stormwater facilities are defined as facilities that manage storm flow from upstream drainage areas larger than the nonresidential property, but less than or equal to 0.25 square mile. System-wide facilities manage storm flow from upstream drainage areas larger than the nonresidential property and exceed 0.25 square mile in area.

Situations may occur in which a utility customer receives drainage from an upstream area less than 0.25 square mile but implements a stormwater facility that provides direct benefit to the City, resulting in a measurable stormwater cost savings such as the elimination or reduced need to construct storm sewers or detention/retention facilities. These special circumstances may be eligible for the system-wide credit and will be evaluated by the City on a case-by-case basis.

2.2.1.4 Stormwater Discharge Outside City Limits

Nonresidential utility customers and private property HOAs with property that has stormwater facilities that in no part drains through the City of Beloit or to waters that are managed by other governmental agencies shall be eligible for the entire water

quantity credit. The City does not incur costs associated with managing the quantity of runoff from these properties; therefore, credits are allowed for this category of properties. Customers eligible for this credit must complete and submit Non-Residential Credit Application.

Under the City's National Pollution Discharge Elimination (NPDES) permit, the City is responsible for managing the pollution generated from the City; therefore, utility customers must operate and maintain a water quality facility to obtain water quality related credits.

2.2.1.5 NPDES Industrial Stormwater Permit Credit

The Wisconsin Department of Natural Resources, on behalf of the USEPA, requires certain types of industry to obtain and comply with an NPDES Industrial Stormwater Permit to manage and monitor stormwater runoff from industrial sites. When an NPDES Stormwater Permit issued to a nonresidential customer requires the specified industry to conduct water quality monitoring, they may be eligible for a maximum of an additional 5% Credit, if:

- a. Water quality testing results are consistently at least 10% below their permit required discharge limits during each sampling event,
- b. Copies of the water quality test results are provided to the City when they are submitted to the DNR, and
- c. Industry is in compliance with all permit requirements.

2.2.1.6 Education Credit

Those schools, public or private, wishing to receive Fee Credit for educating students and employees in the area of water quality awareness and protection must agree to the following minimum standards:

- a. Devote two hours per half year (four hours annually) to educating one grade level of students (or split between two grade levels) about water quality awareness and protection. Educational institutions will be required to submit programs or agendas to the City for environmental education sessions that will include information concerning number of attendees, time(s), place(s), and topic(s) covered during each session. Pre- and post-session surveys are recommended. Topics must rotate on at least an annual basis, or become part of the curriculum for the same grade level each year.
- b. Devote fifteen minutes per quarter (or an hour annually) to educating employees about water quality awareness and protection. Additionally, provide basic stormwater management information to new employees. Topics must rotate on at least an annual basis.

- c. Post stormwater and water quality-specific educational information obtained from the City, state/federal environmental agencies, or from any other reputable educational resource center, in student and employee frequented areas. Information posted must be clearly visible. Topics must rotate on at least an annual basis. Provide copies of posted materials to the City.
- d. Distribute stormwater and water quality-specific literature obtained from the City, state/federal environmental agencies, or any other reputable educational resource center, to target students and all employees on an annual basis and provide copies to the City with the annual self-report. Topics must rotate on at least an annual basis.

Credit range for this category is 10 to 15%.

2.2.1.7 Credit Table

The City has developed credit classifications for various stormwater facilities and/or management practices implemented by nonresidential customers and/or private property HOAs. The classifications are listed in **Table 1** and are divided into water quality and quantity credits for both local and system-wide facilities. Nonresidential and private property HOA customers can apply for a combination of credits.

**Table 1
Nonresidential Credit Classifications
City of Beloit, Wisconsin**

	Water Quality Credit	Water Quantity Credit
A. Operation & Maintenance (O&M)		
1. Local Component ≤ 0.25 square mile	9	18
2. System Component > 0.25 square mile	12	35
O&M SUBTOTAL	21	53
B. Capital Improvement Projects (CIPs)		
1. System Repair/Replacement - Local Component ≤ 0.25 square mile	0	0
2. System Repair / Replacement - System Component > 0.25 square mile	0	0
3. Stormwater CIPs - Local Component ≤ 0.25 square mile	0	0
4. Stormwater CIPs - System Component > 0.25 square mile	4	12
CIPs SUBTOTAL	4	12
TOTAL MAXIMUM CREDIT	25	65

Example No. 1: A commercial property designed has a water quantity facility, is fed by an upstream area of 0.2 square miles, discharges to a stream within the City limits. This customer may be eligible for the following credits, providing that the facility exceeds the City’s design and maintenance requirements:

Credit Item Percent

Water Quantity -	Local - O&M 18% Water Quantity
	System - O&M 0% Water Quantity
	Local - Capital 0% Water Quantity
	System - Capital 0% Water Quantity
Total	18%

Example No. 2: An industrial property contains an extended detention basin designed to remove influent suspended solids. The basin receives flow from both the immediate property’s impervious areas (parking lot and building) as well as industrial facilities immediately adjacent to the customer’s property. The total upstream drainage area is less than 0.25 square miles and the facility discharges to a stream located outside the City. This customer may be eligible for the following credits, provided that the facility exceeds the City’s design and maintenance requirements:

Credit Item Percent

Water Quality BMPs - Local - O&M	9%
Discharge Outside City - (18+35+12)	65%
Total	74%

2.2.2 Applicability

2.2.2.1 Stormwater Facility Design Criteria (1-year Credit)

Recognizing that the City’s stormwater requirements have evolved over the past three decades, the City, during the utility’s first year of operation, will grant stormwater credits to nonresidential customers who successfully prove that their existing stormwater facilities met the design criteria established by the City during the time of the facility’s construction. This applies to existing stormwater facilities that do not currently meet the City’s stormwater design criteria, but met the City’s design criteria at the time of construction. These customers will be eligible to receive, for the utility’s first year, appropriate credit amounts outlined in Table 1. It is the responsibility of each nonresidential customer to provide the proper documentation for this credit. This policy provision is valid only during the first year of utility implementation. To continue receiving credits beyond the first year, customers must provide documentation that their existing stormwater facilities have been modified/expanded to exceed the City’s current stormwater management design standards.

2.2.2.2 Stormwater Facility Operation & Maintenance

Nonresidential customers and private property HOAs that receive credit for performing operation/maintenance activities on an existing stormwater facility must also demonstrate to the City that the facility is properly maintained. Customers shall maintain the facilities to the standards established by the City, shall document all operation/maintenance activities, and shall provide the City with an operation and maintenance report on an annual basis. This information must be submitted to the City Engineer, or designee, by July 1st of each year. Failure to do so will result in revocation of a credit until such time that the customer demonstrates to the City Engineer, or designee, that the stormwater facility(ies) in question is/are being maintained consistent with City requirements.

2.3 Appeals

Any person disagreeing with the interpretation or application of a provision in this manual, or the related laws or ordinances pertaining to stormwater management, may appeal in writing by using Stormwater Utility Appeal Application. The form should be submitted to the Office of the City Engineer for a written interpretation or ruling of that particular dispute.

When the City Engineer has rendered a written interpretation or ruling on the dispute, the person shall be allowed 30 calendar days (from the date of the receipt of interpretation or ruling) within which to file an appeal with the Office of the Public Works Director.

As part of the appeal submittal, the utility customer shall submit the following:

- 1) the interpretation, ruling, or order requesting appeal form; and
- 2) the provisions of the City Code or related laws or ordinances. The complainant shall also state, specifically where the interpretation, ruling or order is in error or dispute. If the appeal is based on a request for an adjustment or credit, the petition shall specify the provision(s) from which the adjustment or credit is sought, and how the request otherwise satisfies, and does not significantly conflict with the other requirements of this manual and the applicable City Codified Ordinances.

The Office of the Public Works Director shall complete the review of the appeal within 60 days of receipt of said request for review. The Public Works Director's determination on the review shall be in writing and set forth, in detail, the reasons for the decision.

APPENDIX A

Chapter 24 STORMWATER MANAGEMENT(Cr. #3257)
 TABLE INSET:

24.01	Findings and Necessity
24.02	Establishment of Stormwater Utility
24.03	Authority
24.04	Definitions
24.05	Rates, Rate Charges and Implementation Date
24.06	Customer Classification
24.07	New Construction
24.08	Method of Appeal
24.09	Special Charge Authority
24.10	Budget Excess Revenues
24.11	Severability
24.12	Repeal

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.

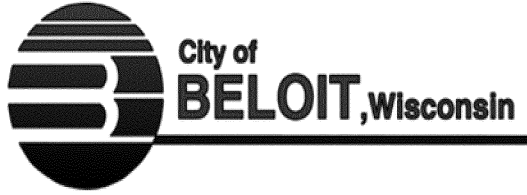
24.11 SEVERABILITY.

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.

APPENDIX B



City Engineer
100 State Street BELOIT, WI 53511
Office: 608/364-6690 Fax: 608/364-6609
<http://www.ci.beloit.wi.us>

CITY OF BELOIT
Department of Public Works
Stormwater Utility
RESIDENTIAL SFU ADJUSTMENT APPLICATION

Date of Application: _____ **Account number:** _____
Applicant's name: _____ **Phone:** _____
Address: _____
City/State/Zip: _____

Account address if different than above: _____

TYPE OF RESIDENTIAL UNIT:

_____ Single Family _____ Duplex _____ Condominium
_____ Apartment _____ Multi- Family _____ Other _____

REASON FOR SFU ADJUSTMENT:

_____ Single family home, condominium, or single apartment is being billed more than 1 SFU

_____ Duplex unit being billed more than 2 SFU's

_____ Apartment of multi-family complex is being billed more SFU's than the number of units in complex.

Number of SFU's being billed _____

Number of Units in complex _____

_____ Other _____

Applicant's signature: _____ Date: _____

City use only

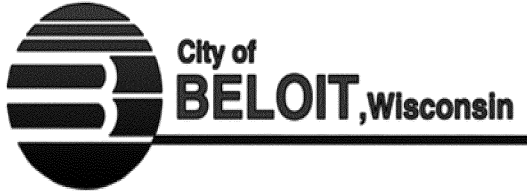
Application approved

Application not approved

City Engineer

Date

Comments



City Engineer
100 State Street BELOIT, WI 53511
Office: 608/364-6690 Fax: 608/364-6609
http://www.ci.beloit.wi.us

CITY OF BELOIT
Department of Public Works
Stormwater Utility
NON-RESIDENTIAL SFU ADJUSTMENT APPLICATION

Date of Application: Account number:
Applicant's name: Phone:
Business Address:
City/State/Zip:

Billed Number of SFU's

REASON FOR SFU ADJUSTMENT:
(check correct reason)

- Condition 1: Incorrect amount of impervious area
Condition 2: Gravel areas not used for regular vehicular traffic (ingress/egress or parking) calculated as impervious area on utility bill.
Other

If condition 1 is checked, complete the following:

If Condition 2 is checked, complete the following:

Property Impervious Area (Sq.Ft.)

Non-vehicular Gravel Area (Sq.Ft.)

Revised Number of SFU's

Revised Number of SFU's

[Revised Number of SFU's = Property's impervious area divided by 3,447 Sq.Ft.]

[Revised number of SFU's = Billed number of SFU's- (non-vehicular gravel area divided by 3,447 Sq.Ft.)]

Applicant's signature: Date:

City use only

Application approved [] Application not approved []

City Engineer Date

Comments

Four horizontal lines for entering comments.

