

Chapter 56

Storm Water Utility

56.01 Findings and necessity. The village board finds that the management of storm water and other surface water discharge within and beyond the village of Lake Delton is a matter that affects the villages' health, safety and welfare, its citizens and businesses and others in the surrounding area. Failure to effectively manage storm water affects the village's sanitary sewer utility operations by, among other things, increasing the possibility of infiltration and inflow to the sanitary sewer. In addition, surface water runoff may erode lands, threaten businesses and residences with water damage and create sedimentation and other environmental damage in Lake Delton. In order to protect the health, safety and welfare of the public, the village board is exercising its authority to establish a storm water utility and set the rates for storm water management services. The village is acting under the authority of Chapters 61 and 66 of the Wisconsin statutes, and particularly s. 61.34, 61.36, 61.39, 66.066, 66.069 and 66.076.

56.02. Storm water utility established. There is hereby established a village of Lake Delton storm water utility, to operate as part of the village's sanitary sewer operations. The village board has responsibility to operate the storm water utility and may delegate the particular aspects of operating the utility to the storm water utility committee, as it deems appropriate. The public works department will oversee the storm water utility.

56.03 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 facilities as the village deems proper and reasonably necessary for a storm and surface water management system. These 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 storm water management system.

56.04 Rates and customer classes.

1. By this section, the village board is establishing the initial rate classifications. All improved property shall be classified either as residential or commercial property in accordance with its use. The monthly charges shall be based upon the impervious area of each property. All residential property with single-family or two-family dwellings shall be assigned one residential equivalent unit (REU). Each residential equivalent unit is equal to 1,685 square feet of impervious area. All improved commercial and multi-family property shall be allocated REUs based upon the following formula:

$$\text{REU} = \text{total square feet of impervious area} / 1,685$$

The REU allocated to each commercial and multi-family property is set forth on Schedule A attached hereto.

The charges to be imposed pursuant to these rate classifications, the establishment of formulas for calculations of the charges, the establishment of specific customer classes and any future changes in those rates, formulas, rate classifications and customer classes, may be made by resolution or ordinance. All rates established pursuant to this section will be fair and reasonable.

2. The village building inspector is to maintain and update this schedule. Each application for a building permit shall provide the total impervious area of the property. The village building inspector shall verify the information provided and assign the appropriate REUs to the property. The village building inspector shall notify the village storm water utility of the REU allocation to the property.

56.05 Storm water utility fees.

1. The storm water utility fees shall be comprised of the *Base Charge*, which shall be sufficient to collect the administrative and maintenance costs of the storm water utility operations; and the *Capital Improvements Charge*, which shall be sufficient to collect the capital costs of the storm water utility.

2. The board may make such other rate 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 charges set forth above for facilities installed and maintained by the property owner.

3. The storm water utility charges shall be established by the Village Board by resolution.

4. The charges established hereunder will be billed to property owners as part of the combined municipal sewer and water bill as sent to the property owner. Separate bills will be sent to any property not taking service from the sanitary sewer or water utility. Failure to pay the charges when due may result in the charges being assessed as a lien against the property pursuant to s. 66.0809, Wis. Stats.

56.06 Method of review.

1. As a condition precedent to challenging any storm water utility charge, the charge must be paid under protest to the village.

2. Within 30 days of payment, a written challenge to the storm water utility charge must be filed with the village clerk on behalf of the customer, specifying all bases for the challenge and the amount of the storm utility charge the customer asserts is appropriate. Failure to file a challenge within 30 days of payment waives all right to later challenge the charge.

3. The storm water utility committee shall conduct a hearing within 30 days of receiving the written challenge to determine whether the storm water charge is fair and reasonable, whether an adjustment to the utility charges or a refund is due the customer. In reviewing a challenge to the storm water utility charge, the storm water utility committee, or the village board on appeal, shall consider that reductions in charges may be granted for specific properties when it is determined that such property makes effective provision within the property for storm water management resulting in meaningful reduction in the village's storm water utility costs. The storm water utility committee shall inform the customer in writing of its decision within 10 days.

4. The customer has 30 days from the decision of the storm water utility committee to file a written appeal to the full village board.

5. If the village board or the storm water utility committee determines a refund is due to the customer, the refund will be applied as a credit on the customer's next year's storm water bill. If the village board or storm water utility committee determines an adjustment to the REUs is appropriate it shall adjust the REU allocation accordingly

56.06 Special assessment authority. In addition to any other method for collecting the charges established pursuant to this section for storm water utility costs the village board finds these charges may be levied on property as a special assessment pursuant to s. 66.0627, Wis. Stats. The charges established hereunder reasonably reflect the benefits conferred on property and may be assessed as special charges. Mailing the bill for such charges to the owner will serve as notice to the owner that failure to pay the charges when due may result in them being assessed pursuant to the authority of s. 66.0627, Wis. Stats. In addition, the village may provide notice each October of any unpaid charges to the storm water utility which charges, if not paid by October 15, may be placed upon the tax roll under s. 66.0627, Wis. Stats.

56.07 Budget; excess revenues. The village shall separately account for the storm water utility finances. The storm water utility committee shall prepare an annual budget, which is to include all operation and maintenance costs, costs of borrowing and other costs related to operating the storm water utility. The budget is subject to the village board's approval. The costs shall be spread over the rate classifications as the board determines. Any excess of revenues over expenditures in a year will be deposited into a storm water maintenance fund, which will be used to defray the costs of capital improvements or to retire debt.