

## CHAPTER 6

### Stormwater Utility Rates and Regulations

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#### SEC. 5-6-1 PURPOSE AND NECESSITY; AUTHORIZATION.

The Board of Trustees for the Village of Prairie du Sac ("Village") finds that the management of stormwater and other surface water discharges within and beyond the Wisconsin River and other bodies of water adjacent to the Village is a matter that affects the health, safety and welfare of the Village, its citizens and businesses and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the Village by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, streams and other bodies of water within and adjacent to the Village. A system for the collection and disposal of stormwater provides services to all properties within the Village and surrounding areas, including those properties not currently served by the system. The cost of operating and maintaining the Village stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Village Board hereby exercises its authority to establish a stormwater utility and establish the rates for stormwater management services. In promulgating the regulations contained in this chapter, the Village is acting pursuant to authority granted by chapters 61 and 66 of the Wisconsin Statutes, including, but not limited to, sections 61.34, 61.36, 61.39, 66.0809, 66.0811, 66.0821.

#### SEC. 5-6-2 CREATION.

There is hereby established a stormwater utility in the Village of Prairie du Sac. Operation of the stormwater utility shall be under the supervision of the Public Works/Utilities Committee of the Village Board.

#### SEC. 5-6-3 AUTHORITY.

The Village acting through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and refinance such facilities, operations and activities, as are deemed by the Village to be proper and reasonably necessary for a system of storm and surface water management. These facilities include sewers,

water courses, retaining walls, ponds, streets, roads, ditches and such other facilities as will support a stormwater management system.

SEC. 5-6-4      RATES AND CHARGES.

- (a) The basis for computation of the charge for stormwater services to lots and parcels of land within the Village is established under this section. The amount of charge to be imposed, the establishment of formulas for the calculation of charges, any revisions to such charges and customer classifications may be made by resolution adopted by the Village Board. All charges established pursuant to this chapter shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the office of the Village Clerk.
- (b) Charges shall be imposed to recover all or a portion of the costs of the stormwater utility. Such charges may include the following components:
  - (1) Base charge. A charge may be imposed on all property in the Village. The base charge is established in recognition of the fact that all properties in the Village receive services from the stormwater management activities of the Village and that all property contributes to some degree to the stormwater discharge that must be managed by the Village. The base charge shall include administrative costs of the stormwater utility and may include water quality costs, costs associated with DNR or EPA requirements, other costs which are not recovered through the operation and maintenance and/or capital and debit service components.
  - (2) Operation & Maintenance Charge (O & M). This component shall include the utility's estimated annual operating and maintenance costs, including labor, equipment, supplies needed for maintenance and operation of all stormwater facilities, leaf collection, street sweeping, and miscellaneous costs.
  - (3) Capital & Debt Service Charge (C & DS). This component shall include all costs associated with issuance and payment of long term debt incurred by the utility or by the General Fund on behalf of the Utility for capital improvements to the storm sewer system.

SEC. 5-6-5      BILLING.

Bills for stormwater utility charges shall be mailed to the recipient designated by the owner of the property to which the bill relates, provided that such mailing shall not relieve the owner of rental property from liability for the charges in the event payment is not made. The owner of any property which is occupied by tenants shall have the right to examine the appropriate records of the utility to determine whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which the records are kept during normal business hours.

SEC. 5-6-6      PAYMENT; LIEN; PENALTY

Stormwater utility charges shall be payable upon receipt subject to the provisions applicable for payment of municipal utility charges. Stormwater utility charges shall not be payable in installments. If a charge remains unpaid for a period of 20 days after the date of the utility bill said bill shall be deemed delinquent. Such delinquent charge shall be subject to a late payment penalty. Said penalty shall be 3% of the amount due but shall not exceed 1% per month (12% per annum). Delinquent charges not paid within sixty (60) days or more of bill due date or delinquent as of October 15 shall be levied as a special assessment against the real property, shall become a lien thereon, and placed on the tax roll subject to the provisions of Section 5-6-9.

SEC. 5-6-7      NEW CONSTRUCTION.

A property owner shall be responsible for submitting a stormwater utility service application at the time a building permit is issued or a site plan review is conducted. The application shall be made on a form prescribed by the Village and provided with each application for a building permit or application for site plan review. Failure to submit such stormwater utility service application or providing false information on such from shall result in the withholding or suspension of the building permit. Commencing construction prior to submittal of the stormwater application shall be a violation of this chapter.

SEC. 5-6-8      APPEAL.

- (a) A stormwater utility charge may be appealed to the Public Works/Utilities Committee. An appeal can be undertaken by filing a written appeal with the Village Clerk prior to the due date of the charge or within 30 days of payments. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount of charge that the appellant considers being appropriate. Failure to appeal within 30 days of payment shall deprive the Public Works/Utilities Committee of jurisdiction to hear the appeal.
- (b) In considering an appeal, the Public Works/Utilities Committee shall determine whether the stormwater utility charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Public Works/Utilities Committee shall conduct a formal or informal hearing and obtain sufficient facts upon which to make a determination. The decision of the Public Works/Utilities Committee shall be based upon the evidence presented to it. The Public Works/Utilities Committee shall notify the appellant in writing of its determination.
- (c) Pursuant to Sec. 66.0821(5), Wis. Stats., complaints relating to rates may be made to the Public Service Commission.

SEC. 5-6-9      SPECIAL ASSESSMENT OF DELINQUENT STORMWATER CHARGES.

The Village Board hereby finds and determines that the stormwater utility charges established under this chapter reasonably reflect the services rendered to property and may be, and are hereby authorized to be levied and imposed on property as a special charge pursuant to s.66.0627, Wis. Stats., Section 5-4-6 of the Village Code and other provisions of law. The mailing of the bill for stormwater utility charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of s.66.0627, Wis. Stats. The Village may provide notice each October of any unpaid charges to the stormwater utility and such charges, if not paid by November 15, may be placed in the tax roll in accordance with s. 66.0627, Wis. Stats.

SEC. 5-6-10      PENALTY.

A person violating Section 5-6-7 shall, upon conviction, pay forfeiture not to exceed \$500 for each offense, in addition to the costs of prosecution, which are allowed by law. Each day during which a violation exists shall constitute a separate offense.