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ARTICLE I. - IN GENERAL

Sec. 34-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cross connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the village water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

PSC means the state public service commission.

(Prior Code, § 5.04(1))

Sec. 34-2. Sewer and water house connections.

- (a) Any building used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of such systems extend within 100 feet of the centerline of a road in which there is a water or sewer main, shall be connected thereto within ten days after written notice is given to the owner or occupant.
- (b) If any such building is not connected within ten days, the village shall cause such connection to be made and the expense shall be assessed as a special tax against the property as provided by Wis. Stats. § 281.45. No such building hereafter constructed shall be used or occupied until such connection is made.
- (c) No privies, septic tanks, or other private means of disposal of excreta or sewage shall be permitted within the village except that on site soil absorption septic systems may be granted by special permit granted by the village board. No permit shall be granted for any property located as required by village regulations. No permit shall be granted in any other area unless the applicant shall show to the satisfaction of the village board that:
 - (1) It is not possible to obtain connection to a public sewer;
 - (2) The parcel of land upon which the system is to be located is of sufficient size and the soils are of such types that all effluent which can reasonably be expected to be generated from the building located thereon or proposed to be located thereon will be fully absorbed by the soils; and
 - (3) The system and the installation of the system will meet all standards established by state statutes and rules and any applicable ordinances.

(Prior Code, § 5.06(1)—(4))

Sec. 34-3. Holding tank board.

Notwithstanding any other provision of this Code, the installation and use of holding tanks for new construction or existing buildings shall be allowed by permit issued at the discretion of the holding tank board. The holding tank board shall consist of the plumbing inspector, engineer, and a village trustee selected by the village president. In determining whether to issue such a permit, the holding tank board

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shall be governed by the provisions of Wis. Admin. Code § SPS 383.21. Any appeal from a decision of the holding tank board shall be directed to the full village board for decision. Such appeal must be made within 30 days following denial of the request by the holding tank board.

(Prior Code, § 5.06(5))

Secs. 34-4—34-24. Reserved.

ARTICLE II. - WATER

DIVISION 1. - GENERALLY

Sec. 34-25. Management.

The village board shall be the governing board of the village water utility.

(Prior Code, § 5.01)

Sec. 34-26. Water rates.

The village water utility shall charge those water rates established by the public service commission (PSC).

(Prior Code, § 5.02(1))

Sec. 34-27. Billing, late charges, collections.

- (a) The village water utility shall render bills, apply late payment charges, and pursue payment as allowed by the PSC.
- (b) Bills for metered and unmetered water service are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of one percent per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applied to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next ten days, service may be disconnected pursuant to Wis. Admin. Code ch. PSC 185.
- (c) The village water utility shall comply with the requirements of Wis. Stats. § 66.0809(3) and give notice on October 15 in each year to the owner or occupant of all lots or parcels of real estate to which water has been furnished prior to October 1 and payment for which is owed and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the department and this section.
- (d) The department shall add to all bills remaining unpaid on November 1 following service of the notice a penalty equal to ten percent of the amount of such arrears. Unless such arrears, with any applied penalty, are paid by November 15 thereafter, the same shall be levied as a tax against the lot or parcel of real estate to which water was furnished and for which payment is delinquent.
- (e) The village adopts as a part of this section the relevant portions of Wis. Stats. § 66.0809 for the purpose of carrying out the provisions of this section.

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(Prior Code, § 5.02(2))

State Law reference— Municipal public utility charges, Wis. Stats. § 66.0809.

Sec. 34-28. Operating rules adopted.

The Suggested Water Utility Operating Rules for Small Municipal Water Utilities, published by the PSC, a copy of which is on file in the office of the village clerk, is adopted, as provided by commission order.

(Prior Code, § 5.02(3))

Sec. 34-29. Meters.

No person shall disconnect or remove any water meter from the place where the same has been installed by the water utility without first obtaining the consent of the water utility.

(Prior Code, § 5.02(4))

Sec. 34-30. Standby charges.

Any lot fronting on a road in which there is a village water main and which has a building thereon used for human habitation which is not connected to the village water system shall pay an annual standby charge in the amount provided in the village fee schedule to be billed and paid the third quarter of each year.

(Prior Code, § 5.02(5))

Sec. 34-31. Water restrictions.

The village board shall have the power to declare water emergencies within the territorial limits of the village and, upon such determination by the board of such an emergency, may limit the usage of water within the village for such period until lifting of such restriction upon the conclusion of the emergency. Notice shall be given village residents by any appropriate method.

(Prior Code, § 5.05)

Secs. 34-32—34-50. Reserved.

DIVISION 2. - EXTENSION OF WATER SERVICES

Sec. 34-51. Hookup permit required; penalties for unauthorized use of water.

- (a) No person shall take water from a village water main until a water meter is installed except as specifically permitted by the village water utility rules. No person shall tap or connect to a water main owned or served by the village until he shall have obtained a permit from the water utility.
- (b) Application for a permit to tap or connect to a water main shall be filed with the water utility. A fee equal to the average village cost incident to the making of such tap and extension of service shall be

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determined from time to time by the water utility with the approval of the village board. Such fee shall accompany the application.

- (c) Any person violating this shall be subject to forfeiture pursuant to section 1-12. For purposes of this section, the term "person" includes any owner or occupant of the premises and anyone actually making a tap or connection or turning on water from a main.

(Prior Code, § 5.03(1))

Sec. 34-52. Lateral and service pipe construction; cost to be borne by property owner.

Water laterals and service pipes shall be constructed from the main to the point of use by the property owner. The cost of any such laterals or service pipes constructed by the village shall be charged and be a lien against the lot or parcel served.

(Prior Code, § 5.03(2))

Sec. 34-53. Extension of water mains; costs to be borne by property owner; exceptions.

When water mains are extended abutting property owners shall be assessed the actual costs of the main extension, but not exceeding the benefits to the property, which assessment shall be on the basis of running foot abutting. Extensions may be made if the property owners agree to pay the full cost of such extensions. Payment may be made not to exceed five annual installments as special assessments against the property affected.

(Prior Code, § 5.03(3))

Secs. 34-54—34-79. Reserved.

DIVISION 3. - CROSS CONNECTION CONTROL

Sec. 34-80. Prohibited.

No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the village may enter the supply or distribution system of the village unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the village water utility and by the state department of natural resources in accordance with Wis. Admin. Code § NR 811.25(3).

(Prior Code, § 5.04(2))

Sec. 34-81. Inspections and reinspections.

It is the duty of the village water utility or the village water inspector to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of the inspections and re-inspections based on potential health hazards

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involved shall be as established by the village water utility or the village water inspector and as approved by the state department of natural resources.

(Prior Code, § 5.04(3))

Sec. 34-82. Right of entry for inspection.

Upon presentation of credentials, the representative of the village water utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the village for cross connections. If entry is refused, such representative shall obtain a special inspection warranty under Wis. Stats. § 66.0119. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(Prior Code, § 5.04(4))

Sec. 34-83. Service disconnection.

The village water utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this division exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Wis. Stats. ch. 68 except as provided for emergency disconnections. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.

(Prior Code, § 5.04(5))

Sec. 34-84. Emergency disconnection.

If it is determined by the village water utility that a cross connection or an emergency endangers health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the village and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. ch. 68 within ten days of such emergency discontinuance.

(Prior Code, § 5.04(6))

Secs. 34-85—34-111. Reserved.

DIVISION 4. WELL ABANDONMENT

Sec. 34-112. Purpose.

The purpose of this division is to prevent contamination of groundwater and to protect public health, safety and welfare by ensuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.

(Prior Code, § 5.11)

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Sec. 34-113. Applicability.

This division applies to all wells located on premises served by the village municipal water system.

(Prior Code, § 5.11)

Sec. 34-114. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal water system means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residences owned or operated by a city, village, county, town sanitary district, utility district or public institution as defined by state law or a privately owned water utility serving any of the above.

Noncomplying means a well or pump installation which does not comply with the provisions of Wis. Admin. Code ch. NR 812 in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

Pump installation means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Wis. Admin. Code ch. NR 809 or 140 or for which a health advisory has been issued by the state department of natural resources.

Unused means a well or pump installation which is not in use or does not have a functional pumping system.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other uses.

Well abandonment means the filling and sealing of a well according to the provisions of Wis. Admin. Code ch. NR 812.

(Prior Code, § 5.11)

Sec. 34-115. Abandonment required.

All wells located on premises served by the village municipal water system shall be abandoned in accordance with the terms of this division and Wis. Admin. Code ch. NR 812 by September 1, 1994, or no later than one year from the date of connection to the municipal water system whichever occurs last, unless a well operation permit has been obtained by the well owner from the village water utility.

(Prior Code, § 5.11)

Sec. 34-116. Well operation permit.

The village water utility may grant a permit to a private well owner to operate a well for a period not to exceed five years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The village board, or its agent, has the right to conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the clerk and shall be

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accompanied by the required permit fee, if any. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Wis. Admin. Code ch. NR 812.
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as required by Wis. Admin. Code ch. NR 812. No exception to this condition may be made for unsafe wells unless the state department of natural resources approves, in writing, the continued use of the well.
- (3) There are no cross connections between the well and pump installation and the municipal water system.
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(Prior Code, § 5.11)

Sec. 34-117. Abandonment procedures.

- (a) All wells abandoned under the jurisdiction of this division or rule shall be abandoned according to the procedures and methods of Wis. Admin. Code ch. NR 812. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (b) The owner of the well, or the owner's agent, shall notify the clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed by the village water utility, or any designated agent thereof.
- (c) An abandonment report form, supplied by the state department of natural resources, shall be submitted by the well owner to the clerk and the state department of natural resources within ten days of the completion of the well abandonment.

(Prior Code, § 5.11)

Sec. 34-118. Forfeitures.

Any person who violates this division shall be subject to forfeiture pursuant to section 1-12. Each day of violation is a separate offense. If any person fails to comply with this division for more than ten days after receiving written notice of the violation, the village may impose a penalty as set forth above and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

(Prior Code, § 5.11)

Secs. 34-119—34-149. Reserved.

ARTICLE III. - SEWER

Sec. 34-150. Discharge of unpolluted waters into sanitary sewers.

- (a) It is unlawful for any person to:

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- (1) Discharge or cause to be discharged any unpolluted waters, such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer system within the village;
 - (2) Connect or permit to be connected any foundation drainage system to any sanitary sewer system within the village;
 - (3) Allow any sump pit or other means of storing foundation drainage to flow into any drain connected to any sewer system within the village.
- (b) Property owners found to be in violation of this section will be ordered to correct the violation. The time period for the repair of such violation shall not be less than ten days and not more than 60 days.
- (c) If a request for extension is submitted prior to the initial deadline, the repair deadline may be extended. The extension shall not exceed the number of days provided by the initial report of violation. A maximum of one extension per property violation will be allowed. If the repairs are not completed by said deadline, a complaint will be filed with the village municipal court for the purpose of prosecution.

(Prior Code, § 5.07)

Secs. 34-151—34-168. Reserved.

ARTICLE IV. - STORMWATER UTILITY

Sec. 34-169. Illicit discharges and connections; stormwater.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Illicit connection means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of the ordinance from which this article is derived.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Storm drain system means publicly owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

- (b) *Discharges prohibited.* No person shall discharge, spill or dump substances or materials which are not entirely composed of stormwater into receiving bodies of water or onto driveways, parking lots or other areas that drain into the storm drainage system.
- (c) *Connections prohibited.* The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of the ordinance from which this article is derived, regardless of whether the connections was permissible under law or practice applicable or prevailing at the time of connection.
- (d) *Exemptions.* The following activities are exempt from the provisions of this section unless found to have an adverse impact on the stormwater:
- (1) Discharges authorized by a permit issued by the state department of natural resources.

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- (2) Discharges resulting from firefighting activities.
 - (3) Discharges from uncontaminated groundwater, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.
- (e) *Enforcement.* Whenever the village finds a person has violated a prohibition or failed to meet a requirement of this section, the village may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contaminated hazards and the restoration of any affected property.

In the event the person fails to eliminate the illicit connects or discharge, fails to cease and desist in discharge, practices or operations in violation of this section or fails to abate or remediate the stormwater pollution or contamination hazards, that person may be subject to a forfeiture per section 1-12.

(Prior Code, § 5.08)

Sec. 34-170. Emergency regulation of water usage.

- (a) When the village board determines that the unregulated use of water in the village creates a threat to the public health, safety or welfare of the village and its residents, the village board may establish such reasonable temporary regulations controlling the use of water as are deemed by the village board to be necessary to protect the public health, safety or welfare. Such regulations shall be adopted by resolution of the village board, which shall be published in the same manner as an ordinance.
- (b) Any violation of any such regulations shall constitute a violation of this article and subject the offender to forfeiture pursuant to section 1-12. Every day of violation shall constitute a separate offense.

(Prior Code, § 5.09)

Sec. 34-171. Stormwater utility establishment, rates, and rules.

- (a) *Findings, purpose, and necessity.* The village finds that the management of stormwater and other surface water discharges within the village and into Lake Michigan is a matter that affects the health, safety and welfare of the village, its citizens and businesses. 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 sedimentation and other environmental damage to Lake Michigan and the 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. 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.
- (b) *Creation.* 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 article, the village is acting on and this article is adopted under the authority granted by Wis. Stats. chs. 62 and 66. The requirements

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of this article do not preempt more stringent stormwater management requirements that may be imposed by any of the following:

- (1) State department of natural resources administrative rules, permits, or approvals, including those authorized under Wis. Stats. §§ 281.16 and 283.33;
 - (2) Targeted non-agricultural performance standards promulgated in rules by the state department of natural resources under Wis. Admin. Code § NR 151.004; or
 - (3) Village-approved or -adopted stormwater management plans for specific areas or watersheds.
- (c) *Authority.* The village, acting through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the village to be proper and reasonably necessary for a system of stormwater and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other facilities as will support a stormwater management system. The operation of the stormwater utility shall be under the supervision of the village board and its operation shall be assigned to the designee.
- (d) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Base charge means a charge to all undeveloped and developed properties in the stormwater utility.

Billing period means a three-month period corresponding to the billing dates for water utility billings.

Charge means the fees imposed under this article for the rendering of stormwater utility services by the village.

Developed property means real property other than undisturbed property and vacant improved property.

Dwelling unit means that part of a residential building providing complete, independent living facilities for a single-family unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Equivalent runoff unit or *ERU* is the basic unit by which a storm sewer charge is calculated under this article and is based upon the impervious area reasonably determined by the village.

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. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, parking lots, loading docks, and semi-impervious surfaces such as compacted clay or gravel.

Multifamily unit means any residential property comprised of two or more dwelling units, including condominiums.

Nonresidential property means a lot or parcel of land, with improvements such as a building, structure, grading, or substantial landscaping, which is not residential property, excluding publicly owned rights-of-way and recreational trails.

Owner means the legal owners of record as shown on the tax rolls of the village, except where there is a recorded land sale contract, the purchaser thereunder shall be deemed to be the owner.

Residential property means a lot or parcel of land developed exclusively for residential purposes, including: single-family, multifamily and single-family estate (lots exceeding one acre in area).

Runoff means stormwater or precipitation, including rain, snow, or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Single-family unit means any residential property consisting of one unattached dwelling unit intended for occupancy by a single-family.

Stormwater management system or *system* means the existing stormwater management of the village and all improvements thereto are constituted as the property of the village, to be operated as a special

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revenue fund 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.

Stormwater user fee means a fee authorized by ordinance and established from time to time by resolution of the village board to pay for administration, operations and maintenance, extension and replacement, and debt of the stormwater management system.

Stormwater utility means the utility established under this article for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

Undeveloped property means property that is not developed by the addition of an improvement such as a building, structure, grading or substantial landscaping. A property shall be considered to be developed if:

- (1) A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or
- (2) Construction of an improvement on the property is at least 50 percent completed and such construction has ceased for a period of at least three months, whether consecutive or not.

Unplatted undeveloped property means property which has not been subdivided by subdivision or certified survey map and has not been altered from its nature state by the addition of a building, structure, impervious surface, change of grade, or landscaping.

(e) *Rates and charges.*

- (1) The village board shall establish such rates and charges as are necessary to finance any necessary property or easement acquisition and the planning, design, construction, maintenance, and operation of stormwater management facilities in accordance with the procedures set forth in this article and at sufficient levels to fund the capital, operating and other expenses set forth in the adopted budget which are not funded by other sources of revenue.
- (2) The basis for computation of the charge for stormwater services to lots and parcels of land within the village is established under this section.
- (3) The amount of charge to be imposed, the establishment of formulas for the calculation of charges, the creation of customer classifications for the imposition of charges, and changes in such charges, formulas and customer classifications may be made by village board resolution.
- (4) All charges established pursuant to this article shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the office of the village clerk.
- (5) The village may advance funds or services to the stormwater utility from time to time, and the stormwater utility shall reimburse the actual amount or value of such advances as determined by the village board.
- (6) Charges shall be imposed to recover all or a portion of the costs of the stormwater utility. Such charges may include the following components:
 - a. Base charge. A base 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 be assessed to collect the administrative costs of the stormwater utility and may include capital, operating, and maintenance costs of the stormwater utility which are not recovered by other means. The base charge may be based on the size of a lot or parcel of land.
 - b. Equivalent runoff unit charge (ERU). An equivalent runoff unit charge may be imposed on all property that has an impervious surface area. The ERU charge shall be assessed based

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upon the impervious area as reasonably determined by the village. The ERU is established to be 3,857 square feet.

- c. Budgeting process. The village board or designee shall prepare an annual budget for the stormwater utility, which shall include all operation, maintenance and capital costs, debt service, and other costs related to the operation of the stormwater utility. The costs shall be allocated among the various rate classifications as determined by the village board. The budget shall be approved by the village board in accordance with the procedures and requirements of Wis. Stats. § 65.90.
- d. Excess revenues. All stormwater fees collected, and any other revenues appropriated to, or attributable to the operation of, the stormwater utility shall be maintained in a segregated stormwater utility enterprise fund. Any excess of revenues over expenditures from stormwater utility operations in a given year shall be maintained in the enterprise fund and shall be used in future years exclusively for purposes consistent with this article.
- e. Customer classifications. For the purpose of imposing the charges imposed under this article, all lots and parcels of land in the village shall be classified into the following customer classifications:
 1. Residential: Single-family (one acre or less).
 2. Residential: Multifamily.
 3. Residential: Single-family estate (greater than one acre).
 4. Nonresidential.
 5. Undeveloped.
- f. ERU charges. The ERU charges for the foregoing classifications shall be established as follows:
 1. Residential: Single-family: One ERU.
 2. Residential: Multifamily: 0.8 ERU.
 3. Residential: Single-family estate: ERU as assigned with a minimum ERU of 1.0.
 4. Nonresidential: ERU as assigned.
 5. Undeveloped property may be charged based on a factor established by the village board.
 6. All unoccupied lots and parcels of land with no impervious services are not subject to stormwater utility ERU charges.
 7. The board may establish classifications, other than the customer classifications under above, as will be likely to provide a reasonable and fair distribution of the costs of the stormwater utility.
- g. New construction. Except for residential, single-family lots and parcels, 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 form shall be a violation of this article.
- h. Billing. Bills for stormwater utility charges shall be rendered quarterly with the billing dates corresponding to the billing dates for water utility billings and shall become due and payable upon issuance.
 1. Bills are 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

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occupied by tenants shall have the right to examine the appropriate records of the village 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.

2. A late payment charge of one percent per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued.
3. Stormwater utility charges shall not be payable in installments.

(Prior Code, § 5.10.9)

Sec. 34-172. Payment, lien, penalty.

- (a) Stormwater utility charges shall be payable upon receipt, subject to the provisions of this section. If a charge remains unpaid for a period of 20 days after the date of the stormwater utility charge, such charge shall become a lien on the property to which it relates as provided in Wis. Stats. §§ 66.0821 and 66.0809.
- (b) All sums that have accrued during the preceding year and are not paid by the first week of December in any year shall be certified to the village clerk by the utility, to be placed on the tax roll of collection as provided by state statutes. Delinquent charges shall be automatically extended upon the next available tax roll as a delinquent tax against the property, and all proceedings relating to the collection, return and sale of property for delinquent real estate taxes shall apply to such charges.
- (c) All delinquent utility charges shall be subject to a penalty of ten percent, in addition to all other charges, penalties or interest, when the delinquent charge is extended upon the tax roll.

(Prior Code, § 5.10.10)

Sec. 34-173. Appeal.

- (a) A stormwater utility charge may be appealed to the village board or its designee. 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 payment. 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 to be appropriate. Failure to appeal within 30 days of payment or non-payment of the charge shall operate as a waiver of appeal by the property owner.
- (b) The village board 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 decision of the village board shall be based upon the evidence presented to it and shall be final.
- (c) Alternative method to collect stormwater charges. The village board hereby finds and determines that the stormwater utility charges established under this article 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 Wis. Stats. § 66.0703, in addition to 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 Wis. Stats. § 66.0703. The village may provide notice each October of any unpaid charges to the stormwater utility and such charges, if not paid by November 30, may be placed on the tax roll in

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accordance with Wis. Stats. § 66.0703. The collection method provided in this section is in addition to the collection method provided for in this article.

(Prior Code, § 5.10.11)