

CHAPTER 13

Sewerage Service Charges, Water Main and Lateral Assessments

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13.01 PURPOSE. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the sewage disposal system of the Village of Hales Corners to levy and collect charges, rentals, or rates of service upon all lands, lots, and premises served by having connections with said sewage disposal system. The proceeds of such charges, rentals, or rates of service so derived shall be used first for the necessary maintenance and operation, second to provide for adequate depreciation, third to payment of the principal and interest of the outstanding mortgage revenue bonds, and fourth to replace funds advanced by or paid from the general funds of the Village on behalf of the sewage disposal system.

13.02 CHARGES.

- (1) Effective January 1, 1987, there is hereby levied an assessed upon each lot, parcel of land, or premises having any sewer connection with the Village sanitary system a local sewerage service charge, rental, or rate of service in a sum per unit as established by resolution as follows:
 - (a) Residential User. A residential user is defined as a residential utilizer of the system up to a maximum of four (4) units. The sum determined by resolution shall be payable for the current year payable with the current real estate taxes. Said special charge shall not be payable in installments, and if it is not paid in full on or before the last day of January, such delinquent special charge shall become a lien as provided in §66.069(1)(b), Wis. Stats.
 - (b) Non-residential User. Any utilizer of the system not falling within the definition of a Residential User shall be considered a non-residential user. The sum determined by resolution shall be payable quarterly on or before the 30th day of March, June, September, and December of each year. In addition to the said charge and lien as provided by §66.069(1)(b) and 66.076(7), Wis. Stats., a further charge and lien shall be added thereto in each case of failure to make prompt payment, and the total thus obtained shall be the sewerage service charge, rental, or rate of service in each case.
- (2) For each lot, parcel of land, or premises for which sewage disposal facilities have been made available, but for which no special assessment has been determined, prior to connection with the main public sewer, there shall be levied, assessed, and collected a

connection charge in an amount equal to the original front footage assessment or the original unit cost, whichever is applicable of the sanitary sewer main to which the connection is being made, together with a simple interest thereon at a rate of 6% per annum computed for a five (5) year period, provided, however, that such connection charge in no event shall be less than \$500.00

- (3) All charges shall be collected by the Village Treasurer.

13.03 WASTEWATER SYSTEM AND WASTEWATER TREATMENT.

- (1) **Purpose.** The wastewater of this municipality is collected and treated in whole or in part by the wastewater system operated by Milwaukee Metropolitan Sewerage District (the "District"). The purpose of this ordinance is to enable the Village to establish and collect from users within the Village those charges which represent the proportionate contribution by such users both (a) to the cost of operating and maintaining the system and (b) that part of the cost of past and future capital improvements in the system not defrayed by an ad valorem tax on real property. Such charges are required to enable the District and the Village to become and remain eligible for federal grants for wastewater facility capital improvements.

- (2) **Incorporation of District Rules and Regulations, Chapter 17.** The following sections and related appendices of District Rules and Regulations, Chapter 17 promulgated by the District, as now in effect and as the same may be amended from time to time hereafter, are hereby incorporated by reference and shall be of full force and effect as though set forth in their entirety herein, except to the extent limited by order of the Public Service Commission of Wisconsin:

17.102	Definitions
17.104(1)	Municipal Transfer of Data
17.104(2)	Estimated Volume of Discharge
17.104(4)	Collection Terms
17.105(1)	User Transfer of Data
17.105(2)	Discharge Factor Certification
17.105(3)	Wastestrength Certification
17.105(4)	Certification Process
17.105(5)	Verification
17.105(6)	Audit Control of User Connection
17.105(7)	Appeal Provisions
17.201	Purpose of the User Charge System
17.202	User Charge Billing Basis
17.203	Wholesale User Charge Billing Basis
17.204	Unit Costs of Treatment
17.301	Purpose of the Local Capital Recovery (LCR) System
17.302	LCR Billing Basis
17.304	Unit Costs of LCR
17.401	Purpose of the Industrial Cost Recovery (ICR) System
17.402	ICR Billing Basis
17.403	Wholesale ICR Billing Basis
17.404	Unit Costs of ICR

For purposes hereof “Residential Structure” as defined in §17.102(14), MMSD Rules, shall mean any building accommodating exclusively one (1), two (2), three (3), or four (4) residential units.

(3) **Sewer Charges.**

(a) User Charges. There is hereby imposed a charge on each user in the Village who discharges wastewater, directly or indirectly, into the wastewater system operated by the District. Such charge shall be in the amount specified below for the various classes of users.

1. Residential Users. The residential user charge shall be based on a volumetric charge, as follows: The volumetric charge shall be calculated by dividing the wholesale residential user charge (i.e., the charge by the District to the Village), excluding connection charges, by the total volume of residential water consumption as approved by the Public Service Commission. Individual residential user charges shall be calculated by multiplying the user’s volume of water consumption times this volumetric charge plus the user’s number of residential sewer connections times the connection charge.
2. Non-certified Commercial Users. The retail non-certified commercial user charge shall be based on a volumetric charge, as follows: The volumetric charge shall be calculated by dividing the wholesale non-certified commercial user charge (i.e. the charge by the District to the Village), excluding connection charges, by the total volume of non-certified commercial water consumption. Individual non-certified commercial user charges shall be calculated by multiplying the user’s volume of water consumption times this volumetric charge plus the user’s number of service connections times the connection charge as approved by the Public Service Commission.
3. Discharge Certified Commercial Users. Each retail discharge certified commercial user charge shall be equal to each wholesale discharge certified commercial user charge submitted to the Village pursuant to Chapter 17, MMSD Rules.
4. Wastestrength Certified Commercial Users. Each retail wastestrength certified commercial user charge shall be equal to each wholesale wastestrength certified commercial user charge submitted to the Village pursuant to Chapter 17, MMSD Rules.
5. Non-certified Industrial Users. Each retail non-certified industrial user charge shall be equal to each wholesale non-certified industrial user charge submitted to the Village pursuant to Chapter 17, MMSD Rules.
6. Discharge Certified Industrial Users. Each retail discharge certified industrial user charge shall be equal to each wholesale discharge certified industrial user charge submitted to the Village pursuant to Chapter 17, MMSD Rules.
7. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial user charge shall be equal to each wholesale wastestrength certified industrial user charge submitted to the Village pursuant to Chapter 17, MMSD Rules.

(b) Local Capital Recovery Charges – Industrial Users. There is hereby imposed a local capital recover (LCR) charge on each industrial user in the Village whose function is described by the Standard Industrial Classification (SIC) division D

("LCR user"). The LCR charge shall be in the amount specified below for the various classes of LCR users:

1. Non-certified Industrial Users. Each retail non-certified industrial LCR charge shall be equal to each wholesale non-certified industrial LCR charge submitted the Village pursuant to Chapter 17, MMSD Rules.
2. Discharge Certified Industrial Users. Each retail discharge certified industrial LCR charge shall be equal to each wholesale discharge certified industrial LCR charge submitted the Village pursuant to Chapter 17, MMSD Rules.
3. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial LCR charge shall be equal to each wholesale wastestrength certified industrial LCR charge submitted the Village pursuant to Chapter 17, MMSD Rules.

(c) Industrial Cost Recovery Charges. There is hereby imposed an industrial cost review (ICR) charge on each ICR user (as defined in Chapter 17, MMSD Rules) in the Village. The ICR charge shall be in the amount specified below for the various classes of ICR users.

1. Non-certified Industrial Users. Each retail non-certified industrial ICR charge shall be equal to each wholesale non-certified industrial ICR charge submitted the Village pursuant to Chapter 17, MMSD Rules.
2. Discharge Certified Industrial Users. Each retail discharge certified industrial ICR charge shall be equal to each wholesale discharge certified industrial ICR charge submitted the Village pursuant to Chapter 17, MMSD Rules.
3. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial ICR charge shall be equal to each wholesale wastestrength certified industrial ICR charge submitted the Village pursuant to Chapter 17, MMSD Rules.

(d) Local Sewage Charges. In addition to the charge imposed pursuant to Section 1 to 3 above with respect to the usage of the wastewater system of the District, the Village is also empowered pursuant to §66.076(4), Wis. Stats., to establish and impose sewer charges necessary to meet the capital and operating and maintenance expenses of its local sewer system. Such charges are imposed and governed by a separate ordinance, §13.02, Village Code, and to the extent applicable this Section. This ordinance shall not replace and repeal any other ordinance except to the extent of direct conflict therewith.

1. Definitions.
 - a. Operation and Maintenance shall mean all expenditures during the useful life of the sewer collection system for materials, labor, and other items necessary for managing and maintaining the collection system to achieve the capacity and performance for which said system was designed and constructed.
 - b. Replacement shall mean expenditures for obtaining equipment, tools, vehicles, or appurtenances which are necessary to maintain the collection system. The term "Operation and Maintenance" includes replacement.
 - c. Local User Charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the collection system.

2. Replacement Fund. There is hereby established a Replacement Fund to be incorporated in the financial records of the Village. This fund shall be financed by revenue obtained from the local user charge, for pumping equipment, sewer system cleaning equipment, associated tools, vehicles, and miscellaneous equipment.
3. User Charge Review. The Village will review the local user charge system at least every two (2) years, and revise local user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that this system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
4. Rate Notification. The Village will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the collection system. This notification will display separately, MMSD treatment charges and local operation, maintenance, and replacement rates.

(4) **Water and Sewer Billing.**

- (a) A residential user of the system up to a maximum of four (4) units shall pay for the current year payable with the current real estate taxes. Such special charge shall not be payable in installments, and if it is not paid in full on or before the last day of February, such delinquent special charge shall become a lien as provided in §66.60(16), Wis. Stats., and such delinquency shall be treated in the same manner as delinquent water charges as provided in §66.069(1)(b), Wis. Stats., exclusive of the 10% penalty provided therein.

All other user, LCR, and ICR charges shall be billed on a quarterly basis. Payment of such bills shall be made within 20 days after mailing by the Village. In the event that such bill is not paid when due, a penalty of 2% per month shall be added thereto.

- (b) All bills shall be payable to the Village Treasurer at the Village Hall, 5635 S. New Berlin Road, Hales Corners, WI 53130
- (c) In the event a user fails to certify data or in the event a user's certification is materially inaccurate or in the event there has been a substantial change in data since the date of the user's last certification, the District shall notify the user that the verification data determined by the District pursuant to §17.105(5), MMSD Rules, shall be used to determine the charge due for the current billing period and all future billing periods until the user submits a new certified statement.
- (d) Should inspection or verification by the District reveal that any statement certified by a user is materially inaccurate, the District shall re-determine the proper charge due and forward the new computation to the Village in order that a bill for the deficiency may be sent. This deficiency billing shall be retroactive to the date or dates when the bills based upon the inaccurate certification were originally due and interest charges shall be applied to each deficiency as provided in paragraph (a) above.
- (e) Unpaid User, LCR, and ICR charges shall be a lien upon the property served and shall be enforced as provided in Wis. Stats. §66.076(7).

13.04 AMENDING CHARGES. The charge, rental, or rate of service and the determination of the allocated units herein fixed shall be subject to amendment or change from time to

time through passage of a resolution by the Village Board with respect to such changes, orders, or rates of service.

13.05 SUBSEQUENT CONNECTIONS. For any lot, land, or premises from which connections are made with the sanitary sewerage system of the Village after the same to be per diem, pro-rata amount based upon the quarterly rate from the time such sewerage connection is made until the following quarter.

13.06 ALLOCATION OF REVENUE.

- (1) The revenue derived from the charge, rental, or rate of service herein fixed attributable to the Hales Corners portion of such charge shall be used or administered as follows in accordance with understandings achieved with the State Public Service Commission:
 - (a) Payment of the direct costs of labor, fringe benefits, materials, energy, and outside services necessary to the operation of the Hales Corners Sewerage System excluding the Sewage Treatment Plant.
 - (b) Payment for all general and administrative burden in support of the direct costs of operation of the Hales Corners Sewerage System excluding the Sewage Treatment Plant.
 - (c) Depreciation of only that portion of the sewerage system originally construction and paid for by special assessment against all properties connected to the system.
 - (d) Generation of an entitled Return on Investment of 7% of plant value as depreciated to the current year.
 - (e) No portion of the Sewer Service Charge shall be allocated to the payment of debt for that portion of the Sewerage System whose construction was paid for by special assessment against the properties connected to the system. Debt payment for non-assessable portions of the Sewerage System, the original construction cost of which was a Village contribution out of its General Fund shall continue to be covered with the general property tax levy.
- (2) Income in excess of the requirements herein determined may be paid into the general fund of the Village.

13.07 SPECIAL ASSESSMENTS.

- (1) **State Statutes Adopted.** Except as otherwise provided herein, Sections:

66.54	Special improvement bonds; certificates.
66.60	Special assessments and charges.
66.604	Lien of special assessment.
66.605	Special assessments.
66.615	Sidewalks.
66.62	Special Assessments.
66.625	Laterals and service pipe.
66.63	Assessment of condemnation benefits.
66.635	Reassessment of invalid condemnation and public improvement assessments.
66.64	Special assessments for local improvements.
66.645	Duty of officers; action to collect tax.
66.65	Assessment against city, village, or town property abutting on improvement.

66.694	Special assessments against railroads for street improvement.
66.695	Action to recover assessment.
66.696	Improvement of streets by abutting railroad company.
66.697	Notice to railroad company; time for construction.
66.698	Construction by municipality; assessment of cost.
66.699	Effect of sections 66.694 to 66.698, inclusive.

of the Wisconsin Statutes and all subsequent revisions thereof, shall be followed in levying special assessments and imposing special charges for the cost of installing or constructing any water improvement by the Village, and such statutes are adopted by reference and made a part of this section.

- (2) **Levy of Assessments.** The cost of installing or constructing any water improvement by the Village may be charged under this section in whole or in part to the property benefited by such work or improvement and the Village Board may make an assessment against such benefited property in the manner provided herein.
- (3) **Cost of Work or Improvement that may be Included.** The cost of any work or improvement to be paid in whole or in part by special assessments on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the service of the administrative staff of the Village and the cost of any architectural, engineering, and legal services, and any other items of director indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Village Board.
- (4) **Lots Already Served by a Water Main.**
- (a) No assessment for water main shall be levied against a parcel of land already served with a publicly owned water main, unless such parcel of land may be divided or subdivided in accordance with the Zoning Ordinance (Chapter 8) or the Subdividing and Platting Ordinance (Chapter 9) in which case the assessment shall be computed according to the assessable footage of the new lots which may be created.
- (5) **Water Main Extensions.** Assessments for water main extensions shall be levied as follows:
- (a) Assessments for water main extensions not exceeding eight (8) inches in diameter shall be levied upon properties benefited by such improvements.
1. Annually the Village Board for the calendar year shall establish by resolution front foot assessment rates based on the recommendation of the Commission of Public Works.
 2. There shall be a separate front foot assessment rate for residential properties and commercial properties with the commercial rate being 40% over the residential rate. "Commercial" properties shall include property used and/or zoned for B-1, B-2, M-1, and R-4 purposes, providing the R-4 property actually contains four (4) or more family units.
- (b) Where water main extensions are larger than eight (8) inches in diameter, the Village of Hales Corners will assume the difference between the estimated cost of installing an eight (8) inch water main and the actual cost of installing water

main extensions greater than eight (8) inches, and the properties benefited by such improvement shall be assessed on the basis of the estimated cost of installing an eight (8) inch water main.

(6) **Dual Systems.** Where water mains are located along one side of a street and the mains are so located to service only that side of the street, assessments shall be levied upon properties benefited by such improvements and each parcel may be entitled to such deduction or exemption, if any, as the Village Board may determine to be reasonable and just under the circumstances in each case and consistent with the policy adopted by the Village Board.

(7) **Corner Parcels.**

(a) Water Mains. All corner lots shall have an assessment formula as follows:

1. Regularly Shaped.

a. For Undividable Residential Corner Lots. The actual front footage on the short side of the lot, or the minimum lot width required by the zoning for the individual parcel, whichever is higher.

b. For Undividable Commercial and Light Manufacturing Corner Lots. The full length of the short side plus the full length of the long side minus a credit equal to $1\frac{1}{2}$ times the minimum lot width required by the zoning for the individual parcels. For commercially and light manufacturing zoned parcels where there is no required minimum lot width under the Zoning Code, the minimum lot width as applied to the credit shall be the zoning in R-1 zoning (75 feet).

c. For Dividable Corner Lots. The actual front footage on the short side of the lot, plus the actual footage of the long side, minus a credit of the minimum zoning depth for the zoning district of the corner lot. For commercially and light manufacturing zoned parcels, where there is no required minimum lot dept under the Zoning Code, the minimum lot depth as applied to the foregoing formula shall be the zoning in R-1 zoning (133 feet).

2. Unusually Shaped.

a. For Undividable Corner Lots. For residentially zoned parcels, the setback line on the short side, or the minimum lot width required for the individual parcel, whichever is higher. "Setback line" shall be determined pursuant to the Water Main Addendum to Section 13.07(10). For commercially and light manufacturing zoned parcels, where there is no required minimum lot width under the zoning code, the minimum lot width as applied to the foregoing formula shall be the zoning in R-1 zoning (75 feet).

b. For Dividable Corner Lots. For residentially, commercially, and light manufacturing zoned parcels, the assessment shall be determined by the Commission of Public Works consistent with the spirit of this assessment ordinance, subject to final approval by the Village Board.

(8) **Laterals and Service Pipes.**

(a) Special Assessments. Assessments for water laterals (including all time and material costs from the main line to or near the lot line) shall be levied upon

properties benefited by such improvements, and shall provide for the payment of all of the cost of the work or improvements.

- (b) Construction and Size. Water laterals shall be constructed from the lot line or near the lot line to the main. No water lateral shall be less than one (1) inch in diameter.
- (c) Laterals Not Charged on Per Foot Basis. Assessments for all water laterals shall be determined by dividing the total cost of lateral installation by the number of properties receiving laterals without regard to individual footage of each lateral.

(9) **Payment of Assessments.**

- (a) Assessment Notice. Upon completion of the work or improvement for which a special assessment is levied and upon certification by the Village Engineer that such work or improvement has been completed, the Village Clerk shall bill the property owner by invoice for the full amount of the assessment. Such invoice shall notify the owner that he may elect within 30 days of the date of the invoice to pay same in full without interest or to pay by installments with interest as hereinafter provided.
- (b) Cash Payment. Payment of the assessment shall be made to the Village Clerk on or before the expiration of 30 days from the date of the Assessment Notice, without interest. If the said amount is not paid within 30 days, it shall be placed on the tax roll for the current year together with the interest commencing with the date shown on the Assessment Notice, and shall be collected with the regular taxes.
- (c) Installment Payment. If the property owner should so elect, payment of the full assessment may be made in installment on a three (3) year plan, on a five (5) year plan, or on a seven (7) year plan as provided herein.
 - 1. Three-Year Plan. On the three (3) year plan, the full amount of the assessment shall be paid in three (3) equal annual installments with real estate taxes, one-third each year plus the interest on the unpaid balance. The first installment shall be due and payable with real estate taxes for the current year, which installment shall include the interest commencing with the date shown on the Assessment Notice; the second installment shall be due and payable with real estate taxes for the following year, which installment shall include the interest on the unpaid balance; and the final installment shall be due and payable with real estate taxes for the third year, which final installment shall include the interest on the unpaid balance.
 - 2. Five-Year Plan. On the five (5) year plan, the full amount of the assessment shall be paid in five (5) equal annual installments with real estate taxes, one-fifth each year plus the interest on the unpaid balance. The first installment shall be due and payable with real estate taxes for the current year, which installment shall include the interest commencing with the date shown on the Assessment Notice; and the remaining annual installments shall be due and payable with real estate taxes for each successive year thereafter, which installments shall include the interest on the unpaid balance to the year of payment.
 - 3. Seven-Year Plan. On the seven (7) year plan, the full amount of the assessment shall be paid in seven (7) equal annual installments with real estate taxes, one-seventh each year, plus the interest on the unpaid balance. The first installment shall be due and payable with real estate taxes for the current year, which installment shall include the interest

commencing with the date shown on the Assessment Notice; and the remaining annual installments shall be due and payable with real estate taxes for each successive year thereafter, which installments shall include the interest on the unpaid balance to the year of payment.

4. Ten-Year Plan. On the 10-year plan, the full amount of the assessment shall be paid in 10 equal annual installments with real estate taxes, one-tenth each year plus the interest on the unpaid balance. The first installment shall be due and payable with real estate taxes for the current year, which installment shall include the interest commencing with the date shown on the Assessment Notice; and the remaining annual installments shall be due and payable with real estate taxes for each successive year thereafter, which installments shall include the interest on the unpaid balance to the year of payment.

5. Prepayment. If the property owner should so elect, payment in full of the unpaid balance with interest to date of payment, may be paid at any time before the final installment becomes due.

(d) Interest. Interest at an annual rate shall be determined for each project by the Village Board.

(10) **Service to Previously Unassessed Parcels**. When an unassessable parcel abuts or adjoins a water main available for connection, the Village Board may permit a connection for such parcel providing payment is made by the owner thereof for an equivalent full assessment pursuant to the provisions of this section.

Assessments for water main shall be on an assessable footage basis and the assessable footage for each parcel of land shall be the total number of feet measured along the street or alley right-of-way between the intersection of the side lot lines and the street or alley right-of-way line. This length is the frontal footage of the property. The frontal footage of the property shall be used in determining special assessments except in special cases where special procedures are necessary to determine the length to be used. These special cases and the method to be used are enumerated in the following paragraphs and diagrams.

The assessable footage for parcels of land that warrant special consideration in determining assessments for water main extensions shall be approved by the Village Board upon the recommendation of the Commission of Public Works and the Village Engineer. Parcels which may warrant special consideration are as follows:

- (a) Corner Parcels.
- (b) Parcels with an excessively long frontage and little or no width at the rear of the lot.
- (c) Parcels with an excessively long frontage and encompassing a small area.
- (d) Parcels with a comparatively short frontage and a large width at the rear of the lot.
- (e) Parcels with a comparatively short frontage and encompassing a large area.
- (f) Parcels of unusual shape or size.
- (g) Parcels where zoning may prohibit satisfactory development to warrant the benefits listed. (Example: Wetland zoning.)
- (h) Parcels where zoning may substantially increase the benefits listed. (Example: Parcels that are dividable by zoning but existing development does not permit division at the time of utility construction.)

The diagrams contained herein are intended for use when determining the amount of assessable footage per parcel of land for special assessments. These are to be used as guides and the final approval for methods used will rest with the Village Board. Although these diagrams are usable in the majority of cases there will be special situations that could vary the proposed standard procedures.

Where special and/or different procedures are required, the Engineer and the committee in charge will submit their recommendation to the Village Board for its approval.

The Engineer's Report on Estimated Costs, Allocations, and Special Assessments will be approved by the Village Board before the public hearing.

Corner Parcels

Corner Parcels shall be assessed in accordance with Section 13.07(7) of the Village Code. See diagrams relating to corner parcels in Part I of these policies for examples.

Unusually Shaped Lots

The assessable footage for parcels of land that are unusually shaped and warrant special consideration for assessment purposes will be determined in the following manner:

1. The total number of feet abutting the public work or improvement will be measured along the street or alley right-of-way between the intersection of the side lot lines and the street or alley right-of-way line. This length is the frontal footage of the property.
2. The length of the line 100 feet back of and parallel to the property frontage will be determined.
3. When the difference in length of the frontal footage of the property (paragraph 1) and the line 100 feet back of the property frontage (paragraph 2) is less than 30%, the actual frontal footage of the property will be used as the assessable footage of the property.
4. When the difference in length of the frontal footage of the property (paragraph 1) and the line 1—feet back of the property frontage is greater than 30%, the average of the two lengths will be used as the assessable footage of the property.
5. Each project must be completely analyzed individually. If in the opinion of the Village Board, the 30% factor specified above should be adjusted to increase or decrease the deduction or exemption as the Village Board may determine to be reasonable and just under the circumstances of each case, then the adjustment will be made in accordance with the Board's decision.
6. See Diagrams relating to Unusually Shaped Parcels in Part I of these policies for examples.

Village

The Village may pay assessments for water mains in the following situations:

1. Village owned property.
2. Property previously assessed for the same type of municipal improvement providing that parcel of land cannot be divided or subdivided.

- (11) **Situations Not Covered.** Situations not covered by this section in levying special assessments and situations requiring individual determinations at variance with this section for the installation and construction of public improvement in the Village of Hales Corners shall be resolved by the Village Board after receipt of the recommendations of the Commission of Public Works. The Village Board shall use these Special Assessment Policies as guidelines.
- (12) **Other Authority Retained.** It is not intended by the enactment of this ordinance to deprive the Village Board of any power conferred by Chapter 66, Wis. Stats., or any other chapter or home-ruled power vested in said board.

13.08 ADOPT MILWAUKEE REGULATIONS.

- (1) **Adopt Milwaukee Regulations.** There hereby is incorporated by reference the rules and regulations promulgated by the City of Milwaukee for retail water service, which shall be binding upon all persons receiving retail water service from the City of Milwaukee.
- (2) **Meters.** Meters measuring and controlling the individual supply of water from the retail water service supplied by the City of Milwaukee shall be remote and outside registers of such type as shall be satisfactory to and approved by the City of Milwaukee.
- (3) **Access to City of Milwaukee Representative.** The Village of Hales Corners delegates to representatives of the City of Milwaukee the right of access upon private property being served under the retail water agreement with the City of Milwaukee for the purposes of inspection, meter reading, individual shut-off service in default of payment, and re-establishing service.
- (4) **Protection of Utility Facilities.** No person shall alter, remove, damage, reconstruct, destroy, or disturb the structures of any public water main serving the occupants of the Village under the retail water agreement with the City of Milwaukee without the prior approval of the Plumbing Inspector of the Village and the Engineering Department of the Milwaukee Water Works.
- (5) **Delinquent Payments to be a Lien on Property.** In the event the Village is required to make payment of delinquent charges for retail water service to the City of Milwaukee, pursuant to the guarantee agreement contained in the retail water service contract, on October 15 in each year notice shall be given 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 owing and in arrears at the time of giving such notice. The Clerk shall furnish the Treasurer with a list of all such lots or parcels of real estate, and the notice shall be given by the Treasurer. Such notices shall be in writing and shall state the amount of such arrears, and that unless the same is paid by November 1 thereafter a penalty of 10 percent of the amount of such arrears will be added thereto; and that unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate to which water was furnished and for which payment is delinquent as above specified. Such notice may be served by deliver to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. On November 16 the Treasurer shall certify and file with the Clerk a list of all lots or parcels of real estate, give the legal description thereof, to the owners or occupants of which

notice of arrears in payment were give as above specified and which arrears still remain unpaid, an stating the amount of such arrears together with the added penalty thereon as herein provided. Each such delinquent amount, including such penalty shall thereupon become a lien upon the lot or parcel of real estate to which the water was furnished and payment for which is delinquent, and the Clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by the law for payment of taxes upon real estate.

13.09 AMBULANCE FEE. The Village Clerk is hereby authorized and directed to collect fees for ambulance services performed by the rescue squad of the Fire Department as follows:

Run Charges:	\$350 – Residents of the Village of Hales Corners
	\$400 – Non-residents of the Village of Hales Corners
Disposables:	\$ 35 – Oxygen Administration
	\$ 15 – Cervical Collar
Mileage:	\$9.50

All monies received shall represent reimbursement to the Village and shall be paid into the Village treasury as part of the general Village revenue.

13.10 BRUSH PICKUP AND DISPOSAL FEE. The Village Clerk is hereby authorized and directed to collect a fee for the pickup and disposal of brush and tree trimmings by the Department of Public Works according to the following subsections. All moneys received shall represent reimbursement to the Village and shall be paid into the Village treasury as part of the general Village revenue.

- (1) The flat charge for each property pickup will be \$55.00.
- (2) When more than one-half hour is required at any single property site an extra \$55.00 will be charged for each additional one-half hour or fraction thereof.
- (3) The service will be at the convenience of the Village but will normally be scheduled for the periods April 1 to May 15 and October 1 to November 15.
- (4) Brush and trimmings to be picked up must be piled with reasonable symmetry at one location on the property which is accessible and within five (5) feet of the edge of the pavement of the principal roadway serving the property. This provision is subject to any non-conflicting further regulations as may be set forth by the Public Works Commission.
- (5) Brush and trimmings located as in Subsection (4) will be presumed with intent for pickup and subject thereto without further notice.
- (6) A notice of service and charge will be left with the resident or appropriately on the property on completion of the service. Such notice will form the basis for subsequent billing. Delinquent payments will be taxed. Elimination of the presence of the material on the property will be considered prima facie evidence of the service having been performed.

- (7) The intent of the ordinance is within the provisions of Wis. Stats. 66.60(16) with respect to both authority and notice. No further notice will be given beyond that required by law for the publication of ordinances.

13.11 STORM SEWER AND STREET CONSTRUCTION: SPECIAL ASSESSMENT POLICY.

- (1) **Purpose.** In accordance with §66.60 and 66.62, Wis. Stats., the purpose of this section is to create a policy and procedure by which special assessments may be levied against properties benefited from the installation of storm drainage facilities and certain street improvements caused to be installed/constructed by the Village. Nothing herein shall prohibit the Village from levying and imposing special assessments under alternative procedures, nor shall negotiated development agreements be required to conform with the guidelines herein contained.
- (2) **Levy of Assessments.** The cost of installing or constructing any storm drainage facilities or street improvements by the Village may be charged under this section in whole or in part to the property benefited by such work or improvement and the Village Board may make an assessment against such benefited property in the manner provided herein.

The Village Board may, after duly conducting a public hearing on the proposed assessments, elect to reduce the assessments on any or all affected parcels where said Board deems the assessments to be in excess of the benefits to be received by the improvements.

Nothing herein contained shall prohibit the financial participation of a benefited property owner in a project where such owner and the Village Board mutually agree to the participation.

- (3) **Indirect Costs Included.** In addition to the direct costs of the work, as hereinafter enumerated, such indirect costs as the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the service of the administrative staff of the Village, the cost of any architectural, engineering, and legal service, and any other items of indirect cost, which may reasonably be attributed to the proposed work or improvement, may be included in the assessment.

The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Village Board.

- (4) **Storm Drainage System Assessments.**
- (a) Definable Area.
1. Nothing herein shall prohibit proceedings under Chapter 88 to provide for the drainage of lands within a drainage district.
 2. In levying special assessments for storm drainage improvements, the Village Board must find that special benefits are conferred upon property in a limited and determinable area.
- (b) Previous Assessments. No assessment for storm drainage facilities shall be levied where:

-Existing developed land has been previously assessed or charged for storm improvements, not including driveway or roadway culverts; or

-Undeveloped lands that will not be served by the system directly (i.e. having the system pass through or abut such parcel in a street or easement).

-In the opinion of the Village Board, the improvements will replace existing deficient drainage systems and will not uniformly benefit the affected properties.

(c) Direct Costs Included. Construction costs included in the assessments may include: All labor and materials as necessary to install main sewers of all sizes, inlets, inlet leads, culverts, ditching, swaling, manholes, junction chambers, excavation, backfilling, and restoration.

(d) Assessment Determination. The storm sewer special assessment shall be determined as follows:

-Storm sewer mains included in the determination of the assessment rate shall not exceed the cost of a 12-inch sewer or equivalent thereof.

-The assessment rate shall be determined by actual cost of constructing the main sewer per lineal foot, including related appurtenances, and direct and indirect costs.

-The assessment rate shall be applied to the frontage of the property, determined in the same manner as established for water main assessments, to compute the total assessment for the property.

(5) **Street Pavement Improvements.**

(a) Previous Improvements. No assessment for street improvements, other than curb and gutter, shall be levied where:

-Existing developed land has been previously assessed or charged for street improvements within 25 years prior to the proposed levy, or

-Where a parcel is served by an existing hard surface pavement (i.e. concrete, bituminous concrete, or surface treated macadam) and such parcel is zoned for single-family residential use.

(b) Direct Costs Included. Construction costs included in the assessments may include: full-depth pavement up to 32 feet of total width, curb, and gutter if integrally constructed with the pavement, rough, and fine grading, base course, shoulders, parkway restoration, topsoiling, seeding and sodding, including all labor and materials.

(c) Assessment Determination. The pavement special assessment shall be determined as follows:

-The assessment rate shall be determined by actual cost of constructing the pavement per lineal foot, including direct and indirect costs.

-The assessment rate shall be applied to the frontage of the property being assessed, determined in the same manner as established for water main assessments, to compute the total assessment for the property.

(d) The front foot assessment rate shall be determined by dividing the total cost of the pavement to be installed under the proposed project, including intersections, by the total assessable front footage.

(6) **Curb and Gutter Improvements.** Assessments for curb and gutter construction shall be levied as follows:

(a) Direct Costs Included. Construction costs included in the assessments for such improvements may include the curb and gutter, restoration, rough and backfill grading, and gravel sub-base.

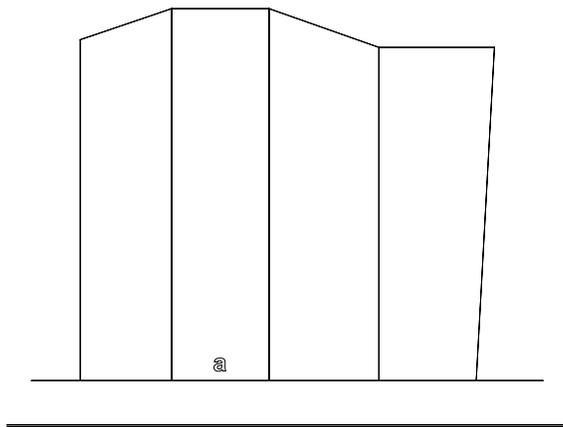
- (b) Assessment Determination. The curb and gutter special assessment shall be determined as follows:
 - The assessment rate shall be determined by actual cost of constructing the main sewer per lineal foot, including direct and indirect costs.
 - The assessment rate shall be applied to the frontage of the property being assessed, determined in the same manner as established for water main assessments, to compute the total assessment for the property.
 - (c) The front foot assessment rate shall be determined by dividing the total cost of the curb and gutter to be installed under the proposed project, including intersections, by the total assessable front footage.
- (7) **Situations Not Covered.** The Village Engineer shall recommend procedures in levying special assessments for public improvements not covered by this section.

Suggested Procedure for Determining the Assessable Footage – Water Main. – Part I

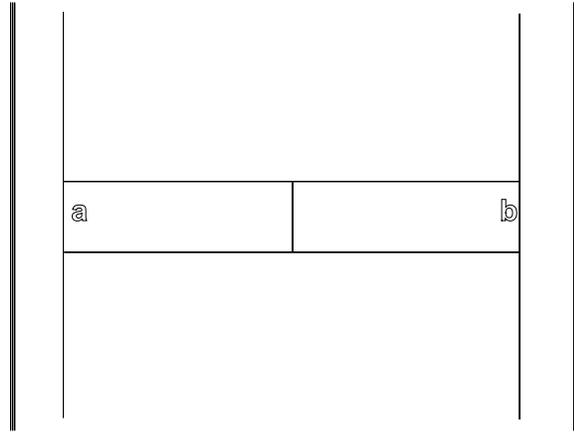
—————
WATER MAIN

.....
PREVIOUSLY INSTALLED

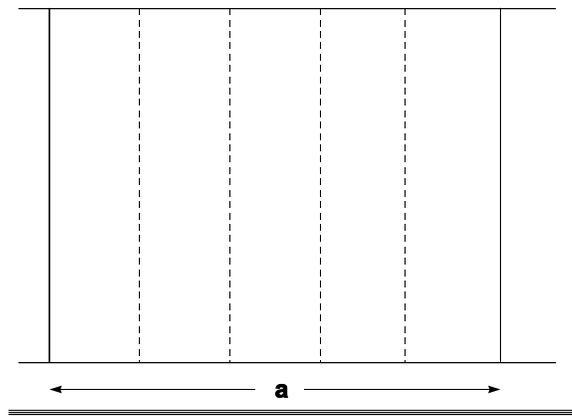
1. Assessable Footage = a



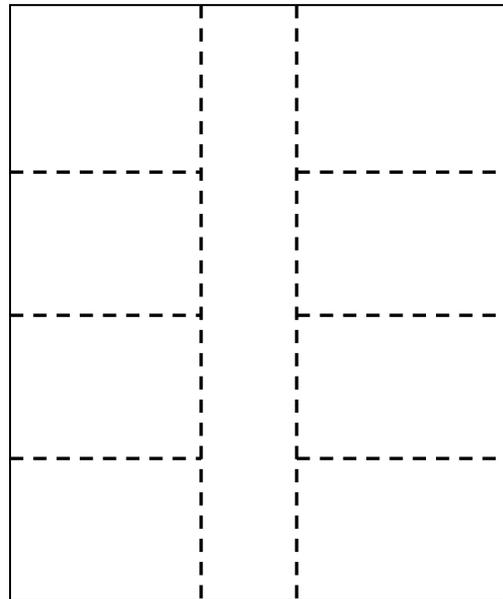
2. Can be divided.
Assessable Footage = a
Assessable Footage = b

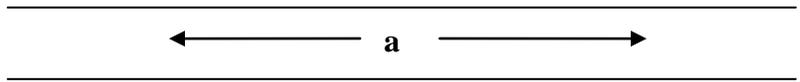


3. Can be divided.
Assessable Footage = a

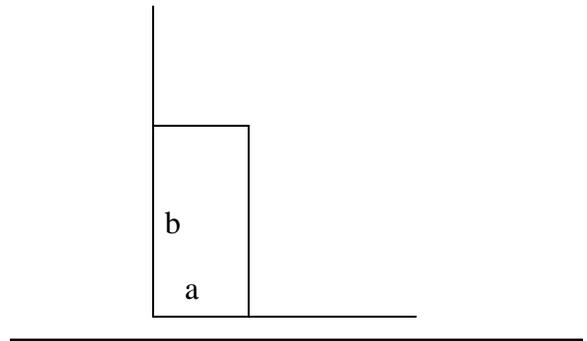


4. Can be subdivided.
Assessable Footage = a

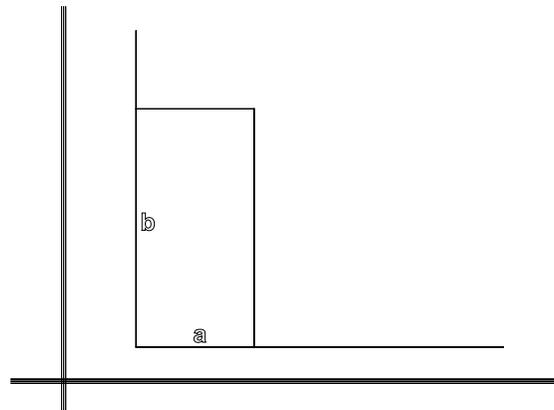




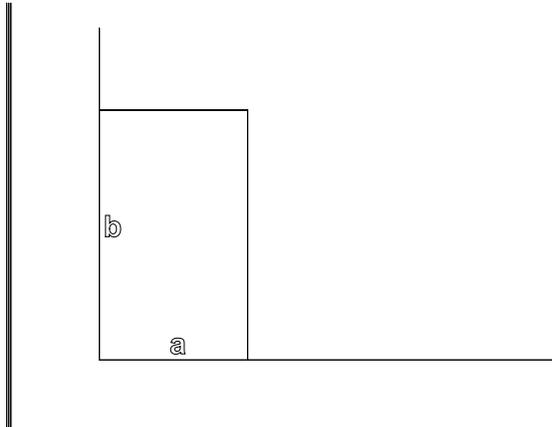
5. Corner Lot – Cannot be divided
a = short side
Larger of the actual frontage on the short side or the maximum frontage for the zoning district.



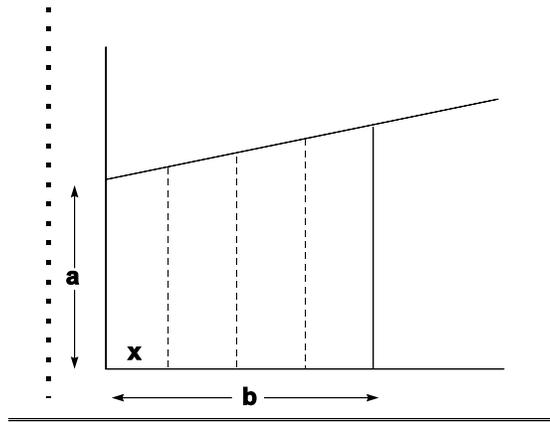
6. Corner Lot – Cannot be divided
Larger of the actual frontage on the short side or the maximum frontage for the zoning district.



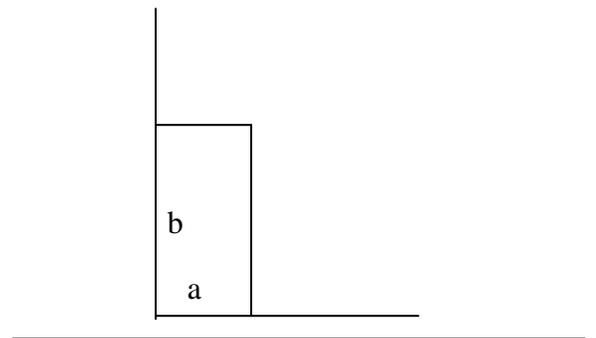
7. Corner Lot – Cannot be divided
 Larger of the actual frontage on the short side or the maximum frontage for the zoning district.



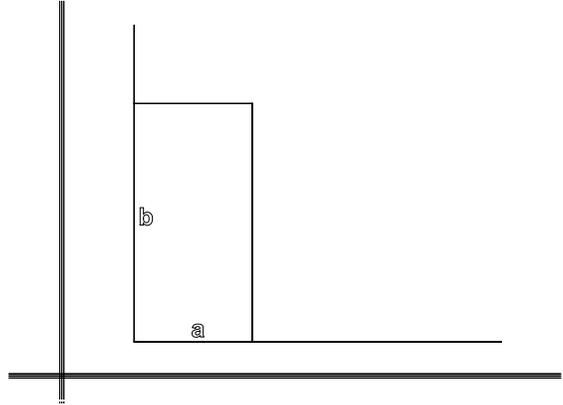
8. Corner Lot
 b = long side
 Can be divided
 b – x
 x = the zoning depth for the district on the corner lot



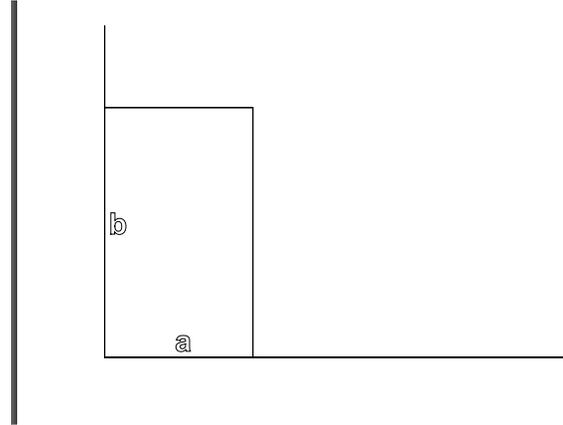
- 5a. Corner Lot – Cannot be divided
 Commercial and light manufacturing
 a = short side
 Assessable footage = a plus that part of b in excess of 1.5 x the minimum allowable R-1 zoning frontage of 75 feet
 (1.5 x 75 = 112.50)



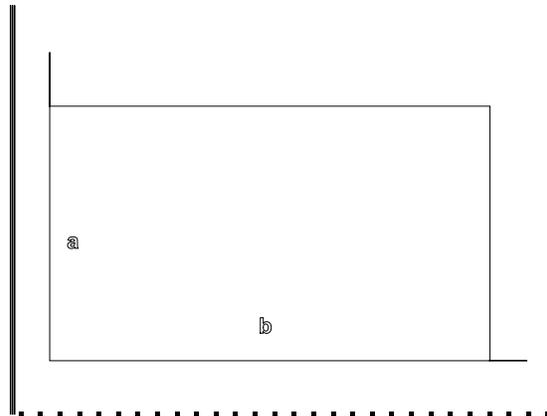
- 6a. Corner Lot – Cannot be divided
 Commercial and light manufacturing
 a = short side
 Assessable footage = a plus that part of b in excess of 1.5 x the minimum allowable R-1 zoning frontage of 75 feet ($1.5 \times 75 = 112.50$)



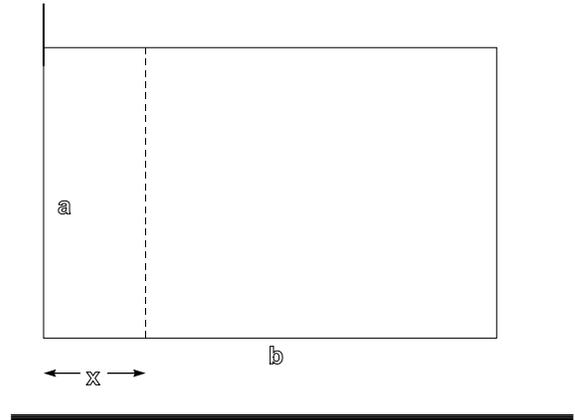
- 7a. Corner Lot – Cannot be divided
 Commercial and light manufacturing
 b = long side
 Assessable footage = a plus that part of b in excess of 1.5 x the minimum allowable R-1 zoning frontage of 75 feet ($1.5 \times 75 = 112.50$)



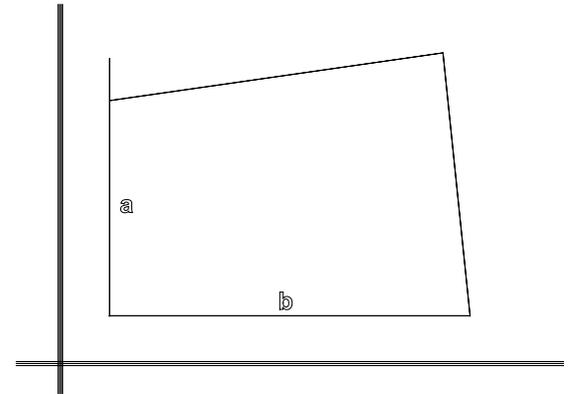
- 8a. Corner Lot – Can be divided
 a = short side
 b = long side
 Assessed footage



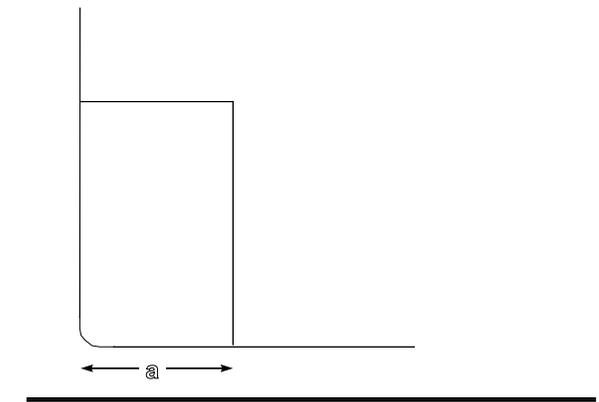
- 8b. Corner Lot – no future main on short side
 Can be divided
 b = long side
 x = minimum zoning depth for district
 Assessable Footage = $a + b - z$



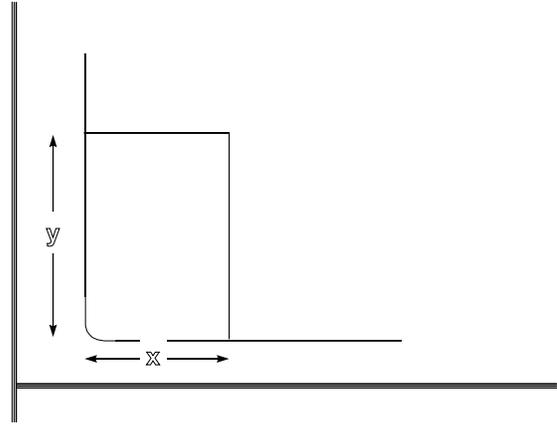
9. Corner Lot
 a = short side
 Large Parcel that can be divided or subdivided.
 $a + b$ – the zoning depth for the district on the corner lot
 R-1 zoning depth will be 133 feet;
 R-2 zoning depth will be 167 feet;
 R-3 zoning depth will be 200 feet;
 R-4 zoning depth will be 125 feet;
 Commercial & light manufacturing – no zoning – will be 133 feet.



10. Corner Lot – Cannot be subdivided
 a = short side
 Larger of the actual frontage on the short side or the minimum frontage for the zoning district

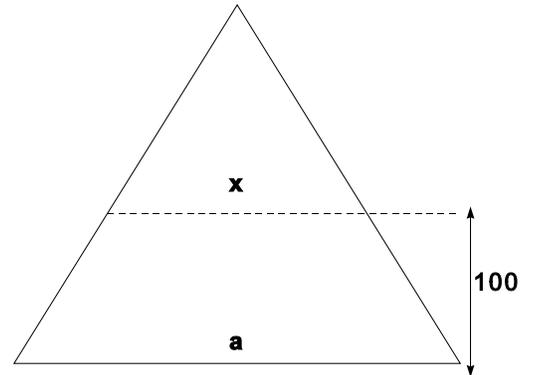


11. Corner Lot – Cannot be divided
 Short side = x
 Long side = y
 Larger of the actual frontage on the short side or the minimum frontage for the zoning district.

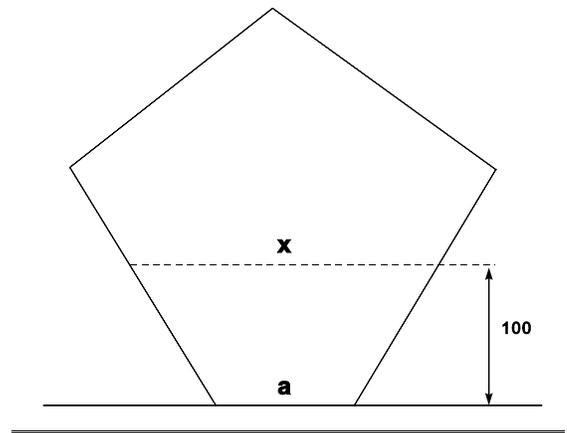


Sanitary Sewer, Water Main, Storm Sewer

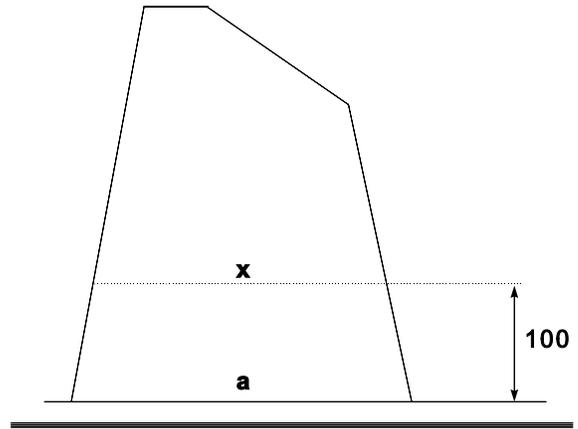
12. Unusual Shaped Lot
 Assessable Footage = $\frac{a + x}{2}$
 (When a – x is greater than 30% of “a”)



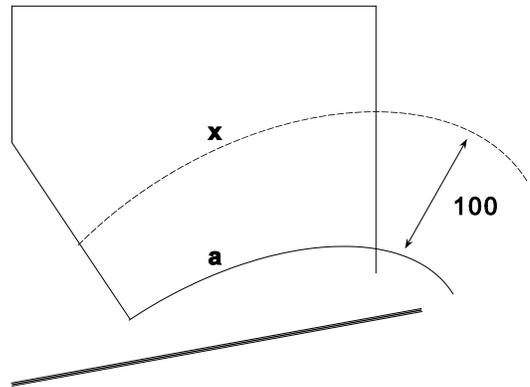
13. Unusual Shaped Lot
 Assessable Footage = $\frac{a + x}{2}$
 (When a – x is greater than 30% of “a”)



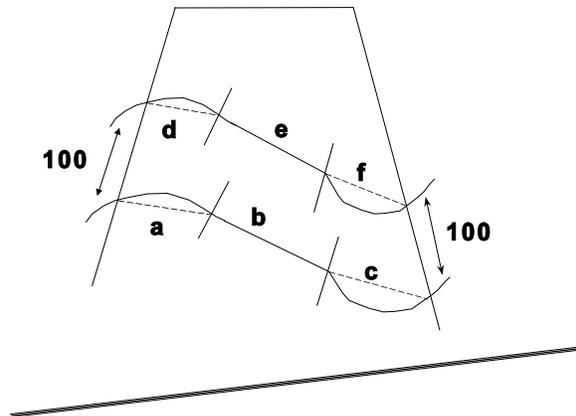
14. Unusual Shaped Lot
 Assessable Footage = $\frac{a + x}{2}$
 (When $a - x$ is greater than 30% of "a")



15. Unusual Shaped Lot
 Assessable Footage = $\frac{a + x}{2}$
 (When $a - x$ is greater than 30% of "a")



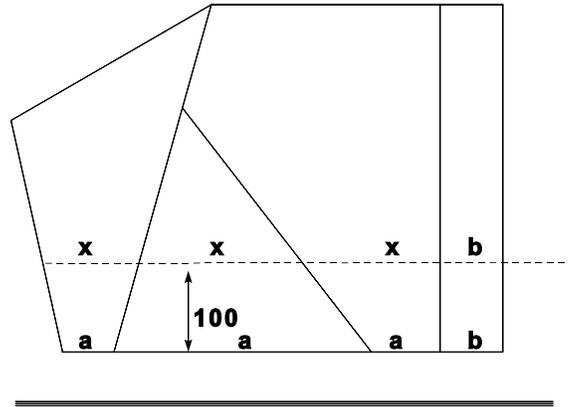
16. Unusual Shaped Lots
 Assessable Footage = $\frac{(a + b + c) + (d + e + f)}{2}$



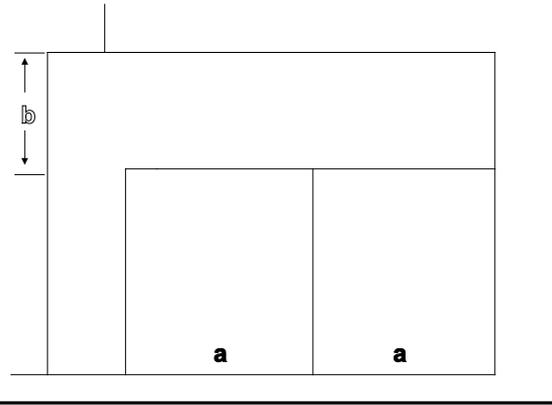
17. Unusual Shaped Lots
Very large parcels that can be subdivided

$$\text{Assessable Footage} = \frac{a + x}{2}$$

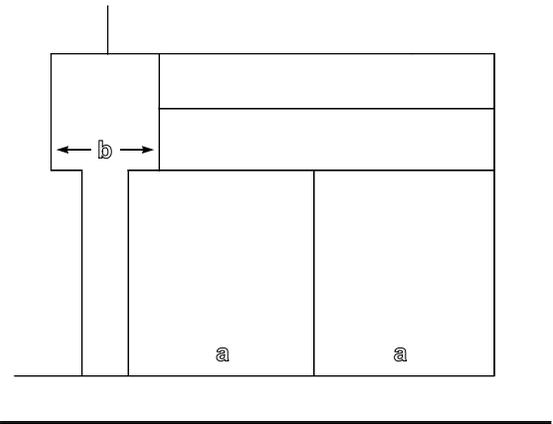
Assessable Footage = b
(When $a - x$ is greater than 30% of "a")



18. Unusual Shaped Lots
Lot is to be served from new main.
Cannot be divided.
"a" is short side.
Assessable Footage = a
Assessable Footage = b



19. Unusual Shaped Lots
Lot is to be served from new main.
Cannot be divided.
"a" is short side.
Assessable Footage = a
Assessable Footage = b



13.12 STORM WATER MANAGEMENT UTILITY.
(1) **Findings.**

- (a) The management of storm water and other surface water discharges within and beyond its border is a matter that affects the public health, safety, and welfare of the Village, its citizens and businesses, and others in the surrounding area.
 - (b) Failure to effectively manage storm water and other surface water discharge from already developed and vacant property may create, among other things, erosion of lands, threaten businesses and residences with water damage, and create sedimentation and other environmental damage.
 - (c) The Village's Storm Water Management System, which provides for the regulation, collection, and disposal of storm and surface water discharge, is of benefit and provides services to all real property within the incorporated Village limits.
 - (d) The costs of operating and maintaining the Village's Storm Water Management System, ensuring regulatory compliance and financing necessary plans, studies, repairs, replacement, improvements, and extension thereof should, to the extent practicable, be allocated among property classes in proportion to the contribution to the System from each property class.
 - (e) The final report entitled "Stormwater Utility Feasibility Report" prepared by Earth Tech, Inc., is hereby declared to constitute the study and description of the analytical determinations that demonstrate a rationale basis for the enactment of this ordinance.
- (2) **Establishment of Storm Water Management Utility.** In order to protect the health, safety, and welfare of the public, there is hereby established the Village of Hales Corners Storm Water Management Utility.

(3) **Definitions.**

- (a) Administrative Costs. The costs of general management and administration of the Storm Water Management Utility, development plan and erosion control plan review, and compliance with the requirements of Wisconsin Administrative Code Chapter NR 216, include, but are not limited to the following:
 - 1. Wages, salaries, and related employee expenses for management and administration of the Utility together with fringe benefits and premiums paid on such wages and salaries for the State Worker's Compensation coverage.
 - 2. Utility billing and accounting expenses.
 - 3. Office supplies.
 - 4. Permit fees.
 - 5. Consultant and legal fees.
- (b) Board. The Village Board of the Village of Hales Corners.
- (c) Capital Cost. The cost of acquiring, purchasing, leasing, planning, designing, constructing, extending, and improving all or any part of the Storm Water Management System and any principal, interest, or premiums on any indebtedness incurred for these purposes.
- (d) Debt Retirement. All annual principal and interest requirements and obligations of the Village that relate to storm water management system improvements.
- (e) Equivalent Runoff Unit (ERU). An amount of impervious surface area on a lot or parcel that is equivalent to the amount of impervious surface on a typical developed single family residential lot. The square feet of impervious surface area per ERU shall be as established by the Village Board from time to time by resolution and set forth in a Storm Water Utility Rate Schedule.

- (f) Impervious Area or Impervious Surface. A horizontal surface which 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, asphalt, concrete, streets, roofs, sidewalks, parking lots, and other similar surfaces.
- (g) Operation and Maintenance Costs (O&M). All direct and indirect costs, excluding debt service and other capital costs, necessary to ensure adequate drainage and control of storm and surface waters on a continuing basis and assure optimal long term function of storm water management system facilities. O&M costs may include expenses for, but not limited to, the following purposes.
 - 1. Wages and salaries and related employee expenses for operating and maintenance of the Storm Water Management System, and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State Worker's Compensation coverage.
 - 2. Fuel and other operating supplies.
 - 3. Repairs to and maintenance of the equipment associated therewith.
 - 4. Premiums for hazard insurance.
 - 5. Premiums for insurance providing coverage against liability for the injury to persons and/or property.
 - 6. Rents and leasing costs.
 - 7. Operation, licensing, and maintenance costs for trucks and heavy equipment.
 - 8. Consultant and legal fees.
 - 9. Replacement costs.
- (h) Replacement Fund. Expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the useful life of the Storm Water Management System to maintain the performance for which such system was designed and constructed.
- (i) Storm Sewer. A sewer that carries storm and surface drainage but excludes domestic wastewater and industrial waste.
- (j) Storm Water Management Program. Any activities undertaken by the Village of Hales Corners for the collection, transportation, storage, treatment, and disposal of storm and surface water and for the reduction or elimination of pollutants in storm and surface water, including, but not limited to, administration, operation, and maintenance of the Storm Water Management System and Utility, constructing storm water sewerage facilities, and complying with the requirements of the Wisconsin Statutes and Administrative Code.
- (k) Storm Water Management System. Any plant, facilities, fixtures, or equipment owned or leased by the Village for the collection, transportation, storage, treatment, and disposal of storm water and surface water. Such facilities may include, without limitation by enumeration, surface and underground drainage conduits of any type, storm sewers, watercourses, retaining walls and ponds, and such other facilities as will support a storm water management system.
- (l) Storm Water Service Charges. Charges imposed on properties in the Village to recover the administrative, operating, maintenance, and capital costs relating to storm water management facilities benefiting properties in the Village. Storm Water Service Charges may include user charges or any other special fees and charges that may be required to provide for an equitable sharing of Utility costs by properties in the Village.
- (m) Utility. The Storm Water Management Utility of the Village of Hales Corners.
- (n) Village. The Village of Hales Corners.

- (4) **Application.** The application of this section, its rules, regulations, and rates shall apply to all real property within the incorporated limits of the Village.
- (5) **Powers and Duties of the Utility.**
- (a) **Facilities.** The Village through the Storm Water Management Utility may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities as are deemed by the Village to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, storm sewers, watercourses, retaining walls and ponds, and such other facilities that will support a Storm Water Management System.
 - (b) **Rates and Charges.** The Village through the Storm Water Management Utility may establish such rates and charges as are necessary to finance planning, design, construction, maintenance, and operation of the facilities, regulatory compliance, and administration of the Utility in accordance with the procedures set forth in this ordinance.
 - (c) **Budgeting.** The Village through the Storm Water Management Utility shall prepare an annual budget, which is to include all administrative, regulatory compliance, operation, and maintenance costs, debt service, and other costs related to the operation of the Storm Water Management Utility. All costs shall be allocated amongst users of the Storm Water Management System as recommended by the Public Works Commission and determined by the Village Board.
 - (d) The Village may utilize the full authority provided in §66.0821, Wis. Stats., with respect to financing methods, user charges, and other matters therein dealt with and shall have all legal authority permitted for municipal utilities to impose reasonable charges for service.
- (6) **Management of Utility.**
- (a) The oversight of the Storm Water Management Utility is hereby vested in the Village Board. The Board shall direct and delegate the management and operation of the Storm Water Management Utility to Village staff and shall prescribe the functions thereof as may be necessary to operate and manage the Storm Water Management Utility.
 - (b) The Public Works Commission, appointed in accordance with Village of Hales Corners Article VIII, Section (2), shall make recommendations to the Village Board concerning the operation of the Utility.
 - (c) The Committee of the Whole of the Village Board, in consultation with the Public Works Commission, shall make recommendations to the Village Board concerning the Utility budget, service charge rates, and expenditures.
 - (d) The Village Board shall establish a Storm Water Management Fund, which shall be used for collection of revenues and payments of expenses relating to the Utility. Any excess of revenues over expenditures in a year shall be retained by the fund for subsequent years' needs.
 - (e) All utility receipts shall be collected and accounted for by the Village Treasurer.
 - (f) The Village Board shall cause an annual audit of the financial records of the Storm Water Management Utility to be made and shall make the records relating to the Utility available for inspection during regular business hours.

- (7) **Purpose.** There is hereby established a uniform system of storm water service charges that shall apply to each and every lot or parcel within the Village. It shall be the policy to establish storm water service charges in such amount in order to pay for all or a part of the following costs related to the Utility:
- (a) Administrative,
 - (b) Operation and maintenance (O&M),
 - (c) Contributions to a replacement and capital improvements fund, and
 - (d) Debt service, including debt retirement, debt service reserves, and coverage requirements.

The Board may establish and modify storm water service charges as necessary so as to assure that the charges generate adequate revenues to pay the costs of the storm water management program and that costs are allocated fairly and proportionately to all parcels in the Village.

- (8) **Charges.** Storm water service charges may include the following components.
- (a) User Charge. A user charge may be imposed on all property that has impervious surface area. The charge to each parcel shall be based upon the number of ERU's assigned to the parcel. The user charge for each parcel shall be equal to the product of the user charge rate in terms of dollars per ERU and the number of ERU's assigned to the parcel.
 - (b) Special Charges. A special charge may be imposed on property that is in an area specially benefited by a particular storm water management facility. This charge will be developed to reflect the benefits in a particular area that may not be appropriate to allocate to property throughout the Village.
 - (c) All storm water service charge rates shall be established from time to time by resolution of the Village Board and set forth in a Storm Water Utility Rate Schedule attached thereto.

- (9) **Customer Classification.**
- (a) For purposes of imposing the user charges, all lots and parcels in the Village shall be classified into the following four customer classifications:
 1. Single Family and Two-Four Family Residential.
 2. Condominium and Multi-family Residential.
 3. Nonresidential.
 4. Undeveloped.
 - (b) ERU's shall be calculated for each classification as follows:
 1. Single Family and Two-Four Family Residential. One (1) ERU per dwelling unit.
 2. Condominium and Multi-family Residential. The Village Public Works Director shall be responsible for determining the impervious area of each multi-family residential parcel based on the best available information including, but not limited to, data supplied by the Village Engineer, Village Assessor, Building Inspector, or Planning and Zoning Administrator, aerial photography, the property owner, tenant, or developer, or actual on-site measurement. The total impervious area of the parcel shall be divided by the number of square feet per ERU as established by the Village Board and set forth in a Storm Water Utility Rate Table to determine the number of ERU's, except that in no case shall a multi-family parcel be assigned less than 0.50 ERU's per dwelling unit. The number of ERU's shall be rounded to the nearest 0.50 ERU's.

3. Nonresidential Property. The Village Public Works Director shall be responsible for determining the impervious area of each nonresidential parcel based on the best available information, including, but not limited to, data supplied by the Village Engineer, Village Assessor, Building Inspector, or Planning and Zoning Administrator, aerial photography, the property owner, tenant, or developer, or actual on-site measurement. The total impervious area of the parcel shall be divided by the number of square feet per ERU as established by the Village Board and set forth in a Storm Water Utility Rate Table to determine the number of ERU's to assign to a parcel. The number of ERU's per parcel shall be rounded to the nearest 0.50 ERU's.
 4. Undeveloped Property. For any lot or parcel that has no impervious surface area, no ERU's shall be assigned for purposes of imposing user charges under this ordinance.
- (c) New Construction. For all classifications other than single family and two-four family residential, the construction of new or expanded buildings, driveways, or other structures shall be subject to an increase in the number of ERU's assigned to a lot or parcel. The Village shall recalculate the number of ERU's upon completion of new construction.
- (10) **Determination of Storm Water Service Charges.** The amount of the charge to be imposed for each classification shall be made by resolution of the Village Board. The current rates will be set forth in a Storm Water Utility Rate Schedule and kept on file in the office of the Village Clerk. The rates shall be reviewed by the Village Board on an annual basis and adjusted as necessary.
- (11) **Adjustment.**
- (a) The Village Board shall adopt, by separate resolution, criteria recommended by the Director of Public Works for providing adjustments.
 - (b) Adjustments may be considered for customers who own and properly maintain storm water management facilities, such as a retention or detention basin. In considering such a request, the Director of Public Works shall consider whether and to what extent the Village cost of providing service is or making service available to a property has been lessened by the retention or detention basin. If the Village's cost of providing service or making service available to a property has not been lessened by the retention or detention basin, the request for the lowered adjustment multiplier shall be denied. If the Village's cost of providing service or making service available to a property has been lessened by the retention or detention basin, the adjustment multiplier shall be reduced to reflect the approximate reduction in the Village's costs. The Village's debt service costs and extension and replacement costs shall not be considered to be reduced unless the existence of a retention or detention basin results in a reduction of the size or scope of the Village's storm water collection system.
 - (c) If all of the storm water from a nonresidential property discharges directly into a qualifying receiving stream without crossing the property of another and the discharge does not result in the exceedance of Federal, State, or local water quality standards, the customer is eligible for an adjustment multiplier less than one (1) but equal to or greater than the percentage equal to that portion of the Village's User Fee Revenue budgeted towards administrative and capital expenditures for the current year.

- (d) If all of the storm water from a nonresidential property discharges directly into a qualifying receiving stream without crossing the property of another and the nonresidential customer is a holder of or has filed a proper and complete application for a Municipal Storm Water Discharge Permit, as provided in §283.33, Wis. Stats., and as further detailed in Department of Natural Resources (NR) 216.01 through 216.11 of the Wisconsin Administrative Code, the customer is eligible for a lowered adjustment multiplier less than one (1) but equal to or greater than the percentage equal to that portion of the Village's User Fee Revenue budgeted toward administrative and capital expenditures for the current year.
- (e) If all the storm water from a nonresidential property discharges directly into a storm water collection system constructed and maintained by the Milwaukee Metropolitan Sewerage District (MMSD) without crossing the property of another, the customer is eligible for a lowered adjustment multiplier less than one (1) but equal to or greater than the percentage equal to that portion of the Village's User Fee Revenue budgeted toward administrative and capital expenditures for the current year.
- (f) If all the storm water from a nonresidential property discharges directly into a storm sewer constructed and maintained by the Village on the nonresidential customer's property pursuant to an easement and if, after the storm water travels through the easement area, it is discharged as provided in (c) or (d), the customer is eligible for a lowered adjustment multiplier less than one (1) but equal to or greater than the percentage equal to that portion of the Village's User Fee Revenue budgeted toward administrative and capital expenditures for the current year.
- (g) In considering a request for an adjustment, the Director of Public Works may, in his or her discretion, separately examine multiple drainage areas on one piece of property and may recommend allowing an adjustment multiplier for a portion of the property if the characteristics of one or more drainage areas meet the criteria set forth in this section.
- (h) The Director of Public Works, at his or her discretion, may recommend allowing a lowered adjustment multiplier which may be as low as zero (0) for a nonresidential property for reasons other than as specifically set forth in this section, provided that the adjustment is reasonable and not unjustly discriminatory.
- (i) No adjustments shall be considered for structural or nonstructural Best Management Practices that are required in order to comply with any local, State, or Federal regulation, such as the Village of Hales Corners Storm Water Management Ordinance, MMSD Chapter 13, Wis. Stats. Chapter 30, and Wisconsin Administrative Code Chapters NR-103 and NR-216.
- (j) No adjustments shall be considered for any "natural" features, such as, but not limited to, wetlands, lakes and floodplains, or water impoundment of any kind in existence prior to passage of this ordinance.
- (k) Director of Public Works Review Procedure.
 1. The Director of Public Works shall issue a written determination as to whether a written request for adjustment will be granted, denied, or granted in part within 30 days of receipt of all materials and reports required by the Director of Public Works on the request for an adjustment. The determination shall be sent to the customer requesting the adjustment.

2. A customer may appeal a determination under subsection (12)(b) within 30 days of receipt of the Director's determination by submitting a written request to the Public Works Commission asking to review the determination.
 3. If no timely written request for appeal is received pursuant to subsection (12)(d), the determination of the Director of Public Works shall be final.
 4. The Public Works Commission review of the appeal to the determination shall be completed within 45 days of the receipt of the written request for appeal. The Public Works Commission shall review the appeal and determine whether the Director's determination should be approved, modified, or rejected. The determination of the Public Works Commission shall be in writing and set forth in detail the reason or reasons for its decision and shall inform the customer.
- (l) Application of Adjustment. Any adjustment or adjustment multiplier granted shall thereafter be used to calculate the customer's user charges. The reduction shall only apply for the period of time subsequent the granting of the request for adjustment. There shall be no retroactive adjustment for user charges imposed prior to the granting of the request.
- (m) Recertification. Recipients of adjustment shall, every five (5) years, file a recertification of the conditions under which the adjustment was granted. Failure to do so may result in revocation of the adjustment.

(12) **Method of Review.**

- (a) As a condition precedent to challenging any storm water utility charge, the charge must be paid under protest to the Village.
- (b) Within 30 days of payment, a written challenge to the storm water 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 water charge the customer asserts is appropriate. Failure to file a challenge within 30 days of payment waives all right to later challenge the charge.
- (c) The Public Works Commission will determine whether the storm water charge is fair and reasonable or whether a refund is due to the customer. The Public Works Commission may act with or without a hearing and will inform the customer in writing of its decision.
- (d) The customer has 30 days from the decision of the Public Works Commission to file a written appeal to the Village Board.
- (e) If the Village Board determines that a refund is due to the customer, the refund will be applied as a credit on the customer's next storm water bill.

- (13) **Special Charge and Assessment Authority.** In addition to any other method for collection of the charges established pursuant to this ordinance for storm water utility costs, the Village Board finds that these charges may be levied on property by special charge pursuant to §66.0627, Wis. Stats. The charges established by the special charge must reasonably reflect the benefits conferred on property. The mailing of 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 charged pursuant to the authority of §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 November 15, may be placed upon the tax roll under §66.0627, Wis. Stats. In addition to the foregoing special charge authority, charges may be established and collected under this ordinance by way of special assessment pursuant to §66.0701 or §66.0703, Wis. Stats.

(14) **Billing and Payment.**

- (a) User charges for residential users shall be billed in advance on an annual basis as a special charge on the annual property tax bill. All other users shall be billed on a quarterly basis. Payment of quarterly bills shall be made within 25 days of mailing by the Village. In the event that such bill is not paid when due, a penalty of 1.5% per month on the unpaid balance shall be added thereto. All bills shall be payable to the office of the Village Treasurer, 5635 S. New Berlin Road, Hales Corners, Wisconsin 53130.
- (b) The property owner is held responsible for all storm water service charges on real property that he or she or it owns. All storm water bills and notices of any nature relative to the storm water management program will be addressed to the owner and delivered to the addressee by first class mail.
- (c) Reasonable care will be exercised in the delivery of Storm Water Service Charges bills. A failure to receive a Storm Water Service Charges bill, however, shall not relieve any person of the responsibility for payment of Storm Water Service Charges within the prescribed period nor exempt any party from any penalty imposed for delinquency in the payment thereof.
- (d) Unpaid storm water service charges shall be a lien upon the property served and shall be enforced as provided in §66.0809(3), Wis. Stats.