



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Finance & Personnel Committee

Re: Amending Sec. 17-205 – Definitions and Sec. 17-206 – TARF Calculation, to provide for a definition of Impervious Area or Surface; and Impervious Area Unit (IAU)

ORDINANCE NO. 2019-07

Introduced: March 20, 2019

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 17-205 of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 17-205. - Definitions.

For the purpose of this article, the definitions listed at Sec. 17-123 shall apply to this Article, unless modified in this section; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary:

Impervious Area Unit (IAU). The term "IAU" means the statistical average horizontal impervious area of "single family homes" (single family and mobile homes) within the City on the date of adoption of Ordinance 1211. The horizontal impervious area includes, but is not limited to all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.

Impervious area or impervious surface. These terms mean a horizontal surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay or gravel, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.

Section 2. Section 17-206(2) of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (2) The Fee charged shall be issued to share the costs of the historic level of special assessment for street resurfacing, street reconstruction and sidewalk installation. This charge may be imposed on all property that has any developed impervious area. The ~~ERU~~IAU charge will be designed on the basis of a typical residential unit of property. Other units of property will be charged multiples of the ~~ERU~~IAU based on the impervious area.

Section 3. Section 17-206(4) of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (4) The City Water Utility as staffed and supervised by the Department of Finance is hereby appointed as the collection agency for the TARF. Bills shall be prepared by the City Water Utility and sent to the owner ~~or occupant~~ of each property subject to the TARF. The Department of Finance shall allocate the actual cost of billing and collecting.

Section 4. Section 17-206(6) of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is repealed, but the subsection number is reserved for future use.

Section 5. Section 17-207 of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 17-207. – TARF Calculation.

- (1) For purposes of imposing the TARF charges, the Common Council may classify all lots and parcels within the City or in its discretion, treat all parcels within the city as a single class.
- (2) In the event that the Council determines multiple property classifications shall be applied, the Director shall prepare a list of lots and parcels within the City and assign a classification to each lot or parcel based on the direction of the Council.
- (3) The average square footage of impervious area of ~~ERU~~IAU is established to be equivalent to 3,138 square feet.
- (4) The charge imposed for single-family residential property shall be the rate for one (1) ~~ERU~~IAU.
- (5) The charges imposed for duplex residential properties shall be the rate for one-half of one ~~ERU~~IAU for each individual dwelling unit existing on the property ($\frac{1}{2}$ ~~ERU~~IAU rate multiplied by the number of dwelling units).
- (6) The charges imposed for manufactured home, residential-multifamily units, non-residential, and non-profit properties shall be the rate for one ~~ERU~~IAU, multiplied by the numerical factor obtained by dividing the total impervious area of a residential multifamily unit and non-residential property by the square footage of one ~~ERU~~IAU. The factor shall be rounded down to the nearest one-half ~~ERU~~IAU,

$$\frac{\text{ERUIAU rate} \times \text{impervious area}}{\text{ERUIAU}}$$

- (7) The charges imposed for undeveloped properties as defined herein shall be the rate for one ERUIAU multiplied by a factor established by resolution and then divided by the square footage for one ERUIAU established by resolution.
- (8) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process.
- (9) The minimum charges for any non-residential parcel shall be equal to the rate for one ERUIAU.
- (10) All unoccupied developed lots and parcels shall be subject to the TARF.

Section 6. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 7. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Ald. Erickson / Kunz
Adopted: March 20, 2019
Approved: 8-0 March 20, 2018
Published: March 25, 2019

Approved:



Dean R. Kaufert, Mayor

Attest:



Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
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