



AN ORDINANCE: By the Public Services and Safety
Committee
Re: Amending Article IV – Stormwater Management
Services

ORDINANCE NO. 2019-13
Introduced: April 23, 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 17-123 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

New Construction. That portion of a post-construction site where impervious surfaces are being created or expanded.

Non-residential Other developed property. The term "~~non-residential~~ Other developed property" means any ~~developed~~ lot or parcel that cannot be classified as either Residential-Single Family, Manufactured Home or Condominium, or Residential-Duplex, ~~not exclusively residential~~ as defined herein, including, but not limited to, transient rentals (such as hotels and motels), commercial, industrial, institutional, governmental property, multi-family and parking lots.

Undeveloped property. The term "undeveloped property" means that which has not been altered from its natural state by the addition of any improvements such as a building, structure, impervious surface, change of grade or landscaping. For new construction, a property shall be considered developed pursuant to [Section 17-127](#). ~~this article:~~

~~(1) Upon issuance of a Certificate of Occupancy, or upon completion of construction or final inspection if no such certificate is issued; or~~

~~(2) Where construction is at least 50 percent complete and construction is halted for a period of three months.~~

Section 2. Section 17-125(2) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(2) Rate charges shall be issued to share the costs of the Stormwater Utility. These rate charges ~~may include:~~ shall be based on the

~~(a) Base charge (BC). The base charge may be imposed on all property in the city. The base charge will be designed to reflect the fact that all properties benefit from the stormwater management activities of the City and that all property contribute in some way to the stormwater discharge that must be managed by the City. The BC will be designed to collect the administrative costs of the Stormwater Utility and the portion of capital costs not covered by special assessments. The BC may be based on the size of a parcel of property.~~

(b) Equivalent runoff unit charge (ERU charge). This charge will may be imposed on all property that has any developed impervious area. The ERU 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 based on the impervious area contributing to surface water runoff. The ERU charge is comprised of the following components:

(a) Base Fee - This portion of the ERU fee finances the administration management, billing and other tasks that are required to operate the utility, and which benefit all properties within the City.

(b) Flow Rate Fee - This portion of the ERU fee finances stormwater utility activities related to flow rate through the City's stormwater system from the point of generation to the point of discharge to Lake Winnebago, Little Lake Butte des Morts, the Fox River, and the Neenah Slough.

(c) Volume Fee - This portion of the ERU fee finances stormwater utility activities related to the total volume of water passed through the City's stormwater system from the point of generation to the point of discharge to Lake Winnebago, Little Lake Butte des Morts, the Fox River, and the Neenah Slough.

(d) Quality Fee - This portion of the ERU fee finances stormwater utility activities related to the quality of water passed through the City's stormwater system from the point of generation to the point of discharge to Lake Winnebago, Little Lake Butte des Morts, the Fox River, and the Neenah Slough.

Section 3. Section 17-125(3) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

- (3) The Council may make such other **rate** and customer classifications as will be likely to provide reasonable and fair distribution of the costs of the Stormwater Utility. In so doing, the Council may provide credits against certain of the charges set forth above for facilities installed and maintained by the property owner for the purpose of lessening the stormwater flow **or improving the stormwater quality** from that given property.

Section 4. Section 17-126 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken text and adding the highlighted language to read as follows:

Sec. 17-126. - Customer classification.

(1) For purposes of imposing the stormwater charges, all lots and parcel within the City are classified into the following ~~five~~ customer classes:

(a) Residential—Single-Family, ~~and~~ Manufactured Home, **and Condominium.**

(b) Residential—Duplex.

(c) **Other developed** ~~Residential—Multifamily Units.~~

~~(d) Non-residential.~~

~~(e)~~ **Undeveloped.**

(2) **Each property shall be assigned** ~~The Director shall prepare a list of lots and parcels within the City and assign~~ a classification **as defined herein** ~~of residential, non-residential or undeveloped to each lot or parcel.~~

(3) The average square footage of impervious area of ERU is established to be equivalent to 3,138 square feet.

(4) The charge imposed for Single Family, Manufactured Home and Condominium property units shall be the rate for one (1) ERU.

(54) The charges imposed for Duplex residential properties shall be the rate for one-half of one ERU for each individual dwelling unit existing on the property ($\frac{1}{2}$ ERU rate multiplied by the number of dwelling units).

(65) The charges imposed for ~~single family, manufactured home, residential-multifamily units and non-residential~~ Other developed properties as defined herein shall be the rate for one ERU, multiplied by the numerical factor obtained by dividing the total impervious area ~~of a residential multifamily unit and non-residential~~ of the property by the square footage of one ERU. The factor shall be rounded down to the nearest one-half, i.e.
ERU rate x $\frac{\text{impervious Area}}{\text{Area of 1 ERU}}$

(76) Reserved.

(87) The charges imposed for undeveloped properties as defined herein shall be the rate for one ERU multiplied by a factor established by resolution and then divided by the square footage for one ERU established by resolution.

(98) ~~The Director shall be responsible for determining the~~ Impervious area shall be based on the best available information, including, but not limited to, data supplied by the City Assessor, the City Building Inspector, aerial photography, the property owner, tenant or developer. ~~The Director and~~ may require additional information as necessary to make the determination. The billing amount shall be updated ~~by the Director as appropriate based on the building permit process.~~

(109) The minimum charges for any ~~non-residential~~ parcel classified as Other Developed Property shall be equal to the rate for one (1) ERU.

(1140) All unoccupied developed lots and parcels shall be subject to the Stormwater Utility charges.

Section 5. Section 17-127 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken text and adding the highlighted language to read as follows:

~~(1) Except for single-family units, 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 city 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 chapter subject to the penalty as provided in section 1-20 of the Code.~~

~~(2)~~ The owner shall also be liable for stormwater charges, under this article, for the improvement from the date of building permit issuance or the date that construction of the improvement began, whichever is earlier.

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.

Motion: Ald. Kunz/Bates

Adopted: 9-0 June 5, 2019

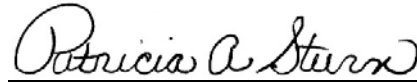
Published: June 10, 2019

Approved:



Dean R. Kaufert, Mayor

Attest:



Patricia Sturn, City Clerk