

**CHAPTER 15**  
**STORMWATER UTILITY**  
**VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN**

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**ARTICLE 15.00 STORMWATER UTILITY**

**15.01 FINDINGS AND DECLARATION OF POLICY.**

The Village of Slinger finds that the management of stormwater and other surface water discharges within and beyond the Village of Slinger is a matter that affects the health, safety and welfare of the Village, its citizens and businesses and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the Village by, among other things, increasing infiltration to the sanitary sewer. In addition, surface water runoff causes erosion of lands, damages to businesses and residences, sedimentation, and other environmental damage in the Village of Slinger. In order to protect the health, safety and welfare of the public, the Village of Slinger is exercising its authority to establish a Stormwater Utility for stormwater management services. The Village is acting under the authority of Wis. Stats. § 61.34, 61.36, 62.04, 62.11, 62.16, 62.175, 62.18, 66.0621, 66.0627, 66.0809, 66.0811, and 66.0821.

**15.02 ESTABLISHMENT.**

There is hereby established a stormwater utility in the Village of Slinger. The operation of the stormwater utility shall be managed by the Director of Public Works, under the supervision and control of the Village Board.

**15.03 AUTHORITY.**

The Village, acting through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the Village to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, watercourses, retaining walls, ponds, streets, roads, ditches and such other facilities as will support a stormwater management system.

**15.04 INTERPRETATION.**

In their interpretation and application, the provisions of this Ordinance shall be interpreted liberally to secure the ends sought hereby and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**15.05 SEVERABILITY OF ORDINANCE PROVISIONS.**

If any section, provisions or portion of this Ordinance is adjudged unconstitutional or invalid by a court, the remainder of this Ordinance shall not be affected thereby.

**15.06 DEFINITIONS.**

The following terms, whenever they occur in this Ordinance, are defined as follows:

- (A) Charge. Charge means the fee imposed under this chapter for the rendering of stormwater utility services by the Village.
- (B) Developed Property. Property that has been altered from its natural state by the addition of any improvements such as a building, condominium, structure, or impervious surface. For new construction, property shall be considered developed pursuant to this Subsection: a. Upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or b. If construction is at least fifty percent (50%) complete and construction is halted for a period of three (3) months.
- (C) Dwelling unit. A single unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (D) Equivalent Runoff Unit or (“ERU”). ERU means the basic unit by which the Stormwater Utility charge is calculated under this section. It is the statistical average horizontal impervious area (“impervious area”) of all single-family residential parcels within the Village of Slinger on the date of the establishment of the Stormwater Utility. The impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, sidewalks, pavement, gravel, compacted clay, and loading docks.
- (E) Impervious area. Impervious area means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, sidewalks, parking lots, pavement, gravel, compacted clay, and loading docks, all as measured on a horizontal plane.
- (F) Nonresidential property. Nonresidential property means a lot or parcel of land, with improvements such as a building, structure, other impervious areas as defined in Sec. 15.6(4), grading or substantial landscaping, which is not specifically zoned residential as shown on the Village’s Official Zoning map, including, but not limited to, commercial, industrial, institutional, mixed-use, mobile home parks and governmental property, and excluding publicly-owned right-of-way.
- (G) Residential property. Residential property means a lot or parcel of land developed exclusively for residential purposes and specifically shown as residential zoning on the Village’s Official Zoning map.
- (H) Stormwater Utility. Stormwater Utility means the utility established under this chapter for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.
- (I) Undeveloped Property. Undeveloped Property means property that is not developed by the addition of an improvement such as a building, structure, other impervious area as defined in Sec. 15.6(4), grading or substantial landscaping which increases stormwater runoff.

- (J) Director of Public Works. Director of Public Works means the person appointed by the Village Board to manage the Stormwater Utility.

**15.07 BASIS OF CHARGE.**

- (A) By this ordinance, the Village Board is establishing the customer classification and basis for computation of charge for stormwater services for each lot and parcel within the Village of Slinger. The actual charges to be imposed pursuant to these rate classifications, and any future changes in those rates, shall be made by resolution. A schedule of current rates, following approval by the Village Board shall be maintained and on file in the Treasurer's office.
- (B) The rate classifications used to distribute the costs of the Stormwater Program amount utility customers shall be based on the Equivalent Runoff Unit (ERU). The number of ERU's assigned to each parcel shall be assessed based upon the impervious area or dwelling units as reasonably determined by the Director of Public Works, except for undeveloped properties and public right-of-way, which shall be exempt from the utility charge.

**15.08 CUSTOMER CLASSIFICATION.**

- (A) Customer Classes. For the purposes of imposing the stormwater charges, all lots and parcels within the Village are classified into the following customer classes.
1. Residential: Lots or parcels within the Village specifically zoned as residential in accordance with the zoning set forth by ordinance shall be assigned one (1) ERU for every dwelling unit on each lot or parcel.
  2. Non-Residential: Lots or parcels within the Village not specifically zoned as described above shall be considered as non-residential by this ordinance. Said lots or parcels shall be assigned one (1) ERU for every 4,300 square feet of impervious surface area.
- (B) Parcel Classification. The Director of Public Works shall assign a customer classification to each lot and parcel within the Village of Slinger.
- (C) ERU. The ERU is established to be 4,300 square feet.

**15.09 CHARGE FORMULAS.**

- (A) Residential. The charges imposed for single family properties shall be one (1) ERU for every dwelling unit on each lot or parcel, i.e.

$$\text{Residential parcel charge} = (\text{Number of dwelling units}) \times \text{ERU fee}$$

- (B) Non-Residential. The charges imposed for non-residential properties shall be one (1) ERU for every 4,300 square feet of impervious surface area on each lot or parcel, i.e.

$$\text{Non-Residential parcel charge} = (\text{Impervious surface area}/4,300 \text{ ft}^2) \times \text{ERU fee}$$

- (C) Right-of-Way. Public highway, road, and rail right-of-way shall be exempt from the stormwater utility fee.
- (D) Impervious Area Measurement. The Director of Public Works shall be responsible for determining the impervious area of nonresidential parcels based on the reasonably available information, including, but not limited to, data supplied by the Village Assessor, Director of Public Works, aerial photography, property owner, tenant, or developer or site plan approved by the Village Plan Commission. The Director of Public Works may require additional information as necessary to make the determination. The number of ERU's on any lot or parcel shall be updated by the Director of Public Works based on any additions to the impervious area as approved through the building permit process.

**15.10 FEES.**

The Village Board shall, by resolution, set or adjust the ERU fee to reflect the costs of the stormwater management program. Stormwater fees will be kept on file with the Treasurer and Director of Public Works.

**15.11 CREDITS AND ADJUSTMENTS.**

Prior to January 1, 2007, the Director of Public Works will develop a credit and adjustment program for adoption by resolution.

**15.12 BUDGET-EXCESS REVENUES.**

The Village shall separately account for the Stormwater Utility finances. The Director of Public Works shall prepare an annual budget, which is to include all operation and maintenance costs, costs of borrowing and other costs related to the operation of the utility. The budget is subject to approval by the Village Board. Any excess of revenues over expenditures in a year will be deposited in a stormwater maintenance fund, which will be used to defer the costs of capital improvements or to retire debt.

**15.13 BILLING.**

- (A) Bills. Stormwater utility charges shall be billed to the owner/occupant of each property as set forth by resolution. The property owner/occupant shall be responsible for payment of the Stormwater Utility charge.
- (B) Late Payment. Failure to pay the charges when due will be subject to a late payment charge of one (1) percent per month that will be added to bills not paid within 20 days of issuance.
- (C) Unpaid Charges. In addition to any other method of collection allowed by law, unpaid charges may be assessed as a lien against the property pursuant to sec. 66.0821, Wis. Stats.

**15.14 REVIEW AND APPEALS.**

- (A) Adjustments. A customer may be eligible to have the number of ERU's assigned to their property adjusted under the conditions described below:

1. Undeveloped property. Undeveloped properties may be eligible to reduce the number of ERU's assigned to the property if either of the following conditions exist:
  - (a) The property owner can suitably demonstrate the cumulative impervious surface area on the parcel is less than one-half (1/2) of the impervious area of one (1) ERU, in which case the number of ERU's assigned to the property shall be reduced to zero.
  - (b) The property owner can suitably demonstrate that the undeveloped parcel is adjacent to another owned residential parcel with an assessed ERU.
2. Non-Residential Property. Non-residential customers who believe the number of ERU's allocated to their property to be incorrect may submit an adjustment request to the Director of Public Works. The allocated ERU's may be adjusted if the owner can provide information showing the square footage calculation for all impervious surface area located on the lot or parcel.

(B) Review and Appeal Procedure.

1. Within thirty (30) days of a properly submitted request to the Director of Public Works for a review of the number of ERU's allocated to the property, the Director of Public Works shall issue a written decision as to whether the request for adjustment should be granted, denied or granted in part. The written decision shall also set forth the reason or reasons for such decision. The decision shall be sent to the customer by certified mail, and shall be provided to the Village Board.
2. Within thirty (30) days of receipt of the written decision from the Director of Public Works, an appeal of the determination rendered by the Director of Public Works may be submitted by the property owner to the Village Clerk. The Village Board shall review the decision, and hold a hearing thereon. The customer shall be notified of the date of the hearing by certified mail.
3. Upon review, the Village Board shall determine whether the decision rendered by the Director of Public Works should be upheld, rejected, or modified. The customer shall be allowed to present evidence at the hearing. The final determination made by the Village Board shall be made in writing and set forth, in detail, the reasons or reasons for its decision and shall inform the customer by certified mail. The Village Board may, at its discretion, require access to the property to assist in its determination.
4. In reviewing a decision, the Village Board shall apply the considerations set forth in Wis. Stat. §66.0821(4)(c).

- (C) Effective Date. Any ERU adjustment or reduced multiplier granted shall thereafter be used to calculate the customer's user charges. The reduction shall only apply for the period of time subsequent to the filing of the request for adjustment. There shall be no retroactive adjustment for user charges imposed prior to the filing of the request.