CHAPTER VIII
STORMWATER UTILITY

8.01 GENERAL

A. Creation. There is hereby established a Stormwater Utility in the City of Kenosha, Wisconsin. The operation of the Stormwater Utility shall be under the direction of the Director of Public Works (the "Director").

B. Authority. The City of Kenosha, acting through the Stormwater Utility, may do the following:

1. Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, manage and finance such facilities and equipment, as are deemed by the City to be proper and necessary for storm and surface water management. These facilities may include surface and underground drainage facilities, sewers, watercourse, retaining walls, ponds, streets, roads, ditches and such other natural or manmade facilities as will support a stormwater management system.

2. Undertake any operations or activities, or provide any services deemed by the City to be proper and necessary for storm and surface water management.

3. Maintain compliance with all regulatory requirements for storm and surface water management.

4. The City of Kenosha expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the City of Kenosha, its elected officials, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.

5. May establish such rates and charges as are necessary to finance planning, design, construction, maintenance and operation of the facilities in accordance with the procedures set forth in this Section.

6. May prepare an annual budget, which may include all operation and maintenance costs, debt service and other costs related to the operation of the Stormwater Utility. The costs shall be spread over the rate classifications as determined by the Common Council.

7. The City will retain any excess of revenues over expenditures in a year in a segregated Stormwater Utility Enterprise Fund, which shall be used exclusively for purposes consistent with this Section.

C. Stormwater Utility Committee. The Stormwater Utility Committee is empowered to govern, manage, control, improve and care for stormwater management services, systems and facilities.

8.02 STORMWATER UTILITY ENTERPRISE FUND

A. Creation. The City hereby establishes a Stormwater Utility Enterprise Fund in the City of Kenosha, Wisconsin's budgeting and accounting systems for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the Stormwater Utility, including, but not limited to, rentals, rates, charges, fees and licenses, as may be established by Resolution through the Common Council from time to time, and other funds that may be transferred or allocated to the Stormwater Utility. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Utility Enterprise Fund, and all expenses and capital investments of the Stormwater Utility shall be paid from the Stormwater Utility Enterprise Fund.

B. Funding and Budget.

1. The Common Council shall place within the City of Kenosha Stormwater Utility the responsibility for operation, maintenance and regulation of the existing stormwater management services, systems and facilities previously performed, owned and operated or maintained by the City of Kenosha, and other related assets, including, but not limited to, properties, other than road right-of-ways, upon which such stormwater management systems and facilities are located, easements, rights of entry and access and certain equipment used solely for stormwater management. This responsibility shall be placed with the City of Kenosha Stormwater Utility as the Common Council has determined that the City of Kenosha Stormwater Utility has been sufficiently organized, staffed and funded adequately to carry out such responsibilities. The Stormwater Utility shall be part of the Department of Public Works.

2. The Director, or his/her designee, shall prepare an annual budget, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the Stormwater Utility. The budget is subject to approval by the Common Council.

3. The costs shall be spread over the rate classifications as determined by the Common Council.

8.03 DEFINITIONS

For purposes of administering the City of Kenosha Stormwater Utility Ordinance, the following definitions shall apply to this Chapter.

A. General Definitions. Unless specifically defined, words and phrases of this Ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive. The word "shall" is mandatory and is not discretionary.

B. Specific Words and Phrases.

CITY OF KENOSHA STORMWATER MANAGEMENT CRITERIA. Approved by Public Works Committee and kept on file in the office of the Director of Public Works.

CFS. Cubic Feet Per Second.

COMPLETED APPLICATION. A Stormwater Utility application for credit or adjustment that has been filed with the Director and that has all necessary information, including, but is not limited to, an executed Maintenance Agreement.

CONDOMINIUMS. The Director shall be responsible to determine the total impervious surface area of each condominium parcel based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, property owner, tenant or developer. The total EHU computed for the condominium parcel shall be divided equally among all condominium units.

DRIVEWAY. Private vehicular access to a parking lot or garage, whether or not it has a curb and gutter. Also, any roadway area required for vehicular circulation within a designated parking area.

EHU. An EHU is an Equivalent Hydraulic Unit, which represents a rate of water runoff, (approximately 0.35 cubic feet per second or 150 gallons per minute), from a typical residential property.

GENERAL SERVICE AREA. All land within the jurisdictional boundaries of the City of Kenosha, Wisconsin.

IMPERVIOUS SURFACE. An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots, streets, including those comprised of compacted stone or gravel, are examples of areas that typically are impervious surfaces.

INFILTRATION. Entry of precipitation or runoff into and through the substance.

MAINTENANCE AGREEMENT. An agreement in which the City is a party, that provides for long-term maintenance of Stormwater Management Facilities.

ON-SITE. Located within the boundaries of the legal description property.

ORDINARY HIGH WATER MARK. The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

PERVIOUS. An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious surfaces.

PRIVATE ROADWAY. Any roadway on private property with curb, gutter and storm sewer that is not designated as a public roadway, and is not a driveway.

PROPERTY OWNER CLASSIFICATION. A classification based on the land use of a parcel. The Property Owner Classification will be either residential or other development.

OTHER DEVELOPMENT. All development other than duplex, multi-family, condominiums, all commercial and industrial development.

RATIONAL METHOD. In the rational method, peak discharge is related to rainfall intensity by the formula **Q = CiA** in which **Q** is the peak discharge, in cfs; **C** is a non-dimensional runoff coefficient; **i** is the average rainfall intensity, in inches per hour (in./hr), over a duration equal to the time of concentration for the contributing area; and **A** is the contributing area, in acres.

RESIDENTIAL. All properties having an occupancy designated as single family, duplex or three-family dwelling units.

RIPARIAN STORMWATER SERVICE AREA. Land that drains directly into Lake Michigan without entering City conveyance system.

RUNOFF C FACTOR FLOW. A non-dimensional runoff coefficient used in the Rational Method computation.

STORMWATER CONTROL SYSTEMS. Facilities designed to control both quantity and/or quality of stormwater runoff. It may include, but is not limited to, wet detention basins, dry detention basins, and pretreatment systems.

STORMWATER DETENTION BASIN. An area designed to detain stormwater until it is released under the requirements of the City of Kenosha Stormwater Management Criteria. A Stormwater Detention Basin can be classified as "wet" or "dry".

STORMWATER DRY DETENTION BASIN. A Stormwater Detention Basin in which water drains out completely between storm events as the lowest outlet is at or below the elevation of the basin bottom.

STORMWATER MANAGEMENT FACILITIES. Facilities designed to properly manage stormwater runoff in accordance with the City's Stormwater Management Criteria, which may be updated or

amended from time to time.

STORMWATER MANAGEMENT SERVICES. Tasks required to control stormwater runoff to protect the safety and welfare of the public and to comply with State and Federal regulations.

STORMWATER MANAGEMENT SYSTEMS. All public storm sewers, drainage culverts, drainage conveyances, curb and gutter, bridges or other methods used to collect, convey and/or control water quantity and water quality.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan that describes a facility and the operations of the facility. The plan identifies potential stormwater pollution sources and recommends actions taken to reduce the discharge of pollutants in stormwater runoff.

STORMWATER UTILITY. A user fee based system established to fairly and equitably allocate the cost of stormwater management to customers receiving those services.

STORMWATER WET DETENTION BASIN. An area in which water remains in the pond as the lowest outlet is at an elevation above basin bottom. A Wet Detention Basin has two stages: a storage stage and a water quality stage. The storage stage is the area from the permanent water surface to the emergency overflow. The water quality stage is the area between the lowest outlet elevations to the basin bottom. The water quality storage can be depleted only by infiltration and/or by evaporation from the surface.

TOTAL SUSPENDED SOLIDS (TSS). Solids that are trapped in water. TSS can include a variety of materials, including, but not limited to, silt, leaves, degrading animal and plant wastes.

WPDES PERMIT. Wisconsin Pollutant Discharge Elimination System Permit that is issued by the Wisconsin Department of Natural Resources for the discharge of pollutants.

8.04 STORM WATER UTILITY RATES AND CHARGES

A. Cost of Stormwater Management Services, Systems and Facilities. The cost of stormwater management services, systems and facilities may include operating expenses, capital investments and reserve account.

B. Funding of Stormwater Management Services, Systems and Facilities. Credits against stormwater service charges shall be allowed, provided certain conditions are met. These include:

1. On-site stormwater control systems, activities or facilities shall be constructed, operated, maintained and performed to the City of Kenosha's standards by private property owners.

2. On-site stormwater control systems, activities, or facilities shall eliminate, mitigate or compensate for the impact that the property may have upon stormwater runoff discharged to public stormwater management systems and facilities.

3. On-site stormwater control systems, activities or facilities shall improve the proper function of public stormwater management systems and facilities.

C. Calculation of Stormwater Utility Service Charge Rates.

1. Stormwater Utility Service Charge Rates. Stormwater Utility service charge rates shall be established by Resolution of the Common Council, and may be amended and reaffirmed annually by Resolution of the Common Council. In setting or modifying such rates, the Common Council shall establish rates that are fair and equitable, and reflect the value of the stormwater management services, systems and facilities to those property owners who benefit therefrom. The rates shall be sufficient to support the cost of stormwater management services, systems and facilities, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, nonoperating expenses, provisions for prudent reserves and other costs as deemed appropriate by the Common Council.

2. Computation of Stormwater Utility Service Charges. The basis for computation of the charge for stormwater services to all properties within the City of Kenosha is established under this Section. The amount of charge to be imposed, the establishment of methodologies for the calculation of charges, the creation of property owner classifications for the imposition of charges, and changes in such charges, methodologies and property owner classifications may be made by further Resolution of the Common Council for the City of Kenosha. All charges established pursuant to this Section shall be fair and equitable.

3. Stormwater Utility Service Charge Policy. Stormwater Utility service charge rates shall bear a substantial relationship to the cost of providing stormwater management services, systems and facilities. Stormwater Utility service charge rates shall be coordinated with the use of other rates, charges or fees employed for stormwater management, whether within or outside the defined service areas, including plan review and inspection fees, special fees for services, fees in lieu of regulatory requirements and special assessments.

4. Property Owner Classifications. The Director shall assign a property owner classification

to all properties within the City of Kenosha. The property owner classifications that will be used by the Stormwater Utility will be:

a. Residential;

b. Other Development.

5. Determination of Stormwater Utility Service Charge. The Director shall be responsible for determining the impervious area, land area, land use or other factors as may be needed for the fair, reasonable and equitable allocation of the Stormwater Utility service charge 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 billing amount shall be updated by the Director based upon any changes to the impervious area, any land divisions as approved through the Building Permit process, or any other additional information. Charges shall be reviewed on an annual basis.

6. Stormwater Utility Service Charges. Charges shall be imposed to recover all or a portion of the costs of the Stormwater Utility. Such charges, established herein, may include the following components:

a. Base Charge. A Base Charge will be imposed on all property in the City of Kenosha, regardless of size or land use. The Base Charge could include some or all administrative costs of the Stormwater Utility, and may include some or all regulatory compliance costs, and operating and maintenance costs of the Stormwater Utility that are not recovered by other means. The Base Charge is the same for each property owner.

b. EHU Charge. An EHU (Equivalent Hydrologic Unit) Charge shall be imposed on all properties in the City of Kenosha. The EHU Charge shall be based upon the estimated peak runoff using the City's standard design methodologies and design storm and/or other factors affecting the volume and rate of stormwater runoff as reasonably determined by the City. The EHU Charge is based on the number of EHUs and is calculated using the methodologies identified in **Appendix A**.

7. Stormwater Utility Service Charge Billing Period. Stormwater Utiliity service charges shall be billed pursuant to a schedule recommended by the General Manager of the Kenosha Water Utility and approved by the Board of Water Commissioners.

8. Payment of Stormwater Utility Service Charges. Stormwater Utility charges shall be payable twenty (20) days after the billing date, at the Kenosha Water Utility Business Office or authorized payment station. Stormwater Utility service charges shall be collected by the Kenosha Water Utility for the Stormwater Utility.

9. Penalties. A late payment charge of 1-1/2% per month, or such rate as may be established by the Kenosha Water Utility pursuant to the direction of the Wisconsin Public Service Commission, will be added to bills not paid within twenty (20) days of issuance. This late payment charge will be applied to the total balance for stormwater, including late payment charges.

8.05 STORMWATER SERVICE AREAS

The following Stormwater Service Areas shall be established to reflect significant variations in services provided to Stormwater Utility property owners.

A. Riparian Stormwater Service Area. The Riparian Stormwater Service Area shall be comprised of parcels or a portion of parcels that drain directly into Lake Michigan. The Director shall be responsible for designating the properties and portion of properties in the Riparian Stormwater Service Area based upon the best available information, including data supplied by the City Assessor, aerial photography, the property owner, developer or other method as may be required. The Director shall designate said properties and provide a map of designated properties in the Department of Engineering. A parcel owner who wishes to challenge the inclusion or exclusion of a property or portion of a property in the Riparian Stormwater Service Area may file an appeal as provided in Section 8.09 of the Code of General Ordinances.

B. City of Kenosha General Service Area. The General Service Area shall be defined as all remaining parcels or a portion of parcels located within the jurisdictional boundaries of the City of Kenosha that have not been designated as parcels within the Riparian Stormwater Service Area.

8.06 EXEMPTIONS

Except as provided in this Section, no public or private property located in a service area shall receive a credit or offset against such Stormwater Utility service charges. No credit, offset or other reduction in stormwater service charges shall be granted based on the tax status, economic status, race, religion, age or sex of the owner of the property being served, or based on any other condition unrelated to the provision of stormwater management services, systems and facilities. There shall be four (4) categories of exemptions as follows:

A. Type I Exemption. The following parcels and other areas shall be automatically exempt from all Stormwater Utiliity Service Utility charges.

Property owners do not need to apply for an exemption.

1. Railroad Tracks and Right-of-Ways. Railroad tracks and right-of-ways shall be exempt from Stormwater Utility service charges. However, railroad stations, maintenance buildings or other developed land used for railroad purposes shall not be exempt from Stormwater Utility service charges.

2. Public and Private Roadways. Public and private roadways, not including driveways, shall be exempt from stormwater service charges.

B. Type II Exemption. Parcels located in the Riparian Stormwater Service Area shall be automatically exempt from the EHU Charges. Property owners do not need to apply for an exemption.

C. Type III Exemption. The following parcel areas shall be automatically exempt from the EHU Charges.

1. Waters of the State. An area designated by the Ordinary High Water Mark of any water body wholly or partially within a parcel that can be classified as waters of the State of Wisconsin.

2. Wetlands. Areas designated on the Wisconsin Department of Natural Resources Wisconsin Wetland Inventory Map (June, 2005), herein incorporated by reference.

3. Stormwater Detention Basins. Any area set aside for the specific purpose of detaining stormwater runoff in compliance with the City of Kenosha's Stormwater Management Design Criteria.

4. Zoning and Zoning Overlay Districts. Whole or partial parcels, with a zoning designation or zoning overlay designation listed below shall be excluded from the calculation of the pervious service area to the extent that the area is part of the zoning overlay. [See City of Kenosha's Official Zoning Map on file in the City Department of City Development.]

a. C-2 Lowland Conservancy.

b. FW - Floodway.

D. Type IV Exemption. The following parcels may be exempt from a portion of the EHU Charge. Parcel owners must first apply for a credit or adjustment pursuant to the procedures identified in **Sections 8.07** and **8.08** of this Chapter.

1. Parcels with on-site stormwater management facilities that are designed to properly manage the stormwater runoff from impervious surface areas in accordance with **Section D.4**. below, and as described by the City of Kenosha Stormwater Management Criteria may be eligible to be exempted from a portion of the EHU Charge.

2. In order to receive this credit, a current maintenance plan must be on file with the Department of Public Works, and the property owner must be in compliance with it.

3. Stormwater Quantity Credit. Facilities designed to meet the standards of the City of Kenosha Stormwater Management Criteria, which may be updated or amended from time to time, will be eligible for up to a four (4%) percent reduction in the EHU Charge for the property.

4. Stormwater Quality Credit.

a. Parcels with on-site stormwater management and treatment facilities that properly manage the stormwater runoff from impervious surface areas, and the stormwater quality criteria described by the City of Kenosha Stormwater Management Criteria, as may be updated or amended from time to time, may be eligible to be exempted from a portion of the EHU Charge. Parcels that have:

(1) Facilities designed to remove no less than forty (40%) percent of the average annual Total Suspended Solids from stormwater runoff from the site may be eligible for up to a ten (10%) percent reduction in the EHU Charge for the property.

(2) Facilities designed to remove no less than sixty (60%) percent of the average annual Total Suspended Solids from stormwater runoff from the site may be eligible for up to a twenty (20%) percent reduction in the EHU Charge for the property.

(3) Facilities designed to remove no less than eighty (80%) percent of the average annual Total Suspended Solids from stormwater runoff from the site will be eligible for up to a thirty (30%) percent reduction of the EHU Charge for the property.

b. Parcels that have obtained an individual WPDES Permit from the Wisconsin Department of Natural Resources (WDNR) and meet the requirements of the permit may be eligible for up to a ten (10%) percent reduction in the EHU charge for the property. A current permit and Stormwater Pollution Prevention Plan must be on file with the Department of Stormwater Utility.

5. Shared Stormwater Management Facilities. Groups of Single Family or Other Developed property owners which are part of a common development plan which includes within the development, privately owned, maintained or operated stormwater control systems, facilities, assets, services or activities that reduce the City of Kenosha Stormwater Utility's cost of providing stormwater management services, systems and facilities, may receive a credit based upon attaining and continuing compliance with the technical requirements and performance standards

referenced in **Section 8.06 D.3**., and **D.4.**, above. Such credits shall be applied to all properties using and contributing to the cost of ownership, operation and maintenance of such stormwater management systems.

8.07 PROCEDURE FOR APPLYING FOR ADJUSTMENTS TO SERVICE CHARGES

A. Adjustment to EHU. Any property owner may apply for an adjustment to the EHUs assigned to the owner's property if the property owner believes the measurements on which the EHU calculation is based are inaccurate.

B. Procedure To Apply For Adjustments.

1. Any property owner or agent may submit a request for an adjustment at any time. All such requests shall be submitted to the Director on forms provided by the City, together with an application fee.

2. The Director may require the property owner, at property owner's request, to provide supplemental information.

3. Once a completed request and all required information is fully submitted, the Director shall have thirty (30) calendar days within which to render a written decision. The Director shall notify the requesting owner in writing of the decision by first class mail addressed to the individual at the address listed within the request. If the request is denied, the Director shall include the grounds for the denial.

4. If a request is granted, Stormwater Utility service charges shall be adjusted on a prospective basis.

5. The application fee schedule will be established by Resolution of the Common Council.

8.08 PROCEDURE FOR APPLYING FOR CREDIT TO STORMWATER UTILITY SERVICE CHARGE

A. Technical and Procedural Criteria. The Director shall establish specified technical and procedural criteria by which credits will be granted. Copies of such technical and procedural criteria will be maintained by and be available from the Department of Public Works.

1. In order to obtain a credit, the property owner must make application to the Director on forms provided by the Director for such purpose.

2. Property owners must apply for any applicable credits.

3. The application for any credit must be in writing and must include the information necessary to establish eligibility for the credit, accompanied by any application fee, and be in the format established by the Director. Incomplete applications will not be accepted by the Director.

B. Granting of Credits. When an application for a credit is deemed complete by the Director, the Director shall have thirty (30) days from the date that the complete application is accepted to:

1. Grant the credit in whole;
2. Grant the credit in part; or,
3. Deny the credit.

Credits applied for and granted in whole or in part, shall apply from the first day of the calendar month immediately following the date on which a complete application for the credit has been filed with the City of Kenosha. The applicants may appeal such determination pursuant to **Section 8.09** of the Code of General Ordinances.

C. Annual Review of Credit. The Director shall review the credit and the basis therefor each year, and may terminate the credit if grounds are found. If such credit is terminated, the property owner will be notified in writing of the grounds for denial by first class mail, and may appeal such determination pursuant to **Section 8.09** of this Chapter; or, may, if possible, correct the deficiencies that caused the termination and reapply for the credit.

8.09 APPEALS PROCESS

A. Within thirty (30) calendar days after the date of mailing the Director's decision, the property owner may appeal the Director's decision to the Stormwater Utility Committee by filing a written appeal, together with an application fee, with the City Clerk/Treasurer. The written appeal shall specify all grounds for the challenge and state the amount of stormwater charge that the appellant considers to be appropriate. The appeal must specifically address the Director's conclusions and not merely repeat the basis for the initial request. Failure to timely and properly appeal shall deprive the Stormwater Utility Committee of jurisdiction to hear the appeal. The Application Fee Schedule shall be established by Resolution of the Common Council.

B. The Stormwater Utility Committee shall conduct a formal hearing at such time and place as designated in a hearing notice to the appellant, providing a minimum of five (5) business days notice to the appellant. In considering an appeal, the Stormwater Utility Committee shall determine whether the Stormwater Utility service charge is fair based

upon the evidence presented at the hearing. The Stormwater Utility Committee shall notify the appellant in writing of its determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

C. Within thirty (30) calendar days after the date of mailing of the Stormwater Utility Committee's decision, the property owner may appeal the Committee's decision to the Common Council following the process set forth in this Section. Such appeal must specifically address the Stormwater Utility Committee's conclusion and not merely repeat the basis for the initial request.

D. The Common Council shall consider the appeal in the same manner as a new Resolution, pursuant to its rules for procedure in existence at the time of consideration. The City Clerk/Treasurer shall provide written notice no later than five (5) business days to the address listed within the appeal of the time and place of the Common Council's consideration of the appeal. In considering an appeal, the Common Council shall determine whether the stormwater charge is fair and equitable. The Common Council shall base its decision upon the information presented at its meeting. The City Clerk/Treasurer shall notify the appellant in writing of the Common Council's determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

E. As a condition precedent to any adjustment or credit request, or any appeal, a property owner must have paid in full all Stormwater Utility service charges to the City.

F. If an adjustment request is granted, Stormwater Utility service charges shall be adjusted on a prospective basis, and the application fees shall be refunded.

8.10 PAYMENTS

A. Stormwater Utility Charges. Stormwater Utility charges will be billed as a line item on the City of Kenosha Water Utility bill to the utility property owner and shall be payable at the same time and in the same manner as Water Utility charges. A stormwater utility bill will be established for those properties that do not receive a Water Utility bill.

B. Property Owner Responsibility. The property owner shall be responsible for all Stormwater Utility charges.

C. Delinquent Payments. Delinquent stormwater charges may be placed as a lien upon the property as provided in Sections 66.0821(4)(d) and 66.0809, Wisconsin Statutes.

D. Tenant Payments. The owner of any property which is occupied by tenants shall have the right to examine, during normal business hours, the appropriate records of the City to determine whether such fees and charges have been paid by such tenants.

E. Parcel Number Changes. When properties are divided, or when two (2) or more contiguous properties with separate parcel numbers are combined, new parcel number(s) are assigned to the new lot(s) and the previous parcel number is deleted. Prior to the issuance of any new parcel number, all unpaid Stormwater Utility charges, whether delinquent or not, shall be paid before the change in parcel status is executed.

F. Alternative Method To Collect Stormwater Charges. In addition to any other method for collection of the charges established under this Section, or subsequent Resolution, such charges may be and are hereby authorized to be levied and imposed as a special charge pursuant to Section 66.0627, Wisconsin Statutes. The mailing of the bill for Stormwater Utility service charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of Section 66.0627, Wisconsin Statutes. The procedures contained in Section 66.0627, Wisconsin Statutes, shall govern such notice and further collection procedures.

8.11 SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid or repealed.

APPENDIX A
CALCULATION OF STORMWATER UTILITY CHARGES CHARGES

1. Base Charges. The Base Charge shall be a uniform charge on each bill. The Base Charge shall be established by dividing the total value of the base services determined by the City of Kenosha by the total number of property owners.

2. EHU Charges.

a. The basis of the Stormwater Utility Service Charge shall be the Equivalent Hydrologic Unit (EHU).

b. The estimated number of EHUs shall be based on either the average peak runoff rate for a property owner classification, or the estimated peak runoff for the individual parcel, as described herein.

c. The EHU Charge shall be established by dividing the total number of EHUs estimated to be within the City of Kenosha by the cost of the stormwater services not included in the base charge.

3. Calculation of EHU. The Director shall be responsible for determining the impervious area and other required information necessary to compute the EHU for each property in the City of Kenosha based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, developer or other method as may be required.

a. Rational Method To Estimate Peak Runoff Rates. The Rational Method described in the City of Kenosha Stormwater Management Criteria shall be used to estimate peak runoff rates. That methodology assumes:

(1) Runoff C Factor. The Runoff C Factor for all impervious suface areas shall be assumed to be 0.95 and 0.2 for all pervious surface areas.

(2) Time of Concentration - Residential Property Owners. The Time of Concentration for all residential property owners shall be assumed to be fifteen (15) minutes.

(3) Time of Concentration - Other Developed Property Owners/Impervious Surface Areas. The Time of Concentration for all impervious surface areas for all Other Developed Property Owners shall assume to be five (5) minutes.

(4) Time of Concentration - Other Developed Property Owners/Pervious Surface Areas. The Time of Concentration for all pervious surface areas for all Other Developed Property owners shall assume a time of concentration based upon the total pervious surface areas.

b. Average Peak Runoff Rate. The EHU shall be based on the average peak runoff rate computed for typical residential property. The average peak runoff rate for a typical residential EHU has been estimated to be 0.35 cfs.

(1) Residential Property Owners. Residential property owners shall be further grouped by the Director into one of four subclassifications. Each subclassification shall be charged a uniform number of EHUs based on the average peak runoff rate for that subclassification, computed as follows:

(a) Small Residential with an estimated peak runoff rate of less than 0.30 cfs shall be charged at a rate equal to 0.7 EHUs.

(b) Typical Residential with an estimated peak runoff rate greater than or equal to 0.30 cubic feet per second (cfs) and less than or equal to 0.41 cfs shall be charged at a rate equal to 1.0 EHU.

(c) Large Residential with an estimated peak runoff rate greater than 0.41 cfs and less than or equal to 0.59 cfs shall be charged at a rate equal to 1.4 EHU.

(d) Very Large Residential with an estimated peak runoff rate greater than 0.59 cfs shall be charged at a rate equal to 2.4 EHU.

c. Other Development.

(1) Other Development shall be subject to a charge based upon the sum of EHUs computed for impervious surface and pervious surface areas.

(a) Impervious Surface Area EHUs shall be determined by dividing the total impervious surface area by the equivalent impervious surface area of 2,477 square feet, that has been estimated to generate 0.35 cfs.

(b) Pervious Surface Area EHUs shall be determined by dividing the total pervious surface area by the equivalent pervious surface area that would be estimated to 0.35 cfs. The equivalent pervious surface area increases with increasing time of concentrations according to the Table below.

(2) Responsibility For EHU.

(a) EHU for Other Development other than condominiums shall be the EHU determined in c.(1), above.

(b) EHU for Other Development which consists of condominiums shall be the proportionate share of the EHU determined in c.(1) above, that the condominium unit has with respect to the total number of the other condominium units that

are on the real property lot.

Parcel Pervious Surface Area Less Than or Equal To (ac)	Assumed Time of Concentration (min)	Equivalent Pervious Surface Area = 0.35 cfs (sq. ft.)
0.1	5	11,764
0.5	10	14,947
1.2	15	17,811
4.6	30	26,286
18.6	60	41,429
74.4	120	68,368
167.4	180	95,288
669.4	360	163,935
2,677.7	720	288,568
10,710.7	1,440	505,392
42,843.0	2,880	871,200
96,396.7	4,320	1,306,800
290,547.5	7,500	1,890,000