

## ORDINANCE NO.: \_\_\_\_\_

AN ORDINANCE to amend Sec 46-82 of the Code of Ordinances of the City of La Crosse regarding Sanitary Sewer Connection Fees.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 46-82 is hereby amended to read as follows:

Sec. 46-82. - Sewer connection fee.

- (a) *Wastewater system connection fee.* ~~Each new connection to the City's wastewater treatment system shall be required to pay a connection fee to the City.~~ Connection fees shall be charged for any and all of the following: (1) a new sewer connection; and/or (2) an increase in sewer discharge. The amount of the connection fee per residential equivalent connection (REC) shall be set forth in the City's fee schedule established by resolution and adopted by the Common Council. The amount of the connection fee may be reviewed and updated by the Common Council from time to time to ensure that the fee reflects the amounts that the City has invested in its wastewater treatment infrastructure and the current demand patterns of customers.
- (b) *Basis for connection fee.* The City owns and operates a wastewater treatment plant and a system of interceptor sewers and lift stations that convey and treat wastewater. ~~with capacity to serve additional customers.~~ The purpose of the connection fee is to recover ~~from new customers~~ the cost of the available excess capacity in the utility system that has been paid for by the City and past and current customers. The amount of the connection fee is based on the total current value of the system wide assets, benefitting both retail and wholesale customers ~~wastewater treatment plant and interceptor assets,~~ the average day wastewater flow capacity of the entire system, and the average wastewater flow per day of a typical residential customer in the City.
- (c) *Residential equivalent connections.* A residential equivalent connection (REC) equals the estimated amount of wastewater discharged by a single-family home in the City on a daily basis. The connection fee for each new single-family home is based on 1.00 REC, also known as the Base REC. The connection fee for other uses is based on the number of RECs assigned to the use, also known as the Base REC multiplier. RECs are assigned to a new connection based on the estimated amount of average wastewater flow to be discharge by the new connection compared to that discharged by an average single-family household. A new connection shall never be assigned less than 1.00 REC.
- ~~(d) *New connection.* A new connection is a parcel or property that has not discharged wastewater to the City's Wastewater Treatment Facility within the 15 years immediately prior to the plumbing permit application date. An increase in average wastewater flow discharged by a current or previously served parcel or property is not a new connection.~~
- (d) *Computation of Fees.* Connection fees for sewer shall be determined by the class of use and size of use as follows:
- (1) *New Construction*
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|---|---|
| a. <u>Single Family Homes</u>                       | 1.0 REC   |
| b. <u>Two and three dwelling units</u>              | 1.0 REC per dwelling unit   |
| c. <u>Multifamily (Four or more dwelling units)</u> | 1.0 REC for the first three dwelling units,<br>plus .75 REC's for each additional unit  |
| d. <u>All other non-residential</u>                 | Based on estimated annual average flow<br>and then divided by the current<br><u>Residential REC flow value in gallons.</u><br><u>Fee cannot be less than 1.0 REC.</u> |

(2) Expansion of or redevelopment of existing structures. The Utility may impose a connection fee when the expansion or redevelopment of a property changes the capacity used by the facility or property. To limit the burden on utility administrators, these changes will only be charged when the expansion or redevelopment significantly increases the flow to the treatment plan, as defined below. The amount of the connection fee will be based on the estimated increase flow using the same method for calculating the base REC multiplier, provided however, that any expansion that involves a new connection to the sewer main shall be subject to the same connection fee base REC multiplier as a new use.

a. A Significant Increase is defined as either:

1. An increase in building square footage (all floors combined) of at least 20 percent, and,
2. The total occupied building square footage of the expansion (including original portions) is at least 10,000 square feet.

(3) Redevelopment of vacant lots and subdivided areas. Any new redevelopment on any property previously developed and then demolished, shall be charged a connection fee. The connection fee shall be calculated based on the difference between the former Base REC or REC Multiplier pertaining to the area being developed, and the new REC calculation.

a. There shall be no credit given for former base RECs or REC Multipliers if a prior connection has not discharged to the wastewater system for more than 15 years.

- (e) *Payment of connection fee.* The ~~City Utility Manager~~ City Utility shall determine the number of RECs applicable to a new connection in conjunction with the City's issuance of a plumbing permit and issue an invoice to the property owner for the new connection. The City shall collect the connection fee as a condition precedent to the issuance of the plumbing permit. The billing entity shall provide documentation of all new connections, collect this fee and provide payment to the Sanitary Sewer Utility for the prior year's connection fees no later than January 31 of each year.
- (f) *Appeal.* A property owner of a new connection who disputes the determination of RECs applicable to such new connection may within 20 days following the date of the City's invoice described in subsection (d) above, file a written appeal with the City specifying the nature of the dispute. The appeal shall state the grounds upon which the property owner contends that the decision should be modified or reversed. No appeal may be considered by the City unless the appeal is timely filed, and the connection fee is paid in accordance with the terms of this section and the invoice. If an appeal is timely filed, the Utilities Manager shall review the initial determination within 20 days and determine whether to sustain or deny the appeal. The property owner may further appeal this decision to the Board of Public Works within 15 days of receipt of the Utilities Manager's decision on appeal. The Board of Public Works shall hear the appeal within 15 days after receipt of the appeal. The Board of Public Works may sustain, reverse or modify the determination. Any appeal not timely filed, failing to state the grounds upon which the property owner contends the decision should be modified or reversed, or failing to pay the disputed fee shall be summarily denied by the City. Chapter 68, Wis. Stat., shall not apply to this section.
- (g) *Enforcement.* The penalty for failing to pay any connection fee is as provided for in section 46-71 and, in addition, termination of service or the right to use the Sanitary Sewer System of the City of La Crosse including equitable and injunctive relief.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION III: This ordinance shall take effect and be in force from and after its passage and publication.

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Mitch Reynolds, Mayor

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Nikki M. Elsen, City Clerk

Passed:  
Approved:  
Published: