

ORDINANCE NO.: 5084

AN ORDINANCE to create Sec. 46-82 and to amend Section 103-299(a) 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 created 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. 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 interceptor sewers and lift stations 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 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. The connection fee for other uses is based on the number of RECs assigned to the use. 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 fifteen (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.
- (e) Payment of connection fee. The City Utility Manager 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 31st 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 twenty (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 Ordinance and the invoice. If an appeal is timely filed, the Utilities Manager shall review the initial determination within twenty (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 fifteen (15) days of receipt of the Utilities Manager's decision on appeal. The Board of Public Works shall hear the appeal within fifteen (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 Sec. 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: Section 103-229(a) is hereby amended to read as follows:

- (a) *Plumbing permits.* No plumbing work shall be installed without a permit therefore from the Fire Department – Division of Fire Prevention and Building Safety, except that no plumbing permit is required for repairing faucets, valves, pipes and appliances nor for removing stoppages in waste and drain pipes. Any plumbing work installed without a permit may be ordered removed and replaced by the City Plumbing Inspector. The applicant for a plumbing permit shall file with the Fire Department – Division of Fire Prevention and Building Safety the application and plans showing the work to be done. Plans shall be required for all buildings, including multifamily dwellings and shall show all drainage, vent piping and water distribution systems in detail. Upon approval thereof, and payment of the permit fees, and compliance with Section 46-82 of this Code, a permit shall be issued. No permit shall be granted except to a Wisconsin licensed master plumber, master plumber-restricted or utility contractor.

SECTION III: This ordinance shall supersede Resolution 16-0050 implementing a new Sewer Connection Fee and Resolution 16-0468 creating a policy for application of Sewer Connection Fees.

SECTION IV: 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 V: This ordinance shall take effect on January 1, 2020.

 /s/
Timothy Kabat, Mayor

 /s/
Teri Lehrke, City Clerk

Passed: 3/14/19
Approved: 3/18/19
Published: 3/23/19