ORDINANCE NO.: _____

AN ORDINANCE to amend Sec. 46-82(d)(2)a, to create 46-82(e) and to renumber remaining sections 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.

(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 plant, 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. Examples of property changes that can cause ~~A~~ significant increases include, but are not limited to ~~is defined as either~~:

1. ~~An increase in building square footage (all floor combined) of at least 20 percent, and~~ A change in use from a less intensive use to a more intensive use, such as converting office space to a restaurant or apartments, requiring higher plumbing fixture counts or higher water demand; and/or
2. ~~The total occupied building square footage of the expansion (including original portions) is at least 10,000 square feet.~~ Upgrading a water meter to a larger meter for higher capacity; and/or
3. A modification or expansion of a building, structure, or facility that increases the number of plumbing fixtures; and/or
4. A change in processes that increases the sewer discharge from an existing building, structure, or facility.

b. Thresholds for charging for significant increases:

1. A modification, expansion, or redevelopment of an existing building, structure, or facility will be charged for the additional capacity if the project increases sewer flow by a minimum of 1 REC, equivalent to the current residential wastewater discharge.

(e) The Utility reserves the right to review and reassess the sanitary connection fee in the future should actual occupancy, operations, or usage differ substantially from the information provided once the building, structure, or facility becomes operational for one full year.

(1) If a new property is established as a “built-to-suit” development with unknown tenancy or an undetermined building, structure, or facility type, the initial connection fee shall be calculated based on the known or proposed usage at the time of application. Additional connection fees may be assessed as undeveloped portions of the property are occupied, built out, or otherwise developed, and sufficient information becomes available to calculate the actual or anticipated usage.

(fe) *Payment of connection fee.* The 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.

(gf) *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.

(hg) *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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Shandel Washington-Spivey, Mayor

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Nikki M. Elsen, City Clerk

Passed:
Approved:
Published: