

**STORMWATER UTILITY
USERS MANUAL
AND
CREDIT POLICY**



Village of Fox Point

June 2009

Village Code References and Web Links Revised - February 2015

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Section 1.0 STORMWATER UTILITY GENERAL INFORMATION

1.1 Introduction

This **Stormwater Utility Users Manual and Credit Policy (Manual)** provides a list of contacts, procedures for updating customer billing files, instructions on how to apply for credits, and forms to be used to obtain credits.

1.2 Contacts

General communications relating to stormwater utility issues, credits and adjustments should be addressed to:

Village of Fox Point
Attn: Scott Brandmeier, Director of Public Works
7200 N. Santa Monica Blvd.
Fox Point, WI 53217-3505
Phone: (414) 351-8900
Fax: (414) 351-8909
Email: sbrandmeier@vil.fox-point.wi.us

1.3 Stormwater Utility Fees

1.3.1 Stormwater Utility Creation

The Village Board adopted Chapter 288 of the Fox Point Village Code on February 10 2009, which created a new Stormwater Utility to fund stormwater management.

Prior to adoption, the Village Board conducted a Public Hearing on September 17, 2008, to solicit input from the public regarding the proposed stormwater utility. The Village Board mailed notice of the Public Hearing to all residents of the Village and posted notice of the Public Hearing. Input and comments received at the Public Hearing were incorporated into the proposed stormwater utility ordinance. The Village Director of Public Works and the Village's consultant AECOM (formerly Earth Tech) in conjunction with Ferris Water Resources, LLC, provided a follow-up presentation to explain these changes to the Village Board on January 13, 2009.

At its Village Board meetings on April 14, 2009, and again on May 12, 2009, the Village Board, by Resolution, adopted The Stormwater Utility Fee and rebates available to customers of the Stormwater Utility. The Stormwater Utility Fee was set at \$10.56 per ERU per month and the available rebates include one time rebates for rain barrels (\$25 per rain barrel), rain gardens (\$1.00 per square foot up to a maximum of 250 square feet) and porous pavement (\$1.00 per square foot). On December 9, 2014, the Village Board adopted Resolution No. 2014-29 increasing the rate to \$10.72 per ERU.*

1.3.2 Effective Date of the Fee

The stormwater utility fee began to accrue February 10, 2009. The first stormwater service charge appeared on the Village's water and sewer bill starting in May 2009.

*See Addendum No. 1: Resolution No. 2014-29 – Resolution to Amend the Stormwater Utility Service Charge

1.3.3 Calculation of Charges

Stormwater is billed based on the number of Equivalent Runoff Units (ERU). An ERU represents 2,988 square feet of impervious area. Each developed parcel is placed in one of six Tiers. The ERUs assigned to each Tier to recover the cost of the stormwater utility include the following:

Tier 1 are single-family customers with a total footprint area less than or equal to 2,031 square feet. Tier 1 customers are each billed based on 1.0 ERUs.

Tier 2 are single-family customers with a total footprint area of more than 2,031 square feet but is less than or equal to 2,517 square feet. Tier 2 customers are each billed based on 1.2 ERUs.

Tier 3 are single-family customers with a total footprint area of more than 2,517 square feet but is less than or equal to 3,213 square feet. Tier 3 customers are each billed based on 1.6 ERUs.

Tier 4 are single-family customers with a total footprint area of more than 3,213 square feet but is less than or equal to 5,980 square feet. Tier 4 customers are each billed based on 2.6 ERUs.

Tier 5 are single-family customers with a total footprint area with more than 5,980 square feet of total footprint area. Tier 5 customers are each billed based on 4.8 ERUs.

Tier 6 Non-Single-Family are any developed properties which are not single family, including, but not limited to, transient rentals (such as hotels and motels), duplexes, multifamily apartment buildings or condominiums of three or more units, commercial, industrial, institutional, governmental property, and parking lots.

The number of ERUs assigned to Tier 6 customers shall be computed by dividing the total impervious area of the property by 2,988 square feet.

Undeveloped properties are those which have less than 300 square feet of impervious area or which do not have any improvements and shall not be charged a stormwater fee.

1.4 CUSTOMER FILE MAINTENANCE

1.4.1 New Construction/Redevelopment/Additions/Demolitions

Applications for building permits that will result in the addition or removal of impervious area are required to complete Form 1 (Customer Billing File Data Update Form) and Form 3 (Adjustment Application). The forms are included in Appendix A. The completed forms are to accompany the building permit application.

1.4.2 Determination of Single Family Tiers

Single family customers are placed into one of five tiers based on the square footage of the footprint of the single family dwelling structure. The footprint refers to the area of the single family dwelling structure determined by the dimensions of the outside walls, foundations, or supports.

1.4.3 ERU Calculations

Equivalent Runoff Units (ERU) are calculated by dividing the total square feet of impervious area by 2,988 square feet (the square footage of one ERU). ERUs are to be rounded and reported to one decimal place (examples: 5.1 ERUs, 2.3 ERUs, etc.)

1.4.4 Parcel Modifications

Developments that involve land divisions or combinations are required to complete Form 3. Applicants must list all existing parcels and existing utility accounts that will be included in the project. If more than two parcels are involved, the additional information should be included on a separate sheet of paper. Applicants shall list the required information for each of the resulting parcels and accounts. Applicants must complete a separate Form 1 for each of the existing and new utility accounts.

SECTION 2.0 PROCEDURES FOR OBTAINING ADJUSTMENTS

2.1 General

The purpose of this Section is to describe the process for making numeric adjustments to the estimated number of ERUs or Tier classification assigned to a particular property. The number of ERUs assigned to a property will remain fixed unless physical changes are made that alter the amount of the impervious surface, to correct the impervious area upon which the current stormwater charge is based, or to address stormwater quantity or quality credits.

The Village Manager or his/her designee shall be responsible for reviewing the Adjustment Application (Form 3) for compliance with this policy. The required information and any associated fees are described on Form 3.

The Applicant shall provide any survey, sketches, drawings, plans, measurements and other supporting documentation required to demonstrate, to the satisfaction of the Village Manager or his/her designee, that the information is accurate and correct.

2.2 Procedure for Applying for Adjustments

Customers may apply for an adjustment to the ERUs assigned to his or her property if the customer believes the impervious area measurements or tier classification on which the ERU calculation is based are inaccurate. Customers may seek an adjustment at any time by submitting a completed application detailing the grounds upon which the customer believes the estimation of ERUs is incorrect. Applications and any required fee are to be submitted to the Village Manager or his/her designee. A detailed description of the credits available and the application process are included in Sections 9 and 10 of Chapter 288 of the Village of Fox Point Village Code included in Appendix B.

Customers requesting adjustments may be required to, at his, her or its own expense, provide supplemental information to the Village Manager or his/her designee, including but not limited to survey data provided by a registered land surveyor (R.P.L.S.) and engineering reports prepared by a professional engineer (P.E.). Failure to provide such information within thirty (30) calendar days of applying for an adjustment may result in denial of the application. The Village Manager shall endeavor to render a written decision within thirty (30) calendar days after receipt of a completed application. The Village Manager shall consider whether the calculation of the impervious surface area or tier classification and ERU calculation is correct using the information provided by the applicant.

The Village Manager's decision shall be mailed to the address provided on the application. The decision of the Village Manager is final. However, Customers may appeal the findings to the

Village Board of Appeals if they disagree with the Village Manager’s interpretation of the information that has been provided.

SECTION 3.0 CREDIT POLICY AND PROCEDURES

3.1 Credit Policy

The Village of Fox Point will provide rebates and credits to customers that provide on-site stormwater management and/or treatment control features. Separate application procedures have been established for single-family customers as compared to non-single family customers. Single-family customers are eligible for one-time rebates while non-single family customers receive credits that reduce their quarterly charge.

Non-single family customers seeking a credit must demonstrate that on-site stormwater management controls, systems, activities or facilities are constructed, operated, maintained and performed to the standards established by the Village in Chapter 288 of the Village Code. A maintenance plan must also be on file with the Village Department of Public Works for each facility for which credit is awarded. Failure to properly maintain stormwater facilities will be grounds for forfeiture of any credit granted.

3.2 Single-Family Rebates

3.2.1 Types of Rebate

Single-family customers are eligible for one-time rebates for properly installed and maintained:

- Rain Barrels
- Rain Gardens
- Porous Pavement

3.2.2 Procedure for Applying for Rebates

Applications for rebates shall be submitted to the Village Manager or his/her designee. By requesting a rebate the applicant gives the Village permission to enter onto your property to inspect installation of the stormwater facility. Incomplete applications will not be accepted by the Village Manager.

REQUIRED INFORMATION FOR REBATE

Rain Barrel	Rain Garden	Porous Pavement
<ol style="list-style-type: none"> 1. Completed Application 2. Original receipt of purchase of rain barrel 3. A photograph of the installed rain barrel 	<ol style="list-style-type: none"> 1. Completed Application 2. Sketch of size and location 3. Square footage of the garden 4. Original receipt(s) of all purchased materials 5. A photograph of the installed rain garden 	<ol style="list-style-type: none"> 1. Completed Application 2. Sketch of size and location 3. Square footage of the porous pavement 4. Type and thickness of materials used 5. Original receipt(s) of all purchased materials 6. A photograph of the installed porous pavement

The Village Manager will endeavor to render a written decision within thirty (30) days from the date that the completed application is received. The Village Manager’s decision will be mailed

to the address provided on the application. The decision of the Village Manager is final. However, customers may appeal the findings to the Village Board of Appeals, in accordance with the provisions of Section 11 of Chapter 288 of the Village Code, if the customer disagrees with the decision of the Village Manager.

A Rain Barrel

The following website contains information which describes how rain barrels are to be purchased, installed, and maintained.

- <http://v3.mmsd.com/RainBarrels.aspx>

B Rain Garden

The following websites contain information which describes how rain gardens are to be installed and properly maintained.

- <http://mmsd.com/gi/green-infrastructure/rain-gardens>
- <http://learningstore.uwex.edu/pdf/GWQ037.pdf>
- <http://learningstore.uwex.edu/pdf/GWQ034.pdf>
- <http://learningstore.uwex.edu/pdf/GWQ041.pdf>
- <http://dnr.wi.gov/topic/Stormwater/raingarden/>

C Porous Pavement

Porous pavement that is designed and constructed in accordance with design criteria recommended by PerviousPavement.org and the Interlocking Concrete Pavement Institute (ICPI) may be eligible for a rebate. Rebate amounts shall be established on the basis of square footage of qualifying porous pavement. Refer to the following websites for information as to how porous pavement are to be installed and maintained.

- <http://www.perviouspavement.org/>
- <http://www.icpi.org/myproject/PICP%20Comparison%20Brochure.pdf>
- <http://www.mmsd.com/gi/green-infrastructure/porous-pavement>
- <http://www.epa.gov/ednrmrl/publications/reports/epa600280135/epa600280135.htm>

3.3 Procedures for Applying for Credits

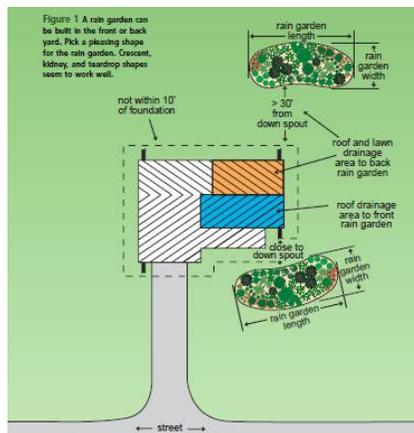
3.3.1 Basis for Credits

Credits are available for customers that provide for the proper mitigation of peak runoff discharge rates and for the reduction of nonpoint source pollutant loads in accordance with the standards described in Sections 9(B)(4) and (5) and Section 10 of Chapter 288 of the Fox Point Village Code. The design of the on-site stormwater management practice must be approved by the Village Director of Public Works before a credit will be issued. If approved, the credit will be deducted from the customer's stormwater bill for the utility account provided by the Applicant. By requesting a credit, the Applicant gives the Village permission to enter onto Applicant's property to inspect the installation of the stormwater facility.

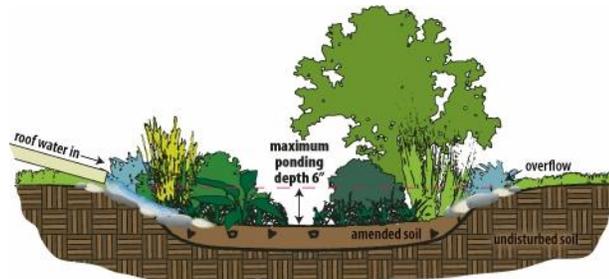
A. Rain Barrel



B. Rain Garden

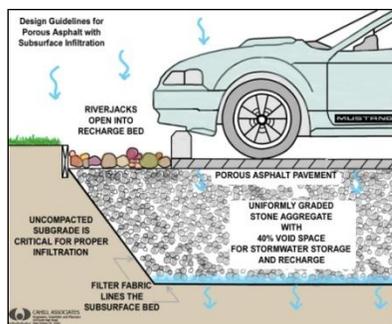


Plan View



Cross-Section

C. Porous Pavement



3.3.2 What to Submit

Applications for credits shall be submitted to the Village Manager along with the applicable fees. A Credit Application (Form 5) must be accompanied by the Stormwater Utility Credit Application Checklist (Form 6). Additional information may be required depending on the complexity of the project. A submitted application and checklist does not guarantee that the submittal is complete nor does it guarantee approval. Incomplete applications will not be accepted.

3.3.3 Decision on Credits

The Village Manager shall endeavor to render a written decision within thirty (30) days from the date a completed application is submitted and shall either: (a) grant the credit in whole; (b) grant the credit in part, or (c) deny the credit. The Village Manager's decision shall be mailed to the address provided on the application.

The decision of the Village Manager is final. However, customers may appeal the findings to the Village Board of Appeals if they disagree with the Village Manager's interpretation of the information that has been provided.

3.3.4 Reapplying for Credit or Revoking of Credits

A customer will not have to reapply annually for the credit granted, but the Village Manager may review the credit and the basis thereof, no more frequently than annually, and may terminate the credit if the Village Manager finds grounds for doing so. If such credit is terminated, the customer will be notified in writing. The Village may revoke the credit, require payment of previous credits, and impose civil penalties if any of the following conditions are found:

1. The Village finds that the application is inaccurate.
2. The private stormwater management system is unsafe, illegal, or has not been properly constructed.
3. The property does not comply with all applicable stormwater requirements.
4. The Village is denied an opportunity to conduct a site inspection of the stormwater management systems.

The foregoing list is not intended to be exhaustive and other conditions found that diminish, reduce or otherwise affect the stormwater management feature implemented at the site will be cause for reevaluation and adjustment of the credit.

3.3.5 Fees

The Village Board will, from time to time, set by resolution the applicable fee for processing the stormwater credit application.

SECTION 4.0 APPEALS PROCESS

4.1 Required Submittal Information

Customers who disagree with the conclusions related to their applications for credit to their stormwater fee may appeal the findings to the Village Board of Appeals. Appeals must be in writing and filed, along with any applicable fee, to the Village Clerk within thirty (30) calendar days after the date of the mailing of the Village Manager's decision. The written appeal shall describe 1) the basis for the challenge and 2) shall state the amount of the adjustment or credit that the customer considers to be appropriate. The appeal must specifically address the Village Manager's conclusions and not merely repeat the information provided in their application. More detailed information regarding the appeals process is included in Section 11 of Chapter 288 of the Village of Fox Point Village Code included in Appendix B.

4.2 Formal Hearing Before the Board of Appeals

The customer will be notified of the time and date of the formal hearing, providing notice at least five (5) business days prior to the date of the hearing before the Board of Appeals. As a condition precedent to any adjustment or credit request, a customer must have paid in full all stormwater service charges to the Village. Failure to have done so will result in the automatic dismissal of the appeal.

4.3 Basis of Deliberation

In considering an appeal, the Board of Appeals shall determine whether the stormwater service charge is fair and reasonable. The decision shall be based upon the evidence presented at the hearing. The Board of Appeals shall notify the customer, by first class mail, of its determination.

4.4 Refunds

If the Board of Appeals determines that the customer is due a refund, the refund shall be paid by a reduction of the next stormwater service bill, or if the refund is larger than the next bill, then such bill shall be reduced to zero and the subsequent bill shall also be reduced, and so forth, until the full refund is credited to the parcel. Any refund shall run with the parcel and not with any particular customer or owner.

Appendix A: Applications and Forms



Form 1

Customer Billing File Data Update Form

Village of Fox Point Stormwater Utility



Application Number _____ Date Received _____

Date Entered Into System _____ Initials _____

1. Account Information: (Please print or type)

Customer Name: _____

Utility Account Number: _____

Parcel Number: _____

Property Location/Address: _____

2. Single Family Residential Account Information

Current Account Information

a. Existing Impervious Rooftop Area (sq.ft.) _____

b. Existing Tier (check appropriate box)

- | | |
|--|--|
| Tier 1 (≤ 2,031 sq.ft.) <input type="checkbox"/> | Tier 2 (> 2,031 square feet ≤ 2,517 sq.ft.) <input type="checkbox"/> |
| Tier 3 (> 2,517 square feet ≤ 3,213 sq.ft.) <input type="checkbox"/> | Tier 4 (> 3,213 square feet ≤ 5,980 sq.ft.) <input type="checkbox"/> |
| Tier 5 (> 5,980 sq.ft.) <input type="checkbox"/> | |

Proposed Account Information

a. Proposed Impervious Rooftop Area (sq.ft.) _____

b. Proposed Tier (check appropriate box)

- | | |
|--|--|
| Tier 1 (≤ 2,031 sq.ft.) <input type="checkbox"/> | Tier 2 (> 2,031 square feet ≤ 2,517 sq.ft.) <input type="checkbox"/> |
| Tier 3 (> 2,517 square feet ≤ 3,213 sq.ft.) <input type="checkbox"/> | Tier 4 (> 3,213 square feet ≤ 5,980 sq.ft.) <input type="checkbox"/> |
| Tier 5 (> 5,980 sq.ft.) <input type="checkbox"/> | |

3. Tier 6 Non-Single Family Account Information (ERU = 2,988 square feet)

a. Existing ERUs _____

b. Stormwater Quantity Credit

10% 20% 30% _____

c. Stormwater Quality Credit

10% 20% 30% _____

d. Proposed ERUs (3.a. – 3.b. – 3.c.) _____



Form 2 Parcel Modifications Customer Billing File Data Update Form Village of Fox Point Stormwater Utility



Application Number _____ Date Received _____

Date Entered Into System _____ Initials _____

1. **Account Information:** (Please print or type)

Land Divisions

Parent Account - Parcel		Account Information	
Utility Account Number			
Parcel Number			
New Account - Parcel		Account – Parcel #1	Account – Parcel #2
Utility Account Number			
Parcel Number			

Land Combinations

Parent Account - Parcel		Account – Parcel #1	Account – Parcel #2
Utility Account Number			
Parcel Number			
New Account - Parcel		Account Information	
Utility Account Number			
Parcel Number			



Form 3 Adjustment Application Village of Fox Point Stormwater Utility



Please note that Applicants should only submit an application if the proposed adjustment will change their Tier or reduce their ERUs.

- Adjustments Applying** (check all that apply):
 - Correction New/Modified Construction
 - Demolition Land Division Land Combination
- Customer Classification** (check one):
 - Single Family Non-Single Family Undeveloped
- Applicant Information:** (Please print or type)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Email: _____ Telephone: (____) _____ - _____

4. Property Information:

Utility Account Number: _____

Parcel Number: _____

Property Location/Address: _____

Current Impervious Area (sq. ft.): _____ Proposed Impervious Area (sq. ft.): _____
(Single family customers shall identify the impervious rooftop area)

Reason for requesting an adjustment: _____

Please indicate the form of supporting documentation submitted with and attached to this application:

- Narratives Site Plans Survey Plat with Topography As-Built Plans Other

5. Fee: \$150 plus any applicable professional fees incurred by the Village to evaluate the application

6. Certifications:

The above information is true and correct to the best of my knowledge and belief. This form must be signed by the owner, or the officer, director, partner, or registered agent with authority to execute instruments for the owner. I agree to provide corrected information should there be any change in the information provided herein.

Type or print name

Title or Authority

Signature

Date

Official use only

Date Received _____

Application Number _____

Initials _____



Form 4

Rebate Application Form

Village of Fox Point Stormwater Utility



Submit completed application and any necessary attachments to:

Village of Fox Point Department of Public Works
 Attn: Village Director of Public Works
 Village of Fox Point
 7200 N. Santa Monica Blvd.
 Fox Point, WI 53217-3505

The information required to be submitted includes the following:

REQUIRED INFORMATION FOR REBATE

Rain Barrel	Rain Garden	Porous Pavement
1. Completed Application 2. Original receipt of purchase of rain barrel 3. A photograph of the installed rain barrel	1. Completed Application 2. Sketch of size and location 3. Square footage of the garden 4. Original receipt(s) of all purchased materials 5. A photograph of the installed rain garden	1. Completed Application 2. Sketch of size and location 3. Square footage of the porous pavement 4. Type and thickness of materials used 5. Original receipt(s) of all purchased materials 6. A photograph of the installed porous pavement

Questions should be directed to the Director of Public Works (414) 351-8900.

1. Account Information

Utility Account #: _____
 Customer Name: _____
 Property Address: _____

 Phone: _____
 E-mail: _____

2. Single Family Rebates

Please check all applicable on-site stormwater management practices for which rebates are being sought.

	On-Site Stormwater Management Practices	Amount of One-Time Rebate	Area of Rain Garden or Porous Pavement (sq.ft.)	Requested Rebate	Receipt(s) Attached?	Official Use Only	
						Approval Signature	Date
<input type="checkbox"/>	Rain Barrel	\$25.00			<input type="checkbox"/>		
<input type="checkbox"/>	Rain Garden (up to 250 sq.ft.)	\$1.00 per sq.ft.			<input type="checkbox"/>		
<input type="checkbox"/>	Porous Pavement	\$1.00 per sq.ft.			<input type="checkbox"/>		

3. Sketch

Attach a sketch, drawing or picture that depicts the outline of the home, driveway and other paved areas that are draining to the on-site stormwater management practice(s).

4. Receipts

Staple original receipts of all materials purchased to the back of this application.

5. Materials (porous pavement only)

List materials used and their thickness applied to construct the porous pavement.



Form 5 Credit Application Village of Fox Point Stormwater Utility (Non-Single-Family Customers only)



Send Application to:

Department of Public Works
Village of Fox Point
Attn: Director of Public Works
7200 N. Santa Monica Blvd.
Fox Point, WI 53217-3505

Official Use Only	
Date Received	_____
Application Number	_____
Fee Received	_____
Reviewer	_____

Instructions: Please type or print. Read all instructions before completing application.

1. Fee: \$150 for non-single family customers plus any applicable professional fees incurred by the Village to evaluate the application

2. Applicant/Entity Receiving Credit

Name of Applicant: _____
 Contact: First Name: _____ Last Name: _____
 Street (1): _____
 Street (2): _____
 City: _____ State: ____ Zip Code: _____
 Telephone Number: (____) _____
 Fax Number: (____) _____

3. Property Owner

First Name: _____ Last Name: _____
 Street (1): _____
 Street (2): _____
 City: _____ State: ____ Zip Code: _____
 Telephone Number: (____) _____
 Parcel Identification Number(s): _____

4. Engineer

Name of Project: _____
 Name of Firm: _____
 Contact: First Name: _____ Last Name: _____
 Street (1): _____
 Street (2): _____
 City: _____ State: ____ Zip Code: _____
 Telephone Number: (____) _____
 Fax Number: (____) _____

5. Plan Review Information:

Attach the Application Check List (Form 6) of required information along with corresponding documentation. Attachment 1 of this form contains the approved principals and procedures to be used in preparing a Credit Application.

Form 5 (continued)

6. Stormwater Operation and Maintenance Agreement Letter

A Maintenance Plan must be developed for each stormwater management practice. A maintenance agreement must be filed with the Village of Fox Point prior to any credit being granted and must identify who will be responsible for the maintenance activities and shall also include a maintenance schedule. Failure to provide a maintenance agreement will be grounds for denial of the credit application.

7. Owner's Certifications:

By signing this application, I certify that I am the owner or authorized representative of the owner and have read this application and understand the terms and conditions of the Village of Fox Point's Credit Policy. I certify that this application and additional materials accurately describe stormwater management practices on the property identified on this application. I hereby grant the Village permission to enter this property for the sole purpose of conducting site inspections of the stormwater management practices on my property.

Type or print owner name

Title or Authority

Signature of owner

Date

8. Engineer's Certification:

The above information and the information attached was prepared either by or under the supervision of myself as the qualified professional and is true and correct to the best of my knowledge and belief that the facilities were designed in accordance with Chapter 288 of the Village of Fox Point Village Code.

Type or print name

Professional License Type and Number

Signature

Date

() -

Phone

CREDIT APPROVALS

Applicants must check the appropriate boxes for the amount of credit for the reduction of peak runoff rates and nonpoint source pollutant reductions that are being sought.

	Amount of Peak Runoff Credit		Post-Development Runoff Design Storm	Pre-Development Design Release Rate	Official Use Only	
					Approval Signature	Date
<input type="checkbox"/>	10 %	<input type="checkbox"/>	25-yr, 24-hr	to 10-yr, 24-hr		
		<input type="checkbox"/>	10-yr, 24-hr	to 5-yr, 24-hr		
		<input type="checkbox"/>	5-yr, 24-hr	to 2-yr, 24-hr		
<input type="checkbox"/>	20 %	<input type="checkbox"/>	25-yr, 24-hr	to 5-yr, 24-hr		
		<input type="checkbox"/>	10-yr, 24-hr	to 2-yr, 24-hr		
<input type="checkbox"/>	30 %	<input type="checkbox"/>	25-yr, 24-hr	to 2-yr, 24-hr		
	Amount of Pollutant Reduction Credit		Pollutant Reduction		Approval Signature	Date
<input type="checkbox"/>	10 %		40%			
<input type="checkbox"/>	20 %		60%			
<input type="checkbox"/>	30 %		80%			
	Maintenance Plan				Approval Signature	Date
<input type="checkbox"/>	Maintenance Plan indicating individual responsible for the schedule for maintenance activities					

FORM 5
Attachment 1: Approved Principals and Procedures



Attachment 1 Credit Application Village of Fox Point Stormwater Utility (Non-Single-Family Customers only)



Listed here are methodologies that are to be used in the preparation of a stormwater utility credit application in accordance with Chapter 288 of the Village of Fox Point Village Code. Other methodologies may be used provided that Applicants obtain prior approval from the Director of Public Works. Applicants will be required to provide adequate documentation and reasoning in order to justify the use of alternative methodologies.

A. Hydrology

Rational Method (peak flows only)
Modified Rational Method (volume only)
TR-55 (SCS 1975, 1986)
TR-20 (SCS 1973)
SCS Methodology (1972)

B. Hydraulics

TR-20 (SCS 1973)

C. Water Quality Nonpoint Source

Source Loading and Management Model (SLAMM)

D. Pre-Development Definition and Runoff Factors

For the purpose of this manual and interpretation of the ordinance (Appendix B), pre-development is deemed equal to pre-settlement land conditions defined as follows:

Pre-development land use condition means land which has runoff characteristics equivalent to a meadow in continuous grass, protected from grazing and generally mowed for hay.

PRE-DEVELOPMENT PERVIOUS AREA RUNOFF FACTORS

Hydrologic Soil Classification	Curve Number (CN)	Rational Method (C Factor)
A	30	0.10
B	58	0.13
C	71	0.17
D	78	0.21

E. Rainfall Distribution

SCS (1973) Type II

Attachment 1 (continued)

F. Rainfall Design Storms

HYDROLOGIC DESIGN STORMS RAINFALL DEPTH, DURATION, AND RECURRENCE INTERVALS FOR MILWAUKEE, WISCONSIN

Storm Recurrence Interval (years)	Storm Duration (hours)	Precipitation Amount (inches)
2	1	1.31
	2	1.54
	6	1.95
	12	2.24
	24	2.57
5	1	1.60
	2	1.93
	6	2.40
	12	2.74
	24	3.14
10	1	1.84
	2	2.23
	6	2.79
	12	3.17
	24	3.62
25	1	2.20
	2	2.73
	6	3.44
	12	3.89
	24	4.41
100	1	2.82
	2	3.64
	6	4.60
	12	5.25
	24	5.88

Source: SEWRPC Technical Report No. 40.



Form 6
Application Checklist
Stormwater Utility Credit Application
Village of Fox Point Stormwater Utility
(Non-Single-Family Customers only)



(Checklist must be included with completed Credit Application)

Instructions

The Checklist outlines information that should be included in the credit application for the stormwater utility. Additional information may be required depending on the complexity of the project. A submitted application and checklist does not guarantee that the submittal is complete nor does it guarantee approval.

1. General Information

- Completed Credit Application.
- Location map showing the boundary of the proposed project and adjacent properties.
- Identification of hydrologic soil groups (HSG).

2. Pre-Development Site Conditions (As defined in Form 5, Attachment 1)

- Topographic contours of the site using at least a 2-foot contour interval.
- Watershed boundaries, drainage basins and subbasins used in determining peak flow discharge rates and discharge volumes, including enough of the contiguous properties to show runoff patterns onto, through, and from the site.
- Watercourses that may affect or be affected by runoff from the site, including 100-year floodplain, lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

3. Post-Development Site Conditions

- Pervious and landscape areas.
- Impervious land use including all buildings, structures, and pavement.
- Final grades/topographic contours of the site using at least 2-foot contour intervals.
- New drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site.
- Location and description of conveyance facilities such as a curbed street, swale, storm sewer, or natural drainage way.
- Location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area(s).
- Locations and dimensions of drainage easements.
- Locations of maintenance easements specified in the maintenance agreement.
- Watershed boundaries, drainage basins and subbasins used in determining peak flow discharge rates and discharge volumes.

Form 6 (continued)

(Checklist must be included with completed Credit Application)

4. Hydrologic Results

Computations of the peak flow discharge rates for the following design storms: 2-year, 5-year, 10-year, and 25-year for both pre-development conditions and post-development conditions.

All major assumptions used in developing input parameters including: curve numbers; acres of each drainage area(s); overland flow travel distance, time, and surface roughness; channel flow travel distance, time and roughness; etc. shall be clearly stated. Applicants must provide:

- Hydrologic Methodologies
- Runoff Input Values
 1. Drainage Basins
 2. Assumed runoff curve numbers (RCNs)
 3. Time of concentration (Tc) used in calculations
- Peak Runoff Discharge Rates
 1. Pre-development peak flow rates;
 2. Post-development peak flow rates with no detention;
 3. Post-development peak flow rates with detention;
- Pre- and Post-Development Runoff Volumes
- BMP Design
 1. Manufacture Make and Model (if applicable)
 2. Stage-storage-discharge table
 3. Description/design of outlet structure(s)
- Nonpoint Source Pollutant Loading Estimate with and without BMPs
- Annotated Computer Printouts and Other Calculations

5. Additional Required Documents

- Maintenance Plan and Maintenance Agreement
- Drainage Easements
- Professional Engineer Certification

Appendix B: Stormwater Utility Ordinance Applicable Provisions

Sections 9 - 11 of Chapter 288

Chapter 288. STORMWATER UTILITY

§ 288-9. Exemptions.

Except as provided in this section, no public or private property shall receive a credit or offset against stormwater 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. Type II and Type III exemptions, except as to razed parcels, apply only to work that is conducted on parcels subsequent to the date of adoption of this chapter. There shall be three categories of exemptions, as follows:

- A. Type I exemption. The following parcels shall be automatically exempt from all stormwater utility service charges. Customers do not need to apply for an exemption pursuant to § 288-10.
 - (1) Railroad tracks and the rights-of-way shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings or other developed land used for railroad purposes shall not be exempt from stormwater service charges.
 - (2) Public roadways, public pedestrianways, and private roadways, not including driveways or parking lots, shall be exempt from stormwater service charges.
- B. Type II exemption. This subsection shall be referred to as the Village's credit policy. This subsection is intended to provide credits and incentives for parcels with on-site stormwater management and treatment facilities that are designed to properly manage the stormwater runoff in accordance with criteria established herein. Credit determinations shall be made pursuant to the procedures described in § 288-10.
 - (1) In order to receive Type II credit exemption a customer must meet the following criteria:
 - (a) The customer must demonstrate that on-site stormwater management controls, systems, activities or facilities are constructed, operated, maintained and performed to the standards established by the Village Manager.
 - (b) Customers must be in compliance with a current maintenance plan that must be on file with the Village Department of Public Works.
 - (c) With the exception of razed parcels, the change to the parcel giving rise to the credit must be made to the parcel subsequent to the date of adoption of this chapter.
 - (2) Single-family/duplex property credit. Single-family and duplex parcel customers that install and properly maintain a rain garden or a rain barrel may be eligible for a rebate. This rebate will not be granted more than once for any customer. Rebate amounts shall be established from time to time by separate resolution of the Village Board.
 - (3) Porous pavement. Porous pavement that is designed and constructed in accordance with design criteria acceptable to the Village Manager may be eligible for a rebate. This rebate will not be

granted more than once for any parcel. Rebate amounts shall be established on the basis of square footage of qualifying porous pavement, by separate resolution of the Village Board.

- (4) Stormwater quantity credit. Parcels with on-site facilities designed to meet the then-current standards of the Village stormwater management criteria may be eligible for up to a 30% reduction in the stormwater service charge for the parcel, as follows. For purposes of this subsection, the "twenty-five-year design storm," "ten-year design storm," "five-year design storm," and "two-year design storm" shall be interpreted based upon twenty-four-hour storm events with twenty-five-, ten-, five-, and two-year recurrence intervals, based upon generally accepted engineering models, as determined by the Director of Public Works/Village Engineer.
 - (a) Facilities designed to reduce the discharge rates as follows and as determined by the Director of Public Works/Village Engineer may be eligible for a 10% reduction in the stormwater service charge for the parcel:
 - [1] From the postdevelopment peak discharge rate of the twenty-five-year design storm event to the predevelopment peak discharge event from the ten-year design storm event.
 - [2] From the postdevelopment peak discharge rate of the ten-year design storm event to the predevelopment peak discharge event from the five-year design storm event.
 - [3] From the postdevelopment peak discharge rate of the five-year design storm event to the predevelopment peak discharge event from the two-year design storm event.
 - (b) Facilities designed to reduce the discharge rates as follows and as determined by the Director of Public Works/Village Engineer may be eligible for a 20% reduction in the stormwater service charge for the parcel:
 - [1] From the postdevelopment peak discharge rate of the twenty-five-year design storm event to the predevelopment peak discharge event from the five-year design storm event.
 - [2] From the postdevelopment peak discharge rate of the ten-year design storm event to the predevelopment peak discharge event from the two-year design storm event.
 - (c) Facilities designed to reduce the discharge rates as follows and as determined by the Director of Public Works/Village Engineer may be eligible for a 30% reduction in the stormwater service charge for the parcel:
 - [1] From the postdevelopment peak discharge rate of the twenty-five-year design storm event to the predevelopment peak discharge event from the two-year design storm event.
- (5) Stormwater quality credit. Parcels with on-site stormwater management and treatment facilities that properly manage the stormwater runoff in accordance with the stormwater quality criteria described below may be eligible for a percentage reduction in the stormwater service charge for the property, as follows:
 - (a) Facilities designed to remove no less than 40% of the average annual sediment load from stormwater runoff from the site as determined by the Director of Public Works/Village Engineer may be eligible for up to a 10% reduction in the stormwater service charge for the parcel.
 - (b) Facilities designed to remove no less than 60% of the average annual sediment load from stormwater runoff from the site as determined by the Director of Public Works/Village Engineer may be eligible for up to a 20% reduction in the stormwater service charge for the parcel.

- (c) Facilities designed to remove no less than 80% of the average annual sediment load from stormwater runoff from the site as determined by the Director of Public Works/Village Engineer may be eligible for up to a 30% reduction of the stormwater service charge for the parcel.
 - (6) Other special conditions.
 - (a) Customers that properly construct and maintain other facilities that the customer believes provide equivalent levels of peak control or pollutant reduction to those specified in this section may submit an application for credit to the Village Manager for consideration.
 - (b) Customers of developed property that has been razed of all of the impervious area on the parcel, and has been restored to a dust-free and erosion-free condition, may submit an application for credit or special exemption to the Village Manager for consideration. The customer shall have the burden to show the extent to which the parcel replicates predevelopment conditions. To the extent that the parcel replicates predevelopment conditions regarding stormwater quantity and quality, the Village Manager may grant a corresponding credit or an exemption to the parcel.
- C. Type III exemption. Developed property that does not drain into the Village stormwater management systems or onto another Village parcel, directly or indirectly (such a drainage pattern referred to in this subsection as draining "away from Village systems"), or that drains partially away from Village systems, may be eligible for a Type III exemption. Credit determinations shall be made pursuant to the procedures described in § 288-10. The Type III exemption may allow up to a 50% reduction in the stormwater service charge for the parcel, as follows:
 - (1) If 100% of the stormwater drains away from Village systems, as determined by the Director of Public Works/Village Engineer, the customer may be eligible for up to a 50% reduction in the stormwater service charge for the parcel.
 - (2) If 80% or more but less than 100% of the stormwater drains away from Village systems as determined by the Director of Public Works/Village Engineer, the customer may be eligible for up to a 40% reduction in the stormwater service charge for the parcel.
 - (3) If 60% or more but less than 80% of the stormwater drains away from Village systems as determined by the Director of Public Works/Village Engineer, the customer may be eligible for up to a 30% reduction in the stormwater service charge for the parcel.
 - (4) If 40% or more but less than 60% of the stormwater drains away from Village systems as determined by the Director of Public Works/Village Engineer, the customer may be eligible for up to a 20% reduction in the stormwater service charge for the parcel.
 - (5) If 20% or more but less than 40% of the stormwater drains away from Village systems as determined by the Director of Public Works/Village Engineer, the customer may be eligible for up to a 10% reduction in the stormwater service charge for the parcel.

§ 288-10. Service charge credits and adjustments.

- A. A customer may apply for an adjustment to the ERUs assigned to his, her or its property if the customer believes the impervious area measurements on which the ERU calculation is based are inaccurate.
 - (1) All requests for adjustments shall be submitted to the Village Manager, who shall have the authority to develop and administer the procedures and standards for the adjustment of the impervious surface area, and Tier classification for developed single-family and duplex property,

or ERU determination for developed non-single-family property.

- (2) Customers may seek an adjustment at any time by submitting the request in writing and set forth in detail the grounds upon which relief is sought. The application shall be submitted on forms as may be required by the Village Manager, and shall include such information as may be required on the form.
 - (3) The application shall include payment of an application fee as may be established from time to time by separate resolution of the Village Board.
 - (4) Customers requesting the adjustments may be required, at his, her or its own expense, to provide supplemental information to the Village Manager, including but not limited to survey data approved by a registered land surveyor (RPLS) and engineering reports approved by a professional engineer (PE). Failure to provide such information within the time limits established by the Village Manager, as may be reasonably extended, may result in denial of the adjustment request.
 - (5) Once a completed adjustment request and all required information is received by the Village Manager, the Village Manager shall endeavor to render a written decision within 30 calendar days. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.
 - (6) In considering an adjustment request, the Village Manager shall consider whether the calculation of the impervious surface area, Tier classification for developed single-family and duplex property, and ERU calculation for developed non-single-family property is correct.
 - (7) The Village Manager's decision shall be mailed to the address provided on the adjustments request and service shall be complete upon mailing.
 - (8) The decision of the Village Manager is final except if the property owner appeals the decision pursuant to § **288-11**.
- B. A customer may apply for a credit to their stormwater charge if the property is eligible for a credit pursuant to the Village credit policy, described in § **288-9B** or **C** above. Applications shall be submitted and processed as follows:
- (1) All requests for credits shall be submitted to the Village Manager, who shall have the authority to develop and administer the procedures and standards for the credits in accordance with the requirements of this chapter.
 - (2) Customers must apply for any credits that they believe apply. The Village will consider only such credits for the parcel as are requested in the application.
 - (3) The application for any credit must be in writing and must include the information necessary to establish eligibility for the credit. The application shall be submitted on forms as may be required by the Village Manager, and shall include such information as may be required on the form. Incomplete applications will not be accepted by the Village Manager, or may be rejected on that basis.
 - (4) The application shall include payment of an application fee as may be established from time to time by separate resolution of the Village Board.
 - (5) Stormwater utility fees may be credited or adjusted retroactively to the date the Village Manager received the completed application.
 - (6) When an application for a credit is deemed complete by the Village Manager, the Village Manager shall endeavor to render a written decision within 30 days from the date the complete application is accepted of either: granting the credit in whole, granting the credit in part, or

denying the credit. Credits applied for by the customer in the first year of the stormwater utility fee, and granted in whole or in part, shall apply to all stormwater service charges accruing in that first year. Beginning the second year, credits applied for by the customer, 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 Village Manager. The customer may appeal such determination pursuant to § 288-11.

- (7) A customer shall not have to reapply annually for the credit granted, but the Village Manager may review the credit and the basis thereof, no more frequently than annually, and may terminate the credit if the Village Manager finds grounds for doing so. If such credit is terminated, the customer will be notified in writing and may appeal such determination pursuant to § 288-11, or may, if possible, correct the deficiencies which caused the termination and reapply for the credit.

§ 288-11. Appeals process.

- A. Within 30 calendar days after the date of the mailing of the Village Manager's decision, the customer may appeal the Village Manager's decision to the Board of Appeals by filing a written appeal with the Village Clerk/Treasurer. The appeal must include payment of the application fee as may be established from time to time by separate resolution of the Village Board. The written appeal shall specify all grounds for the challenge and shall state the amount of stormwater service charge that the customer considers to be appropriate. The appeal must specifically address the Village Manager's conclusions and not merely repeat the bases for the initial request. Failure to timely and properly appeal shall deprive the Board of Appeals of jurisdiction to hear the appeal, and the appeal shall be dismissed.
- B. The Board of Appeals shall conduct a formal hearing at such time and place as designated in a hearing notice to the customer, providing a minimum of five business days notice to the customer. In considering an appeal, the Board of Appeals shall determine whether the stormwater service charge is fair and reasonable. The decision shall be based upon the evidence presented at the hearing. The Board of Appeals shall notify the customer 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. As a condition precedent to any adjustment or credit request, or of bringing or continuing any appeal, a customer must have paid in full all stormwater service charges to the Village, and failure of timely payment shall deprive the Board of Appeals of jurisdiction, which is not restored upon delinquent payment, and the appeal shall be dismissed.
- D. If an appeal is granted, stormwater charges shall be adjusted on a going-forward basis, commencing on the date of the decision that was appealed. If as a result of the Board of Appeals decision, the customer is due a refund, the refund shall be paid by a reduction of the next stormwater service bill, or if the refund is larger than the next bill, then such bill shall be reduced to zero and the subsequent bill shall also be reduced, and so forth, until the full refund is credited to the parcel. Any refund shall run with the parcel and not with any particular customer or owner.

Addendum No. 1: Resolution No. 2014-29

Resolution to Amend the Stormwater Utility Service Charge

RESOLUTION NO. 2014-29

**RESOLUTION TO AMEND
THE STORM WATER UTILITY SERVICE CHARGE**

WHEREAS, Chapter 288, Section 288-7, of the Village of Fox Point Village Code (formerly codified as Chapter 9) authorizes the Village Board to establish the storm water service charge for the storm water utility by separate resolution of the Village Board; and

WHEREAS, on or about April 14, 2009, the Village Board established the initial storm water service charge, which the Village Board later reduced by action taken on May 12, 2009, to the current amount of \$10.56 per equivalent runoff unit (ERU) per month; and

WHEREAS, the Village Board finds that it is necessary to increase the service charge rate due to cost of living increases, in order to support the cost of the storm water 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, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the Village Board; and

WHEREAS, the Consumer Price Index shows an increase of substantially more than 1.5 percent between May 12, 2009, to date, however the Village Board finds that an increase of 1.5 percent will be adequate to address the foregoing storm water utility needs at this time; and

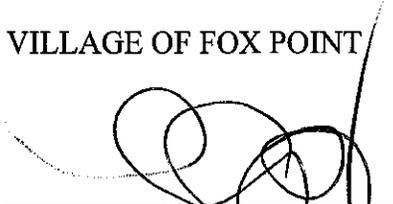
WHEREAS, the Village Board finds that establishing the storm water service charge in the amount of \$10.72 per ERU per month complies with the standards for such charges as described in the ordinance; and the Board finds in particular without limitation, that such charges are fair and reasonable and the resultant service charges bear a substantial relationship to the cost of providing storm water management services, systems and facilities, and shall be sufficient to support such services, systems and facilities.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin, as follows:

SECTION 1. The storm water service charge referenced in Chapter 288, Section 288-7 of the Village of Fox Point Village Code established by duly adopted Resolution of the Village Board on May 12, 2009, in the amount of \$10.56 per ERU per month, is hereby increased to \$10.72 per ERU per month.

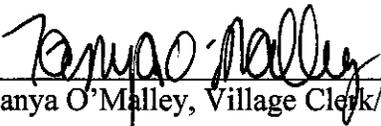
SECTION 2. This Resolution shall take effect on February 1, 2015.

VILLAGE OF FOX POINT



Michael A. West, Village President

ATTEST:



Tanya O'Malley, Village Clerk/Treasurer