



City of Milwaukee Common Council

Legislative File Number 050620 (version 0)

Title

Resolution establishing a storm water management charge adjustment policy.

Body

Whereas, Section 309-54 of the Milwaukee Code of Ordinances imposes a storm water management charge on owners of all developed property and vacant, improved property in the City; and

Whereas, The Common Council finds that, in certain situations, the unique characteristics of a property may entitle the property owner to an adjustment of the storm water management charge, provided the property characteristics reduce storm water management costs to the city and the charge reduction reflects those costs savings; and

Whereas, The Common Council finds that, in general, actions or property improvements which result in costs savings for construction, operation or maintenance of the City's storm water management system should be eligible for storm water management charge adjustments of up to 60% of the total charge, and an even higher percentage if the property owner is contesting the actual amount of impervious surface on the premises; and

Whereas, Section 309-54 authorizes the commissioner of public works to adjust the storm water management charge for a particular nonresidential property in accordance with certain provisions of the ordinance and with a charge adjustment policy to be adopted by resolution of the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the "Storm Water Management Charge Adjustment Policy" attached to this resolution as Exhibit "A" is adopted.

Drafter

LRB05297-1
JDO
08/26/2005

EXHIBIT "A"
STORM WATER MANAGEMENT CHARGE ADJUSTMENT POLICY

1. The allocated equivalent residential units may be adjusted if the equivalent

residential unit square footage calculated by the City is incorrect.

2. A property owner may be eligible for any of the following adjustments:
 - a. If all storm water from a nonresidential property (any property other than a mobile home, condominium unit or dwelling containing one to 4 units) discharges directly into a qualifying receiving stream without crossing another property and the discharge does not exceed federal, state or local water quality standards, the property owner shall be eligible for up to a 60% reduction of the storm water management charge.
 - b. If all storm water from a nonresidential property discharges directly into a qualifying receiving stream without crossing another property and the property owner is a holder of, or has filed a proper and complete application for, a municipal storm water discharge permit, as provided in s. 283.33, Wis. Stats., and further defined in ss. NR 216.01 through 216.11, Wis. Adm. Code, the property owner shall be eligible for up to a 60% reduction of the storm water management charge.
 - c. If all storm water from a nonresidential property discharges directly into a storm water collection system constructed and maintained by the Milwaukee Metropolitan Sewerage District without crossing another property, the property owner shall be eligible for up to a 60% reduction of the storm water management charge.
 - d. If all storm water from a nonresidential property discharges directly into a storm sewer constructed and maintained by the City on the subject property pursuant to an easement, and if after the storm water travels through the easement area it is discharged as provided in paragraphs a through c, the property owner shall be eligible for up to a 60% reduction of the storm water management charge.
 - e. If a retention or detention basin, roof garden, bioretention facility, rain garden or other storm water sequestration system is located on nonresidential property, the property owner shall be eligible to apply for up to a 60% reduction of the storm water management charge. In considering the property owner's charge adjustment application, the commissioner of public works shall consider whether and to what extent the City's budgetary cost of providing service, making service available to a property or controlling polluted runoff has been decreased by the storm water sequestration system. If none of these costs have been reduced by the storm water sequestration system, the request for the charge reduction shall be denied. If one or more of these costs have been decreased by the storm water sequestration system, the storm water management charge shall be reduced to reflect the approximate reduction in the City's costs. The City's storm water management costs shall not be considered to be reduced unless the existence of a storm water sequestration system results in a reduction of the size or scope of the City's

storm water collection system or in the cost of controlling polluted runoff.

3. In considering a request for a storm water charge adjustment, the commissioner of public works may, at his or her discretion, separately examine multiple drainage areas on a single property and may grant a storm water management charge reduction if the characteristics of one or more drainage areas meet any of the criteria set forth in section 2.
4. The commissioner of public works may, at his or her discretion, grant a reduction of the storm water management charge for a nonresidential property for reasons other than those specified in section 2 provided the adjustment is reasonable and not discriminatory.

Analysis

This resolution adopts a policy for the commissioner of public works to use in reviewing and acting upon requests for adjustment to the storm water management charge.