

CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511

MEMORANDUM

TO: Common Council

FROM: Doran Viste, Assistant City Attorney

DATE: October 8, 2012

RE: Legistar File No. 27950, repealing and recreating Chapter 35, MGO.

File No. 27950 repeals and recreates Chapter 35 and amends Sec. 29.13(5), MGO, to relocate the sanitary sewer plugging process into Chapter 35. Specifically, the ordinance does the following:

- Updates the Sewer Utility reserve fund language in Sec. 35.02(1)(b) and removes the old language that initially set up the fund.
- Updates the sanitary sewer connection permit language in Sec. 35.02(4)(c)2. to clarify that the permit fee is in addition to any fees levied by MMSD or City of Madison (i.e. impact fees, connection fees, deferred assessments, etc).
- Adds a requirement in Sec. 35.02(4)(c)13. that preliminary public sewer service be established with the establishment of water service for any new construction or development. This preliminary one-time use fee shall be equal to one half of the 'flat rate' charge per Sec. 35.02(6)(b)3., rounded down to nearest \$5.
- The sanitary sewer plugging process is relocated from Sec. 29.13(5) and a formal permit and plugging process is created in Sec. 35.02(4)(c)14. Under the new process, where conditions allow, plugging shall be completed by City crews at the sewer main with a short liner. A permit fee for this plugging is to be based on the estimated average cost as approved by the Board of Public works. Where plugging cannot be completed at the sewer main, the owner is to plug the lateral at the property line, and shall pay for the City's inspection, along with supplying a deposit to cover plugging costs (\$1000, up to \$900 refundable following inspection). These permits shall be good for 60 days, unless otherwise extended by the City Engineer. This ordinance also amends Sec. 29.13(5) to make obtaining this permit a condition of receiving a demolition permit if the property is connected to the sanitary sewer. This new process better addresses the plugging process to ensure that connections are properly plugged where necessary.
- Clarifies the flat rate charges for new construction prior to meter installation in Sec. 35.02(6)(b)3.

- Adds language in Sec. 35.02(6)(d) to allow for on-site audits to ensure accurate billing and compliance with the ordinance.
- Removes the Sewer Utility and Landfill Remediation rate structures from Chapter 35. Rather, under new Section 35.02(7) for the Sewer Utility rates and Section 32.025(4) for the Landfill Remediation Charge, rate changes will be set annually by the City Engineer and approved by the Board of Public Works and Common Council. This is being done so Chapter 35 does not have to be revised every year just to update rate changes.