



Legislation Details (With Text)

**File #:** 24635      **Version:** 1      **Name:** 2012 Utility Rates  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/21/2011      **In control:** BOARD OF PUBLIC WORKS  
**On agenda:** 12/13/2011      **Final action:** 12/13/2011  
**Enactment date:** 12/22/2011      **Enactment #:** ORD-11-00169

**Title:** Amending various provisions of Chapters 35 and 37 of the Madison General Ordinances to establish 2012 Sewer Utility and Public Stormwater System Rates (including Landfill Remediation Fees), creating a sanitary sewer credit meter fee, and making minor changes to the stormwater and erosion control ordinance.

**Sponsors:** Paul E. Skidmore, Anita Weier

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/13/2011	1	COMMON COUNCIL	Adopt	Pass
12/5/2011	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/30/2011	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
11/29/2011	1	BOARD OF ESTIMATES (ended 4/2017)	Refer	
11/29/2011	1	COMMON COUNCIL	Referred	
11/21/2011	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

For the average residential customer of the Sewer Utility, the rate increase is projected at approximately 4.82%, which would result in additional charges of about \$5.64 more on each semi-annual bill. Average residential customers of the Stormwater Utility can anticipate a rate increase of about 4.32%, or \$1.66 more on each semi-annual bill. And the average residential customer of the Landfill Utility should expect charges to decrease by approximately 16.67%, or \$1.00 less on each semi-annual bill. Revenues and expenses consistent with these charges have been built into the 2012 Operating Budgets of the Sewer, Stormwater, and Landfill Utilities. No additional appropriation is required.

**Title**

Amending various provisions of Chapters 35 and 37 of the Madison General Ordinances to establish 2012 Sewer Utility and Public Stormwater System Rates (including Landfill Remediation Fees), creating a sanitary sewer credit meter fee, and making minor changes to the stormwater and erosion control ordinance.

**Body**

DRAFTER'S ANALYSIS: This ordinance establishes the Sewer Utility rates, Stormwater Utility rates and Landfill Remediation Fees for 2012. In anticipation of the Water Utility converting to monthly billing, this ordinance provides for monthly billing rates for these utilities, which will be necessary when the Water Utility converts customers to monthly billing as already authorized by the Public Service Commission. In addition, this ordinance shifts the costs incurred by the City to install, inspect and administer the credit meter program. Currently, the City absorbs these costs, but the amendments to Sec. 25.02(6)(b) would shift these costs to the user of the credit meter. In addition, these changes will allow the City Engineer to take action if a credit meter

is found to be giving improper credits. This ordinance also updates language in Chapter 37 to make, for the purposes of that chapter, the regulation of "in-fill" development consistent with DNR regulations contained in Wis. Admin. Code ch. NR 151. This ordinance also corrects the use of that term in this chapter so that it is consistent throughout. Finally, this ordinance modifies the annual stormwater management reporting period, along with modifying the City Engineer's obligations upon receiving this report.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (b) entitled "Measurement of Sewer Rental For Users Who do Not Elect or Are Not Required to Monitor the Characteristics of Their Effluent" of Subsection (6) entitled " Wastewater Measurement, Sampling, and Reporting" of Section 35.02 entitled "The Public Sewerage System" of the Madison General Ordinances is amended to read as follows:

"(b) Measurement of Sewer Rental For Users Who do Not Elect or Are Not Required to Monitor the Characteristics of Their Effluent.

1. The measurement of quantity of sewage contributed for customers using the public water supply shall be based on the volumetric amount of water passing through the meter or meters or actual volume of sewage as determined by a sewerage metering installation. The measurement of the quantity of sewage contributed for customers who connect to the Public Sewerage System after January 27, 1976, and use a private water supply, in lieu or in addition to the public water supply, shall be based upon the amount of water passing through the meter or meters used to measure the private supply, or the actual quantity as determined by a sewerage metering installation.
2. A credit may be given to a user for water which passes through the water metering device but does not enter the Public Sewerage System under the following conditions:
  - a. That a separate meter be installed and a demand charge collected for that meter.
  - b. That the user customer desiring to install such separate meter engage a plumber to make application for the meter, and that a licensed plumber or owner of a single family residence make the necessary piping changes, and install couplings so that the meter can be set in accordance with applicable plumbing codes.
  - c. That the initial cost of the meters, and the installation cost plus the cost of subsequent installations used to determine the credits to the customer be paid by the user if the Engineer determines financing of the cost of the meter is not in the Sewer Utility's best interest. That the applicant pay a standard fee as established by the City Engineer to cover the cost for labor and equipment to:
    - i. administer and process the application; and
    - ii. install the credit meter; and
    - iii. inspect the plumbing configuration and applicability of the credit meter request.This standard fee shall be updated and adjusted periodically by the City Engineer based on actual costs to administer this service (recover actual costs), and approved by the Board of Public Works. For complex applications, the applicant may be billed the total, actual cost in excess of the standard fee, for labor and materials to fully process the application, inspect and install the meter. All fees shall be income of the Sewer Utility and the Sewer Utility shall reimburse the Water Utility for its costs to administer applications. In the event a credit meter is not approved for installation, the applicant is not entitled to any refund of the application fee.
  - d. The City Engineer shall make periodic audits and inspections of existing credit meters. When it is determined that credits are being improperly granted, the customer shall have fourteen (14) days do make any necessary modifications or removal of meters. After fourteen (14) days, the credit shall become null and after sixty (60) days the customer shall be required to re-apply for said credit. Failure to allow inspection or audit within fourteen (14) days of notification shall also render the credit null.
3. Where the City Engineer determines that the measurement of sewer rental is not practical, the City Engineer is authorized to establish a flat rate charge for sewer rental and demand charges."

2. Subsection (7) entitled "Schedule of Demand Charges, Sewer Rental, Miscellaneous Charges and Industrial Cost Recovery Charges" of Section 35.02 entitled "The Public Sewerage System" of the Madison General Ordinances is amended to read as follows:

"(7) Schedule of Demand Charges, Sewer Rental, Miscellaneous Charges and Industrial Cost Recovery Charges.

(a) Demand Charges.

1. The demand charges for each six (6) month period for customers who are billed for sewer use based on their metered water use (or equivalent), said charges being necessary to recover the Madison Sewer Utility's cost and which are in addition to the demand charges levied by the Water Utility, shall be as follows:

5/8" meter . . . . .	<del>\$54.35</del> <u>60.45</u>
3/4" meter . . . . .	<del>54.35</del> <u>60.45</u>
1" meter . . . . .	<del>112.33</del> <u>126.98</u>
1 1/2" meter . . . . .	<del>208.95</del> <u>237.85</u>
2" meter . . . . .	<del>324.90</del> <u>370.90</u>
3" meter . . . . .	<del>595.45</del> <u>681.35</u>
4" meter . . . . .	<del>981.95</del> <u>1,124.85</u>
6" meter . . . . .	<del>1,948.20</del> <u>2,233.60</u>
8" meter . . . . .	<del>3,107.70</del> <u>3,564.10</u>
10" meter . . . . .	<del>4,653.70</del> <u>5,338.10</u>
12" meter . . . . .	<del>6,199.70</del> <u>7,112.10</u>

2. The demand charges for each six (6) month period for customers who request a separate meter to measure water usage that does not enter the sewer system, said charges being necessary to recover the Madison Sewer Utility's cost and which are in addition to the demand charges levied by the Water Utility, shall be as follows:

5/8" meter . . . . .	<del>\$11.05</del> <u>12.25</u>
3/4" meter . . . . .	<del>11.05</del> <u>12.25</u>
1" meter . . . . .	<del>15.55</del> <u>18.40</u>
1 1/2" meter . . . . .	<del>23.05</del> <u>28.65</u>
2" meter . . . . .	<del>32.05</del> <u>40.95</u>
3" meter . . . . .	<del>53.05</del> <u>69.65</u>
4" meter . . . . .	<del>83.05</del> <u>110.65</u>
6" meter . . . . .	<del>158.05</del> <u>213.15</u>

(b) Sewer Rental.

1. The sewer rental for those customers who do not elect or are not required to monitor the characteristics of their effluent shall be ~~\$1.7443~~ \$1.7315 per one hundred (100) cubic feet of wastewater contributed.

2. The sewer rental for those customers who elect or are required to monitor the characteristics of their effluent shall be ~~\$0.8079~~ \$0.7841 per one hundred (100) cubic feet of waste contributed, plus ~~\$0.1481~~ \$0.1660 per pound of Carbonaceous Biochemical Oxygen Demand, plus ~~\$0.2346~~ \$0.2404 per pound of suspended solids, plus ~~\$0.4058~~ \$0.4271 per pound of nitrogen as measured Total Kjeldahl Nitrogen, plus ~~\$2.7735~~ \$3.4164 per pound of Total Phosphorous.

(c) Schedule of Charges Where Measurement of Sewer Rental is Not Practical.

Where the Engineer has determined that the measurement of the volume of sewage or industrial waste contributed is not practical, s/he is authorized to establish a flat rate charge for sewer rental and demand charges, the minimum flat rate charge to be ~~\$131.40~~ \$122.78 for each semi-annual bill.

(d) Schedule of Charges for Septic Tank Waste. The charge for discharges of waste (from septic tanks, industrial or domestic waste holding tanks, seepage pits, grease traps, mobile public toilets, permanent or portable privies or liquid industrial waste) at the City Engineering Division's Facility located at 1600 Emil Street, or at any other approved site on the Public Sewerage System shall be ~~\$32.95~~ \$37.71 per load plus ~~\$16.20~~ \$17.50 for each additional one thousand

(1,000) gallons in excess of the first one thousand (1,000) gallons. Waste containing approximately 10,000 milligrams per liter of 5-day Biochemical Oxygen Demand (BOD5) or 20,000 milligrams per liter of suspended solids shall be considered "average" waste for the purpose of this subsection. The City Engineer is authorized to establish a modified schedule of charges based on the unit cost established in accordance with Sec. 35.02(7)(b)2 for septic tank waste which materially differ in strength from the average.

(e) If the customer is billed by the Water Utility on a monthly basis, rather than on a bi-annual basis, any charges under this subsection that are based on a bi-annual rate shall be converted to a monthly rate for billing purposes."

3. Subsection (4) entitled "Schedule of Landfill Remediation Fees" of Section 35.025 entitled "Landfill Remediation" of the Madison General Ordinances is amended to read as follows:

"(4) Schedule of Landfill Remediation Fees. The Landfill Remediation Charge for each six (6) month period shall be in addition to the demand charges established by Section 35.02(7) of these ordinances and shall be in accordance with the following schedule:

5/8-inch meter . . . . .	<del>\$6.00</del> <u>5.00</u>
3/4-inch meter . . . . .	<del>6.00</del> <u>5.00</u>
1-inch meter . . . . .	<del>19.00</del> <u>16.00</u>
1 1/2-inch meter . . . . .	<del>45.00</del> <u>37.00</u>
2-inch meter . . . . .	<del>81.00</del> <u>67.00</u>
3-inch meter . . . . .	<del>177.00</del> <u>148.00</u>
4-inch meter . . . . .	<del>335.00</del> <u>280.00</u>
6-inch meter . . . . .	<del>798.00</del> <u>665.00</u>
8-inch meter . . . . .	<del>1,436.00</del> <u>1,196.00</u>
10-inch meter . . . . .	<del>2,383.00</del> <u>1,986.00</u>
12-inch meter . . . . .	<del>3,414.00</del> <u>2,845.00</u>

The foregoing schedule shall apply to all customer bills issued on or after January 1, 2012. For the purpose of calculating the bills for the customers of the Sewer Utility, the Landfill Remediation Charge may be added to demand charges established by Section 35.02(7). Sewer customers without a meter who are billed a flat rate for sewer service shall be charged, under the foregoing schedule, based on the appropriate sized meter applicable to their water service. If the customer is billed by the Water Utility on a monthly basis, rather than on a bi-annual basis, charges under this Subsection shall be converted to a monthly rate for billing purposes."

4. Section 37.04 entitled "Definitions" of the Madison General Ordinances is amended by amending therein the following:

"In-fill-Area means an undeveloped area of land located within existing urban sewer service areas, surrounded by already existing development or existing development and natural or man-made features where development cannot occur a previously undeveloped parcel which was platted or created by a Certified Survey Map (CSM) prior to October 1, 2004 and where the Plat or CSM creating the lot has as a condition of its approval a storm water management plan and where this plan addressed storm water management at the plat or CSM level."

5. Subdivision (f) entitled "Rate Structure" of Subsection (4) entitled "Rates and Charges" of Section 37.05 entitled "The Public Stormwater System" of the Madison General Ordinances is amended to read as follows:

"(f) Rate Structure. Effective January 1, ~~2011~~2012, the following schedule of rates and charges are in effect:

1. The Customer Charge for each six (6) months shall be ~~\$5.45~~ \$5.70 for each lot or parcel of land.
2. The Impervious Area Charge for each six (6) months shall be ~~\$12.0950~~ \$12.6075 per one thousand (1,000) square feet of Impervious Area.
3. The Pervious Area Charge for each six (6) months shall be ~~\$0.8500~~ \$0.8875 per one thousand (1,000) square feet of Pervious Area.
4. If the customer is billed by the Water Utility on a monthly basis, rather than on a bi-annual basis, charges under this subdivision shall be converted to a monthly rate for billing purposes."

6. Paragraph 7 entitled "Redevelopment or Infill Development" of Subdivision (d) entitled "Runoff Rate Control - Design Standards" of Subsection (3) entitled "Stormwater Management Performance Standards" of Section 37.09 entitled "Stormwater Management Report Requirements" of the Madison General Ordinances is amended to read as follows:

"7. Redevelopment or Infill In-Fill Development.

- a. Lands that are known to the City Engineer to be within watersheds experiencing significant flooding shall provide detention volume equal to the known surcharge volume in the watershed (during a 25-year storm event) multiplied by the proposed development's impervious area and divided by the total impervious area of the watershed as determined by the City of Madison Stormwater Utility Records. This is intended to create a proportional allocation of the excess flood volume by impervious area within the watershed. Any redevelopment or ~~infill~~ in-fill development shall provide detention commensurate with the proportion of the flooding problem. For purposes of this calculation, timing and routing issues of stormwater shall be ignored.
- b. For the University/Midvale watershed (also known as watershed ME01), the applicant shall provide 0.06 acre-ft of detention per acre of proposed impervious area."

7. Paragraph 8 of Subdivision (h) entitled "Protective Areas" of Subsection (3) entitled "Stormwater Management Performance Standards" of Section 37.09 entitled "Stormwater Management Report Requirements" of the Madison General Ordinances is amended to read as follows:

"8. Redevelopment post-construction sites and ~~infill~~ in-fill development (less than five (5) acres) sites are exempt from the protective area requirements."

8. Subsection (7) entitled "Annual Stormwater Management Report" of Section 37.09 entitled "Stormwater Management Report Requirements" of the Madison General Ordinances is amended to read as follows:

"(7) Annual Stormwater Management Report. Each applicant who is granted a stormwater management permit, and who has signed and recorded the required maintenance agreement, shall submit to the City Engineer an annual report on the condition of the site's stormwater management devices. This report shall be submitted ~~by September 4~~ between August 1 and September 30 of each year following closure of the Stormwater Management Permit required under Sec. 37.09(6). The annual report shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin, on forms provided by the City Engineer. The requirement that the annual report be sealed by a Professional Engineer may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catchbasin sumps, provided that the applicant can provide the appropriate documentation and dated photos as outlined in Secs. 37.09(7)(a)&(b). For sites with more extensive stormwater management systems, the Administrative Authority may allow other appropriately credentialed professionals to complete this work at their discretion.

Upon receipt of the annual report, if requested on the cover letter accompanying the report or by separate email, City Engineering staff shall provide an email response to the contact listed on the reporting forms stating that the report was received. This response from City Engineering shall be made within 15 working days of receiving the report. ~~After that response, the City shall have fifteen (15) working days to review the annual report for completeness. If at the end of that time no additional comments are received by the applicant the annual report shall be deemed to be completed and accepted by City Engineering.~~ The annual report shall include the following:

- (a) Documentation of the completion of the required annual maintenance, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed;
- (b) Photos of the management device at the time of inspection. This shall include photos of existing conditions and photos after the completion of any required maintenance."