

STATE OF WISCONSIN: TOWN OF BROOKFIELD: WAUKESHA COUNTY

**ORDINANCE AMENDING CHAPTER 20
OF THE TOWN CODE OF THE
TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 20.10(6) of the Town Code of the Town of Brookfield is hereby repealed and recreated to read as follows:

(6) Storm Water Utility Customer Classification.

For purpose of imposing the storm water utility charges, there shall be two classes of property, residential properties and nonresidential properties.

(a) Residential Properties. The storm water utility charge for a single-family residential property shall be calculated as follows:

1. **Single Family Residences.** The storm water utility charge for a single-family residence shall be one (1) ERU.

2. **Duplexes and Condominiums.** The storm water utility charge for each duplex unit or each condominium unit shall be .7 of one (1) ERU.

3. **Multi-Family Apartment.** The storm water utility charge for each unit of a multi-family apartment development shall be .40 of one (1) ERU per dwelling unit.

(b) Nonresidential Properties. The storm water utility charge imposed for nonresidential properties shall be one (1) ERU multiplied by the numerical factor obtained by dividing the total

impervious area of a lot or parcel by the square footage of one (1) ERU.

SECTION 2: Section 20.10(7) is hereby repealed and recreated to read as follows:

(7) Appeal of Charge; Adjustment.

(a) The Town Board may, for good cause shown and established by the property owner, provide an adjustment of the storm water service charges where the Town Board finds:

1. That the storm water management facilities maintained on the property substantially reduce the storm water runoff rate and/or substantially reduce the amount of pollutant loading to the storm water utility system facilities; or

2. Other sufficient and identifiable characteristics of the property substantially reduce the storm water runoff rate and/or substantially reduce the amount of pollutant loading to the storm water utility system facilities.

(b) Notwithstanding the provisions of subparagraph (a), no adjustments shall be considered or allowed for structural or nonstructural best management practices that are required in order to comply with any local, State, or Federal regulations, including the Town of Brookfield storm water ordinance, NR 216, Chapter 30 and NR 103. These requirements will be documented in an Adjustment Policy separately adopted by the Town Board.

(c) Review Procedure.

1. A property owner or customer may request a modification or adjustment of the storm water rates, as provided above, in accordance with the following procedure:

a. The property owner or customer must file with the Town Administrator all documents, studies, reports, or other materials relied upon by the property owner or customer in support of the request to reduce or modify the adjustment, together with a written statement identifying the reason or reasons the property owner or customer deems an adjustment of the rate to be appropriate. Such a request for modification or adjustment, together with all supporting documentation, must be filed with the Town Administrator within 30 days of the receipt of any invoice, and if not filed within that period of time, any request for modification or adjustment shall be deemed barred.

2. The Town Administrator shall, after reviewing the request and supporting documentation, forward the information to the Town Board within 30 days of the filing. The Town Administrator may, if the Administrator deems appropriate, include a recommendation to either approve in part, or deny, the requested modification or adjustment.

3. The Town Board shall, within 30 days of the receipt of the Town Administrator's recommendation, or in all events within 60 days of the filing of the request for modification or adjustment, schedule a hearing for the purpose of considering the request for adjustment or modification. The hearing may be conducted at a regular meeting of the Utility District or at a special

meeting called for that purpose. The property owner or customer will be given notice of the hearing and will be afforded an opportunity to present additional or supplemental information which may allow the Town Board to issue a determination, and either approve, approve in part, or deny the request.

(d) No application for adjustment or modification, if granted, shall be retroactive beyond the date of the invoice for which the application for modification or adjustment was filed.

(e) As a condition precedent to challenging any storm water classification, all charges must be paid under protest to the Town.

SECTION 3: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

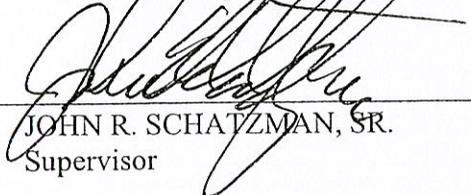
Dated this 15th day of August, 2006.

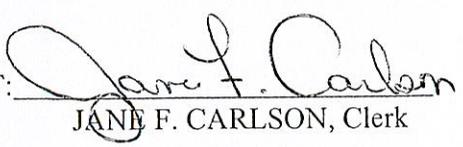
BY: 
KEITH HENDERSON, Chairman

BY: 
PATRICK STROEBEL, Supervisor

BY: 
DAN SHEA, Supervisor

BY: 
ROBERT W. FLESSAS, Supervisor

BY: 
JOHN R. SCHATZMAN, SR.
Supervisor

ATTEST: 
JANE F. CARLSON, Clerk