



Board of Public Works
Agenda
February 10, 2016
5:30pm

NOTICE

There will be a Board of Public Works meeting on **Wednesday, February 10, 2016 at 5:30pm** in the Committee Room/Council Chambers at the St. Francis Civic Center located at 3400 E. Howard Avenue.

BOARD OF PUBLIC WORKS AGENDA

1. Public Comment
2. Minutes of the January 12, 2016 meeting.
3. Discussion and Possible Action – 2016 Sidewalk Project
4. Discussion and Possible Action – E. Denton Avenue Resurfacing Project
5. Discussion – Milwaukee Water Works Water Report
6. Engineer's Report
7. Unfinished Business
 - A. S. Troy Avenue Extension
 - B. Discussion – Road Project Special Assessment Methods
 - C. Discussion and Possible Action – S. Nevada Avenue Street Lighting
 - D. Discussion and Possible Action – Betz Avenue Right-of-Way
8. Adjourn.

PUBLIC NOTICE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public meetings, which have a qualifying disability under the Americans with Disabilities Act. Requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the St. Francis City Clerk at 481-2300.

NOTE: There is a potential that a quorum of the Common Council may be present.

**CITY OF ST. FRANCIS
MINUTES OF THE BOARD OF PUBLIC WORKS
MEETING HELD TUESDAY, JANUARY 12, 2016, 5:30PM**

Present: Alderperson Sue Bostedt, Alderman Mike McSweeney, Alderwoman Debbie Fliss Citizen Members Paul Pankowski, Shawn Feirer and Amanda Bednarski.

Excused: Christine Hancock

Also present: City Engineer Melinda Dejewski.

Alderwoman Bostedt called the meeting to order at 5:30m.

1. Public Comment.

None.

2. Minutes

A motion was made by Alderwoman Fliss, seconded by Alderman McSweeney to approve the minutes of the November 10, 2015 meeting. Motion carried.

3. Discussion – Road Project Special Assessment Methods

City Engineer Dejewski reviewed the three proposed methodologies for calculating special assessments and the instances where they could be utilized. The Board felt that it would be beneficial for the City to have the ability to utilize the best method for each project based upon the different configurations of the projects. There also was discussion regarding if there should be a cap on the amount that could be special assessed especially to residential properties. The Board requested that examples from surrounding communities be obtained. A motion was made by Alderwoman Fliss, seconded by Alderman McSweeney to place the letter on file. Motion carried. There was no action on this item and it was placed under Unfinished Business.

4. Discussion and Possible Action – S. Nevada Avenue Street Lighting

There was discussion regarding how dark the intersection of S. Nevada and S. Whitnall is and how it is difficult to see the turn. Several ideas on how to illuminate or provide indication of the intersection were discussed. The Board directed City Engineer Dejewski to contact the airport to see if any lighting such as a bollard would be allowed to help drivers see the intersection better. There was no action taken on this item and it was place under Unfinished Business.

5. Discussion and Possible Action – S. Betz Avenue Right-of-Way

Board Member Feirer stated that he had talked with the owner of 3102 E. Waterford who is the owner of the 2 lots off of S. Betz Avenue (one of which is land locked). He reported that the owners are willing to combine the lots but would be looking for assistance from the City. The Board directed City Engineer Dejewski to discuss the next steps with City Attorney Alexy and provide a cost estimate of a the CSM that would be needed to combine the lots. There was no action on this item and it was placed under Unfinished Business.

6. Discussion and Possible Action – 2016 Sidewalk Project

City Engineer Dejewski stated that no block grant funding was awarded for sidewalks this year. She wanted to make sure that the Board wanted to still move forward with the sidewalk project with having to special assess the abutting property owners. The comment will come forward that others have received sidewalk at no cost in the past. She also informed the Board that the grant she was investigating would not work for the City.

The minimum project would need to be \$300,000. The Engineering Department does not have enough information to put a sidewalk project of that size together by the deadline later the same month. The Board requested that the amounts of the special assessments be brought back prior to sending to the property owners. There was no further action on this item.

7. Discussion and Possible Action – 2016 Block Grant Awards

Alderwoman Bostedt stated that this was informational only. It was good for the Library to get funding for their project. A motion was made by Alderwoman Fliss, seconded by Alderman McSweeney to place the information on file. Motion carried.

8. Discussion – 2016 Capital Budget

Alderwoman Bostedt stated that this item was informational only. There was no further action taken on this item.

7. Engineer's Report

City Engineer Dejewski reviewed the report. A motion was made by Alderwoman Fliss, seconded by Alderman McSweeney to place the report on file. Motion carried.

8. Unfinished Business

A. E. Layton Avenue Resurfacing Project

This item can be removed since the project is completed.

B. S. Troy Avenue Extension

No report.

9. Adjourn

A motion was made by Alderwoman Fliss, seconded by Alderman McSweeney to adjourn. Motion carried.
Time 6:14p.m.

ENGINEER'S REPORT JANUARY 2016

ROAD PROJECT REPORT 2016

ROAD	TYPE OF TREATMENT	CONSTRUCTION ESTIMATE	DESIGN ESTIMATE	INSPECTION ESTIMATE	UPDATE ON PROJECT
Denton from Packard to Barland	resurface	\$300,000.00	in-house	in-house	
Crawford Avenue Parking Lot	construct	\$325,000.00	in-house	in-house	
Martin Lane from Lake to Kirkwood	construct	\$350,000.00	in-house	in-house	
Removal of S. Brust – Bolivar to Whitnall	deconstruct/grant	\$200,000.00	in-house	in-house	
Watermain Trench Repair Program	reimbursement	\$60,000.00	in-house	in-house	
Sidewalk Replacement Program	repair/replacement	\$40,000.00	in-house	in-house	

2015

ROAD	TYPE OF TREATMENT	CONSTRUCTION ESTIMATE	DESIGN ESTIMATE	INSPECTION ESTIMATE	UPDATE ON PROJECT
Nevada Extension	Construction	\$1,000,000	\$40,000	\$80,000	Project in progress.
Brook Place Storm Sewer/Road	Construct	\$300,000	In-house	\$20,000	Sent easement to resident.

2014

ROAD	TYPE OF TREATMENT	CONSTRUCTION ESTIMATE	UPDATE ON PROJECT
Kansas from Layton to Whitnall	construct	\$500,000	Construction complete. All scheduled walk-throughs complete. Assessments 2016.

2012

ROAD	TYPE OF TREATMENT	CONSTRUCTION ESTIMATE	UPDATE ON PROJECT
Packard from Howard to Lunham	resurface	\$876,248.51 (\$198,846.67 city portion)	Project is complete. Punch list items are done. Cost to date: \$187,044.50. State performing audit for 2 years. Letter sent to property owners.



City of St. Francis

Melinda K. Dejewski, PE, City Engineer/Director of Public Works

February 5, 2016

City of St. Francis
Board of Public Works

Subject: E. Denton Avenue Resurfacing Project

Dear Board of Public Works Members:

After the Capital Budget was approved, Jim Lindhorst, Assistant City Engineer, reached out to the different utilities in the City to see if they had any work planned for 2016 on the streets scheduled for work. He received comments from both the City of Milwaukee Water Works and We Energies Gas Division for E. Denton Avenue.

Milwaukee Water Works reported that Denton has a higher break report than the other streets. Also, the watermain is from 1955. While the replacement of the main is not in their 5 year plan, they would want to replace the entire main from S. Barland to S. Packard before we repave the street. They have indicated that they can get the engineering and construction completed by November of 2016. This would allow the trench to settle over the winter reducing the chance of the trench settling after it is resurfaced. There can still be trench settlements, but paving after the winter lessens the risk since there is a freeze/thaw cycle to move the ground up and down to fill any voids that may have occurred during the backfilling process.

We Energies Gas Division reported that their gas main is also from 1955 and while it is not on their schedule, they would want to replace it prior to the road work. The concept is the same as the watermain. By getting the work done ahead of time and having a winter freeze/thaw cycle to help settle the trench, it will make a better final product.

Therefore, the Engineering Department is recommending that the E. Denton Avenue Resurfacing project be postponed for one year to 2017 to allow the utilities to complete their work prior to paving.

Please let me know if you have any questions.

Sincerely,

Melinda K. Dejewski, P.E.
City Engineer/Director of Public Works

Melinda Dejewski

From: James Lindhorst
Sent: Friday, January 15, 2016 4:00 PM
To: 'Pauly, Patrick'
Cc: Melinda Dejewski; Robert Newell; Moore, Thomas; Iwen, Joshua; Rohrbach, Karl; Hernandez, Jesse
Subject: RE: St Francis Street Projects for 2016

Pat,

Thanks for the quick reply. I just wanted to let you know that the E Martin Lane which I listed below (and also misspelled as Martian), is actually old E Howard Ave. I believe MWW has 12" main there. New E Howard Ave was realigned and curved to the North during its reconstruction in 1995, so that its intersection with S Lake Dr is about 300' North from the old location.

Jim

From: Pauly, Patrick [mailto:Patrick.W.Pauly@milwaukee.gov]
Sent: Friday, January 15, 2016 9:24 AM
To: James Lindhorst
Cc: Melinda Dejewski; Robert Newell; Moore, Thomas; Iwen, Joshua; Rohrbach, Karl; Hernandez, Jesse
Subject: RE: St Francis Street Projects for 2016

Good Morning Jim,

The details are below in red, but water main replacements are not planned for any of these locations in 2016. There are three potential replacement segments in Denton. Unfortunately the approval, design, contracting, construction process will take us a minimum of 7 months. If for any reason the Denton paving project gets delayed until 2017, please let me know and I will add some or all of the water main segments to our replacement program. As soon as available please send the paving plans and spec's to MWW for review. A special provision regarding adjusting valve boxes should be included in the contracts.

The following water main replacement projects in St Francis are currently included in the 2016 program:

S Iowa Ave, E Norwich to E Tesch
E Tripoli Ave, S Rutland to S Arctic
E Cora, S Rutland to S Arctic
S Kansas Ave, E Cora to E Elizabeth – most likely will be moved to 2017 replacement program

Surveys have been received, but design has not begun, so construction will likely begin late Summer/early Fall. We will send plans for your review prior to bidding.

Pat

Patrick W. Pauly, P.E.
Management Engineer
Water Main Design Engineer

Milwaukee Water Works - Engineering
841 N Broadway, Room 409, Milwaukee, WI 53202
Phone: (414) 286-8167 Fax: (414) 286-2085
www.milwaukee.gov/water
Safe, Abundant Drinking Water

From: James Lindhorst [<mailto:jim.lindhorst@stfranwi.org>]
Sent: Thursday, January 14, 2016 4:02 PM
To: Pauly, Patrick <Patrick.W.Pauly@milwaukee.gov>
Cc: Melinda Dejewski <melinda.dejewski@stfranwi.org>; Robert Newell <rob.newell@stfranwi.org>
Subject: St Francis Street Projects for 2016

Pat,

The City of St. Francis intends to construct the following Streets during 2016:

S. Brook Pl. from E. Crawford Ave. to 120' South – Road Reconstruction – 1970 ductile iron main – no breaks

E. Martian Lane from S. Kirkwood Ave. to S Lake Dr. – Road Reconstruction – unless I'm mistaken, not in MWW service area

E. Denton Ave. from S. Barland Ave. to S Packard Ave. – Road Resurface: Barland to Shannon – 6"-1955 cast iron main – 7 breaks (most recent - 2007)

main – 2 breaks (most recent - 2004)

main – no breaks

main – 4 breaks (most recent – 2004)

Shannon to Lipton – 6"-1951 cast iron

Lipton to McCarty – 8"-1988 ductile iron

McCarty to Packard – 6"-1952 cast iron

The S. Brook Pl. project will also include storm sewer in Brook Pl. from the South end of existing concrete pavement (approximately 350' South of E Crawford Ave), North to existing storm sewer along E. Elizabeth Ave. Both road reconstruction projects will include pavement, curb & gutter, concrete approach and sidewalk. The road resurface project will include milling and asphalt resurfacing, with spot replacement of curb and gutter, approach and sidewalk. The City will go out for alternate bids (asphalt or concrete) on both road reconstruction projects. On the last several bids, concrete has come in as the cheaper alternate. The City guarantees concrete streets for 30 years and asphalt streets for 15 years. Any removals of pavement on the concrete streets will require joint to joint removal and replacements for 30 years.

Does the M.W.W. have any intention to do water main relays on any of these streets? Please email or call me at 414-316-4317 with your intention, so we can plan accordingly, or if you have any further questions.

Thanks, Jim Lindhorst
Assistant City Engineer
City of St Francis

The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at www.milwaukee.gov/email_disclaimer

Melinda Dejewski

From: James Lindhorst
Sent: Thursday, January 21, 2016 4:28 PM
To: Melinda Dejewski; Robert Newell
Subject: FW: St. Francis Street projects for 2016

Below is We-Energies response (in red) to our 2016 Road Projects

From: Warren.Dan [mailto:Dan.Warren@we-energies.com]
Sent: Thursday, January 21, 2016 3:26 PM
To: James Lindhorst
Subject: RE: St. Francis Street projects for 2016

Good Afternoon James,

Thank you for informing We-Energies of your upcoming Street Improvements. Please see below how each of these street projects effects Our Gas Facilities. We will begin immediately with plans to complete these replacements.

Thanks for the extra information you provided during our phone conversation today. Very similar to your water department, we require the better part of a year to design and construct a half mile of gas replacement as we see it on E. Denton Ave. including 66 gas service lines. If you are successful in delaying the resurfacing of E Denton Ave. it would be greatly appreciated. However we will start the design immediately in the event you proceed in 2016.

Please let me know if there will be any revised schedule on E. Denton Ave.

Thanks, Dan Warren

Daniel L. Warren
CST Gas Systems Major Projects
700 S Kane St Burlington WI 53105
office 262-763-1086
cell 262-949-3535
Dan.warren@we-energies.com

From: James Lindhorst [mailto:jim.lindhorst@stfranwi.org]
Sent: Wednesday, January 20, 2016 2:25 PM
To: WE-Utility-Relocations (Group-Mbox)
Subject: FW: St. Francis Street projects for 2016

WE Utility Relocations,

Please scroll down to the City of St Francis streets listed below which are scheduled for 2016 construction. Please let me know if you are planning any alteration to your utilities.

From: James Lindhorst
Sent: Wednesday, January 20, 2016 12:46 PM

To: 'WE-Utility-Relocations@we-energies.com.'
Cc: 'Sodemann.Linda'; Melinda Dejewski; Robert Newell
Subject: St. Francis Street projects for 2016

All,

The City of St. Francis intends to construct the following Streets during 2016:

S. Brook Pl. from E. Crawford Ave. to 120' South – Road Reconstruction (**No Work Planned By We-Energies Gas Operations**)

E. Martin Lane from S. Kirkwood Ave. to S Lake Dr. – Road Reconstruction (**Replace 8 Gas Service Lines By We-Energies Gas Operations**)

E. Denton Ave. from S. Barland Ave. to S Packard Ave. – Road Resurface (**Replace 2,800' of existing 2" Gas Main & 66 Gas Service Lines Due To Age Of Facilities**)

The S. Brook Pl. project will also include storm sewer in Brook Pl. from the South end of existing concrete pavement (approximately 350' South of E Crawford Ave), North to existing storm sewer along E. Elizabeth Ave. Both road reconstruction projects will include pavement, curb & gutter, concrete approach and sidewalk. The road resurface project will include milling and asphalt resurfacing, with spot replacement of curb and gutter, approach and sidewalk. The City will go out for alternate bids (asphalt or concrete) on both road reconstruction projects. On the last several bids, concrete has come in as the cheaper alternate. The City guarantees concrete streets for 30 years and asphalt streets for 15 years. Any removals of pavement on the concrete streets will require joint to joint removal and replacements for 30 years.

Does We-Energies have any intention to do Gas main or service relays, or Electrical work on any of these streets? Please email or call me at 414-316-4317 with your intention, so we can plan accordingly, or if you have any further questions.

Thanks, Jim Lindhorst
Assistant City Engineer
414-316-4317

Lead Awareness and Drinking Water Safety

Lead is not found in Milwaukee's source water or public water system. However, lead can enter water as the result of the wearing away of materials containing lead in building fixtures, internal plumbing, or in the service line that brings water to your home. When water stands for several hours or more in fixtures or pipes that contain lead, the lead may leach into the water. It is also possible that physical disturbance of the piping may release lead into the water.

Since 1996, Milwaukee Water Works has safely treated its water with ortho-phosphate to reduce the risk of lead leaching from plumbing materials into water. This compound forms a protective coating inside pipes and is considered to be the best practice for the control of lead in drinking water. However, some homes are more at risk for lead in drinking water due to characteristics of the plumbing at the individual residence.

Which homes are most at risk of having lead in drinking water?

- Homes with lead household plumbing. A licensed plumber can determine if your household plumbing may be made of lead. Lead pipes are dull gray in color and are soft enough to be easily scratched with a house key.
- Homes with copper pipe and lead solder installed between 1982 and 1987. Lead-based solder was banned for use after this time.
- Homes with faucets or fittings of brass which contain some lead. Since January 1, 2014, only lead-free fixtures and fittings are allowed to be installed or used to repair drinking water plumbing. Plumbing and fixtures installed before these dates or purchased from sources outside of the United States may contain lead.
- Homes where the service line connecting the water main in the street to the building is made of lead. Approximately 70,000 properties in the Milwaukee Water Works service area constructed before 1947 are known to have lead service lines. An additional 10,000 constructed between 1948 and 1951 likely have lead service lines. Buildings constructed after 1951 have service lines made of copper.

Easy steps to reduce the risk of lead in your drinking water

There are several easy things you can do to reduce your exposure to lead in drinking water. These actions are particularly important if pregnant or breastfeeding women or children under the age of 6 live in your home.

1. Flush your plumbing. Before using tap water for drinking or cooking, flush your plumbing by running the kitchen faucet (or any other tap you take drinking or cooking water from) on cold for a minimum of 3 minutes, and longer if necessary, until the water stream is noticeably colder. This is especially important if your water has been sitting in your pipes for more than six hours.

Showering, doing laundry and flushing the toilet all help clear water from the pipes. Bathing, showering, and doing laundry in water from lead services lines or lead plumbing is safe. To conserve water, you can also reserve the flushed water and use for watering household plants or outdoor plants.

You may also want to consider filling a clean container(s) with water from the flushed tap, and reserving this water for drinking, cooking, or other consumption.

2. Use only cold water for cooking and drinking. Water from the hot water tap can dissolve lead more easily than cold water. Boiling water will not reduce the amount of lead in your drinking or cooking water. In fact, boiling can concentrate the lead in water. You can also consider purchasing bottled water from a known lead-free source for drinking and cooking.

3. Inspect your faucet aerator. The aerator on the end of your faucet is a screen that can catch debris, including particles of lead. It is recommended to periodically remove the aerator and rinse out any debris.

4. Purchase a home filtration system. Home drinking water filtration systems or water filtering pitchers can reduce or eliminate lead. Be sure to look for products certified by NSF/ANSI under Standard 53 for removal of lead and follow any manufacturer's guidelines on installation and maintenance of the product. Find a list of products at www.nsf.org or on the MHD website at http://city.milwaukee.gov/health/disease-Control-and-Environment/Drinking-Water.htm#.Va_OTWpFAdV
As of May 2015, several approved filters are available in the Milwaukee area at Target, ACE Hardware, and other locations.

5. Replace your lead service line or interior plumbing. Lead pipe is shiny when scraped with a screwdriver, and a magnet will not stick to it. (Galvanized steel pipe is dull when scraped and a magnet will stick to it.) Replacement must be done by a licensed plumber under contract from the homeowner.

In addition, you may wish to consider having children under the age of 6 and pregnant or breastfeeding women tested for lead in their blood. Lead has no beneficial role in the body and there is no minimum lead level that does not cause effects. Most lead poisoned people do not look or act sick. The City of Milwaukee Health Department recommends that children are tested 3 times before turning 3 (around 12 months, around 18 months, and around 24 months). Children up to age 6 should have a blood lead test if there is no record of a previous test, if they live in housing built before 1978 with recent or ongoing renovation, or if they have a sibling or playmate who has lead poisoning. Pregnant or breastfeeding women who were exposed to lead at an early age or are at risk of lead exposure due to their environment, occupation, or hobbies should also get tested.

For more tips and information on drinking water safety and lead, please visit the following websites:

<http://www.cdc.gov/nceh/lead/tips/water.htm>

<http://water.epa.gov/drink/info/lead/lead1.cfm>

<http://dnr.wi.gov/topic/drinkingwater/documents/forms/lead.pdf>

http://city.milwaukee.gov/health/disease-Control-and-Environment/Drinking-Water.htm#.Va_OTWpFAdV

If you have questions about lead in drinking water, call Milwaukee Water Works at (414) 286-2585. If you have questions about the health effects related to lead in drinking water, contact the Milwaukee Health Department at (414) 286-3521.

July 21, 2015

How to Flush Internal Building Pipes

Your water service has been disturbed and the interior plumbing in the house should be thoroughly flushed. This will clear the pipes of any particles that may have come loose. This thorough flushing of the pipes is especially important if any part of the water service connecting the house to the water main in the street is made of lead.

The objective is to get the highest possible water flow through the pipes to loosen any particles and to flush those particles into the drain.

This procedure should be followed as soon as possible.

Here's how to do it:

- Step 1. Start at the lowest level in house (e.g., basement). Remove screens and aerators from all faucets on this floor. (The aerator is located at the tip of the faucet that includes a screen. A rubber jar opener or pliers may be needed.)
- Step 2. Open all faucets on the **COLD** water setting. Make sure that the water is going to the drain. Keep the taps open and proceed to Step 3.
- Step 3. Move to next highest floor in the house. If possible, remove screens and aerators from all faucets on this floor and fully open them on the **COLD** water setting. Make sure that the water is going to the drain. Again, keep all taps open and proceed to Step 4.
- Step 4. Repeat if there are higher floors.
- Step 5. Once the top floor in the house is reached and all faucets in the house are open, continue running all faucets for 5-10 minutes.
- Step 6. After 5-10 minutes, turn off all faucets starting at the top floor and working your way down to the lowest level in the house.
- Step 7. Rinse and re-attach any screens and aerators that were removed.

ENGINEER'S REPORT

FEBRUARY 2016

ROAD PROJECT REPORT 2016

ROAD	TYPE OF TREATMENT	CONSTRUCTION ESTIMATE	DESIGN ESTIMATE	INSPECTION ESTIMATE	UPDATE ON PROJECT
Denton from Packard to Barland	resurface	\$300,000.00	in-house	in-house	There are utility issues. Utilities requesting postpone until 2017
Crawford Avenue Parking Lot	construct	\$325,000.00	in-house	in-house	
Martin Lane from Lake to Kirkwood	construct	\$350,000.00	in-house	in-house	Survey in progress
Removal of S. Brust – Bolivar to Whitnall	deconstruct/grant	\$200,000.00	in-house	in-house	Barricades in place
Watermain Trench Repair Program	reimbursement	\$60,000.00	in-house	in-house	Getting locations mapped.
Sidewalk Replacement Program	repair/replacement	\$40,000.00	in-house	in-house	Working on survey.

2015

ROAD	TYPE OF TREATMENT	CONSTRUCTION ESTIMATE	DESIGN ESTIMATE	INSPECTION ESTIMATE	UPDATE ON PROJECT
Nevada Extension	Construction	\$1,000,000	\$40,000	\$80,000	Project in progress.
Brook Place Storm Sewer/Road	Construct	\$300,000	In-house	\$20,000	No response from resident. Moving forward with survey work.

2014

ROAD	TYPE OF TREATMENT	CONSTRUCTION ESTIMATE	UPDATE ON PROJECT
Kansas from Layton to Whitnall	construct	\$500,000	Construction complete. All scheduled walk-throughs complete. Assessments 2016.

2012

ROAD	TYPE OF TREATMENT	CONSTRUCTION ESTIMATE	UPDATE ON PROJECT
Packard from Howard to Lunham	resurface	\$876,248.51 (\$198,846.67 city portion)	Project is complete. Punch list items are done. Cost to date: \$187,044.50. State performing audit for 2 years. Letter sent to property owners.

CUDAHY SPECIAL ASSESSMENT POLICY

3.08 - SPECIAL ASSESSMENT POLICIES AND PROCEDURES.

(1) **STREETS, ALLEYS AND SIDEWALKS; PRORATION OF CONSTRUCTION COST.** (Rep. & recr. #1429) For the purpose of encouraging the paving of streets, alleys and sidewalks in the City and having the cost of these improvements equitably apportioned between the City and the abutting property owners, the cost shall be prorated as follows:

- (a) *Intersections.* The cost of paving or opening of all street and alley intersections shall be borne as a total project cost and shall be made a part of the total cost of such project being equally distributed to all assessable frontage.
- (b) *Sidewalk.* The cost of the sidewalk portion of handicap ramp paving and all sidewalk radius paving within intersections shall be borne by the City.
- (c) *Damages.* The cost of any damages arising from such improvement shall be borne by the City at large.
- (d) *Engineering.* The cost of such improvement shall be considered to include an engineering fee of 10%.
- (e) *Front Foot Assessments.* (Am. #1705) The amount which the owner shall pay shall be based upon the ratio of each owner's number of feet fronting upon the improvement to the entire number of feet assessable for such improvement.

When the City deems it to be appropriate in order to accomplish a fair apportionment of the cost of a project among benefiting properties, it may employ other methods of assessment based on area, weighted area, unit, anticipated use of reserve capacity assessment based on residential equivalency (RCA/RE), land value, traffic generated, or any combination of the foregoing methods.

- (f) *Oversizing.*
 1. *Typical Street.* The cost for all street pavement in excess of 41 feet in width, as measured from back of curb to back of curb, shall be considered oversizing and shall be borne by the City.
 2. *Boulevard Streets.* The total project cost for boulevard type street pavements shall include the cost of an equivalent typical 41 foot street pavement, as measured from back of curb to back of curb. The cost of all boulevard street paving in excess of that required for a typical 41 foot pavement shall be considered oversizing and shall be borne by the City.
 3. *Boundary Streets and Service Drives.* The total project cost for boundary streets and service drives shall include the cost of one-half of an equivalent 41 foot street pavement, as measured from back of curb to centerline. The cost of all boundary street paving and service drive paving in excess of that required for one-half of a typical 41 foot pavement shall be considered oversizing and shall be borne by the City.
- (g) *Proration Between City and Owner.* Where streets, alleys or sidewalks are to be paved with concrete or other similar material or where a street or alley is to be opened, the cost of such improvement shall be prorated between the City and the abutting property owners in the following manner:
 1. *Alleys.*
 - a. Where the short side of lots abut the alley: City, 15%; property owner, 85%.
 - b. Where the long side of lots abut a "T" alley: City, 66²/₃%; property owner, 33¹/₃%.
 - c. If a lot has only the long side abutting an alley: City, 50%; property owner, 50%.
 2. *Sidewalks and Separate Curb and Gutter.* Both long and short sides of abutting property: City, none; property owner, 100%.

3. *Paving Streets.*
 - a. Where the short side of lots abut the street: City, 20%; property owner, 80%.
 - b. The long side of corner lots: City, 66²/₃%; property owner, 33¹/₃%.
 4. *Opening of Street or Alley.* For the purposes of this section, opening of street or alley means: Grading street or alley to grade, placing a gravel base of thickness required by design section and including double seal coat. Assessments shall be as follows:
 - a. Where the short side of a lot abuts street or alley: City, None; property owner, 100%.
 - b. Where a lot abuts street or alley on 2 sides, the long side of the lot: City 50%; property owner, 50%.
 - c. Where only the long side of a lot abuts an alley: City, 25%; property owner, 75%.
- (2) **SANITARY SEWERS.** For the purpose of having the cost of sanitary sewers equitably apportioned between the City and the property owners the cost of same shall be prorated as follow:
- (a) *Damages.* The cost of any damages arising from such improvement shall be borne by the City at large pursuant to State statutes.
 - (b) *Front Foot Assessments.* (Am. #1705) The amount which the owner shall pay shall be based upon the ratio of each owner's number of feet fronting upon the improvement to the entire number of feet assessable for such improvement.

When the City deems it to be appropriate in order to accomplish a fair apportionment of the cost of a project among benefiting properties, it may employ other methods of assessment based on area, weighted area, unit, anticipated use of reserve capacity assessment based on residential equivalency (RCA/RE), land value, traffic generated, or any combination of the foregoing methods.
 - (c) *Intersections.* The cost of sanitary sewers laid in street and alley intersections shall be borne as a project cost as defined above.
 - (d) *Engineering.* The cost of such improvement shall be considered to include an engineering fee of 10%.
 - (e) *Proration.* The cost of such improvement shall be assessed in the following manner:
 1. *Residential.* Property owner: 100% of a normal 8-inch equivalent sanitary sewer installation.
 2. *Nonresidential.* Property owner: 100% of a normal 10-inch equivalent sanitary sewer installation.
 3. *City Cost.* City cost shall be that project cost that exceeds the assessments provided for in subs. 1. and 2.
 - (f) *Corner Lots.*
 1. Where a corner lot abuts such improvement, the total frontage on the side to which a lateral connection is made or contemplated in the future shall be assessed in the manner provided in par. (e).
 2. For residentially zoned property only, the first 120 feet of any side of a corner lot to which side a lateral connection will never be made, shall be considered nonassessable on a front foot basis to such corner lot. However, the cost of such 120 feet shall be considered as a part of the total project cost and shall be equally distributed to all assessable frontage.
 - (g) *Total Cost To Be Assessed.* The cost per lineal foot to be assessed to abutting property shall be the ratio of the total cost of the improvement less the City's portion to the total number of feet of assessable frontage. The relief from assessment for corner lots and intersections shall be the only exceptions to the assessment of the assessable frontages.

(3) WATERMAINS. For the purpose of having the cost of watermain improvements equitably apportioned between the City Water Utility, City, and the property owners the cost of such improvement shall be prorated as follows:

- (a) *Damages*. The cost of any damages arising from such improvement shall be borne by the Water Utility.
- (b) *Front Foot Assessments*. (Am. #1705) The amount which the owner shall pay shall be based upon the ratio of each owner's number of feet fronting upon the improvement to the entire number of feet assessable for such improvement.

When the City deems it to be appropriate in order to accomplish a fair apportionment of the cost of a project among benefiting properties, it may employ other methods of assessment based on area, weighted area, unit, anticipated use of reserve capacity assessment based on residential equivalency (RCA/RE), land value, traffic generated, or any combination of the foregoing methods.

- (c) *Intersections*. The cost of watermain laid in street and alley intersections shall become part of the total project cost as defined above.
- (d) *Extensions, Loops, Oversize Cost*. The City Water Utility shall pay the entire cost of main extension or loops laid for the purpose of eliminating a "dead end". In addition, the Water Utility shall also pay the entire construction cost for diameters greater than those assessed or prorated to the respective user classes.
- (e) *Hydrants*. All hydrants and hydrant leads placed for the purpose of fire protection shall be made a part of the total cost of such improvement.
- (f) *Engineering*. The cost of such improvement shall include an engineering fee of 10%.
- (g) *Proration*. The cost of such improvement shall be assessed in the following manner:
 - 1. *Residential*. Property owner: 100% of a normal 6 inch equivalent water main installation.
 - 2. *Nonresidential*. Property owner: 100% of a normal 8 inch equivalent water main installation.
- (h) *Corner Lots*.
 - 1. Where a corner lot abuts such improvement, the total frontage on the side to which a lateral connection is made or is contemplated in the future shall be assessed in the manner described in par. (g).
 - 2. For residentially zoned property only, the first 120 feet of any one side of a corner lot to which side a lateral connection will never be made shall be considered nonassessable on a front foot basis to such corner lot. However, the cost of such 120 feet shall be considered as a part of the total project cost; shall be made a part of the total cost of such project and shall be equally distributed to all assessable frontage.
- (i) *Total Cost to be Assessed*. The cost per lineal foot to be assessed to the abutting property shall be the ratio of the total cost of such improvement less the City Water Utility's and City's portion to the total number of feet of assessable frontage. The relief from assessment provided for corner lots and intersections shall be the only exception to the assessment of the assessable frontages.

(4) STORM SEWERS. (Rep. & recr. #1429) The cost of storm sewer mains in the City shall be borne by the City at large.

(5) BOUNDARY STREETS. The assessment policy for public improvements of sewer and water in areas where there are boundary streets, one-half of which is in the City and the other one-half in another municipality, and in streets where the installation of sewer and water would require a double installation because it is 90 feet or greater in width shall be as follows: The installation shall be subject to an assessment rate of 60% of the normal cost of installation chargeable to the property owner. Forty percent of the normal cost that would be subject to special assessment shall be borne by the City.

(6) SUBDIVISIONS.

- (a) *Inapplicability.* The assessment procedures in this section shall not apply to installations made pursuant to subdivision plats in Ch. 18 of this Municipal Code and subdivision agreements.
 - (b) *Payment Before Approval of Plats and Maps.*
 - 1. Special assessments levied under Ch. 66, Wis. Stats., shall be paid in full prior to the final approval by the Council of any division of land that is subjected to a special assessment levy or hook-up.
 - 2. All final subdivision plats, certified survey maps and resolutions of approval of land divisions shall contain a certification of the City Clerk that these special assessments have been paid.
 - 3. Any special assessment levied for sewer or water utility installations on lands capable of being divided, but upon which payments have been deferred, shall be paid in full at the time of connection or utilization of the utility installation, unless the lands be previously divided, at which time sub. 2. shall apply.
- (7) **LATERALS.** Lateral installation cost shall be as follows:
- (a) *New Construction.*
 - 1. Sanitary, 100% property owner main to building.
 - 2. Watermain, 100% property owner main to building.
 - 3. Storm, property owner 100% main to building.
 - (b) *Repairs and Replacement Construction.*
 - 1. Sanitary, 100% property owner main to building.
 - 2. Watermain, 100% property owner stop box to building; 100% Water Utility stop box to main.
 - 3. Storm sewer, 100% owner main to building.
- (8) **STREETLIGHTING.** The cost of streetlighting in the City shall be borne by the City at large.
- (9) **REDEVELOPMENT COSTS.** Assessments for reconstructed utilities or pavements shall use a "useful life" concept when evaluating the amount of the assessment for such facility as follows:
- (a) *Sanitary Sewers.* (Am. #2276) The reconstruction assessment shall be based on the equivalent cost for a new sewer installation for the respective user class (8-inch residential; 10-inch nonresidential). The balance of the reconstruction cost will be borne by the City. Intersection facilities and appurtenances shall be considered a part of the total project cost. Reconstruction sewer assessments shall be based on a sewer life of 100 years. Sewers less than 100 years old will have assessments prorated on year of service compared to 100 years. Other elements of the reconstruction assessment shall be governed by provisions of § 3.08(2).
 - (b) *Reserved.* (Rep. #1963).
- (10) **SIDEWALK REPLACEMENT.** (Am. #2256) Proration of cost between City and Owner. Reconstruction assessment shall be based on the following
- (a) Sidewalks 10 years old and under, 100% replacement by the City.
 - (b) Sidewalks 11 to 20 years old shall be prorated at 10% per year of responsibility of increasing accrual to the owner (i.e., 11 years old, 10% owner, 90% City; 12 years old, 20% owner, 80% City, etc.).

For residentially zoned property only, the City shall be responsible for the first 50% of the replacement cost for sidewalks abutting the "long side" of corner lots. The remainder of the cost shall be prorated as described above.
 - (c) Sidewalks over 20 years old, 100% replacement cost by owners, the City will continue to be 100% responsible for repair and replacement costs in City intersections and alley approaches, as well as median sidewalks.

For residentially zoned property only, the replacement cost for sidewalks abutting the "long side" of corner lots shall be split 50% City and 50% owner.

- (11) SEAL COATING. Seal coating shall continue to be considered a maintenance item derived from the general fund without special assessments. For the purposes of this section, seal coating shall include placement of a tar or emulsion coat of material on a pavement, followed by a layer of cover material with or without dust palliative.
- (12) SPECIAL ASSESSMENT B BONDS. (Cr. #1246) The property owners' responsibility for payment, in accordance with the assessment procedure of this section, for public improvements financed by Special Assessment B Bonds shall be in conformance with § 66.54, Wis. Stats.

**HALES CORNERS SPECIAL
ASSESSMENT POLICY**

SEWERAGE SERVICE CHARGES 13.06
WATER MAIN & LATERAL ASSESSMENTS

13.06 ALLOCATION OF REVENUES. (1) The revenue derived from the charge, rental or rate of service herein fixed attributable to the Hales Corners portion of such charge shall be used or administered as follows in accordance with understandings achieved with the State Public Service Commission:

(a) Payment of the direct costs of labor, fringe benefits, materials, energy, and outside services necessary to the operation of the Hales Corners Sewerage System excluding the Sewage Treatment Plant.

(b) Payment for all general and administrative burden in support of the direct costs of operation of the Hales Corners Sewerage System excluding the Sewage Treatment Plant.

(c) Depreciation of only that portion of the sewerage system originally constructed and paid for by special assessment against all properties connected to the system.

(d) Generation of an entitled Return on Investment of 7% of plant value as depreciated to the current year.

(e) No portion of the Sewer Service Charge shall be allocated to the payment of debt for that portion of the Sewerage System whose construction was paid for by special assessment against the properties connected to the system. Debt payment for non-assessable portions of the Sewerage System, the original construction cost of which was a Village contribution out of its General Fund shall continue to be covered within the general property tax levy.

(2) Income in excess of the requirements herein determined may be paid into the general fund of the Village.

13.07 SPECIAL ASSESSMENTS. (1) STATE STATUTES ADOPTED. Except as otherwise provided herein, Sections:

- 66.54 Special improvement bonds; certificates.
- 66.60 Special assessments and charges.
- 66.604 Lien of special assessment.
- 66.605 Special assessments.
- 66.615 Sidewalks.
- 66.62 Special assessments.
- 66.625 Laterals and service pipe.
- 66.63 Assessment of condemnation benefits.
- 66.635 Reassessment of invalid condemnation and public improvement assessments.
- 66.64 Special assessments for local improvements.
- 66.645 Duty of officers; action to collect tax.
- 66.65 Assessment against city, village or town property abutting on improvement.
- 66.694 Special assessments against railroad for street improvement.
- 66.695 Action to recover assessment.

13.07 SEWERAGE SERVICE CHARGES
WATER MAIN & LATERAL ASSESSMENTS

- 66.696 Improvement of streets by abutting railroad company.
- 66.697 Notice to railroad company; time for construction.
- 66.698 Construction by municipality; assessment of cost.
- 66.699 Effect of sections 66.694 to 66.698, inclusive.

of the Wisconsin Statutes and all subsequent revisions thereof, shall be followed in levying special assessments and imposing special charges for the cost of installing or constructing any water improvement by the Village, and such statutes are adopted by reference and made a part of this section.

(2) LEVY OF ASSESSMENTS. The cost of installing or constructing any water improvement by the Village may be charged under this section in whole or in part to the property benefited by such work or improvement and the Village Board may make an assessment against such benefited property in the manner provided herein.

(3) COST OF WORK OR IMPROVEMENT THAT MAY BE INCLUDED. The cost of any work or improvement to be paid in whole or in part by special assessments on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the service of the administrative staff of the Village and the cost of any architectural, engineering and legal services, and any other items of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Village Board.

The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Village Board.

(4) LOTS ALREADY SERVED BY A WATER MAIN. (a) No assessment for Water Main shall be levied against a parcel of land already served with a publicly owned water main, unless such parcel of land may be divided or subdivided in accordance with the Zoning Ordinance (Chapter 8) or the Subdividing and Platting Ordinance (Chapter 9) in which case the assessment shall be computed according to the assessable footage of the new lots which may be created.

(5) WATER MAIN EXTENSIONS. Assessments for Water Main Extensions shall be levied as follows:

(a) Assessments for Water Main Extensions not exceeding eight (8) inches in diameter shall be levied upon properties benefited by such improvements.

1. Annually the village board for the calendar year shall establish by resolution front foot assessment rates based on the recommendation of the Commission of Public Works.

2. There shall be a separate front foot assessment rate for residential properties and commercial properties with the commercial rate being 40% over the residential rate. "Commercial" properties shall include property used and/or zoned for B-1, B-2, M-1 and R-4 purposes, providing the R-4 property actually contains four or more family units.

(b) Where Water Main Extensions are larger than eight (8) inches in diameter, the Village of Hales Corners will assume the difference between the estimated cost of installing an eight (8) inch Water Main and the actual cost of installing Water Main Extensions greater than eight (8) inches, and the properties benefited by such improvements shall be assessed on the basis of the estimated cost of installing an eight (8) inch Water Main.

SEWERAGE SERVICE CHARGES 13.07
WATER MAIN & LATERAL ASSESSMENTS

(6) DUAL SYSTEMS. Where water mains are located along one side of a street and the mains are so located to service only that side of the street, assessments shall be levied upon properties benefited by such improvements and each parcel may be entitled to such deduction or exemption, if any, as the Village Board may determine to be reasonable and just under the circumstances in each case and consistent with the policy adopted by the Village Board.

(7) CORNER PARCELS. (a) Water Mains. All corner lots shall have an assessment formula as follows:

1. Regularly Shaped.

a. For Undividable Residential Corner Lots. The actual front footage on the short side of the lot, or the minimum lot width required by the zoning for the individual parcel, whichever is higher.

b. For Undividable Commercial and Light Manufacturing Corner Lots. The full length of the short side plus the full length of the long side minus a credit equal to 1-1/2 times the minimum lot width required by the zoning for the individual parcel. For commercially and light manufacturing zoned parcels where there is no required minimum lot width under the zoning code, the minimum lot width as applied to the credit shall be the zoning in R-1 zoning (75 feet).

c. For Dividable Corner Lots. The actual front footage on the short side of the lot, plus the actual footage of the long side, minus a credit of the minimum zoning depth for the zoning district of the corner lot. For commercially and light manufacturing zoned parcels, where there is no required minimum lot depth under the zoning code, the minimum lot depth as applied to the foregoing formula shall be the zoning in R-1 zoning (133 feet).

2. Unusually Shaped.

a. For Undividable Corner Lots. For residentially zoned parcels, the setback line on the short side, or the minimum lot width required for the individual parcel, whichever is higher. "Setback line" shall be determined pursuant to the Water Main Addendum to Sec. 13.07(10). For commercially and light manufacturing zoned parcels, where there is no required minimum lot width under the zoning code, the minimum lot width as applied to the foregoing formula shall be the zoning in R-1 zoning (75 feet).

b. For Dividable Corner Lots. For residentially, commercially and light manufacturing zoned parcels, the assessment shall be determined by the Commission of Public Works consistent with the spirit of this assessment ordinance, subject to final approval by the village board.

(8) LATERALS AND SERVICE PIPES. (a) Special Assessments. Assessments for water laterals (including all time and material costs

13.07 SEWERAGE SERVICE CHARGES
WATER MAIN & LATERAL ASSESSMENTS

from the main line to or near the lot line) shall be levied upon properties benefited by such improvements, and shall provide for the payment of all of the cost of the work or improvement.

(b) Construction and Size. Water Laterals shall be constructed from the lot line or near the lot line to the main. No Water Lateral shall be less than one inch in diameter.

(c) Laterals Not Charged On Per Foot Basis. Assessments for all water laterals shall be determined by dividing the total cost of lateral installation by the number of properties receiving laterals without regard to individual footage of each lateral.

(9) PAYMENT OF ASSESSMENTS. (a) Assessment Notice. Upon completion of the work or improvement for which a special assessment is levied and upon certification by the Village Engineer that such work or improvement has been completed, the Village Clerk shall bill the property owner by invoice for the full amount of the assessment. Such invoice shall notify the owner that he may elect within thirty (30) days of the date of the invoice to pay same in full without interest or to pay by installments with interest as hereinafter provided.

(b) Cash Payment. Payment of the assessment shall be made to the Village Clerk on or before the expiration of thirty (30) days from the date of the Assessment Notice, without interest. If the said amount is not paid within thirty (30) days, it shall be placed on the tax roll for the current year together with the interest commencing with the date shown on the Assessment Notice, and shall be collected with the regular taxes.

(c) Installment Payment. If the property owner should so elect, payment of the full assessment may be made in installment on a three-year plan, on a five-year plan or on a seven-year plan as provided herein.

1. Three-Year Plan. On the three-year plan the full amount of the assessment shall be paid in three (3) equal annual installments with real estate taxes, one-third each year plus the interest on the unpaid balance. The first installment shall be due and payable with real estate taxes for the current year, which installment shall include the interest commencing with the date shown on the Assessment Notice; the second installment shall be due and payable with real estate taxes for the following year, which installment shall include the interest on the unpaid balance; and the final installment shall be due and payable with real estate taxes for the third year, which final installment shall include the interest on the unpaid balance.

2. Five-Year Plan. On the five-year plan the full amount of the assessment shall be paid in five (5) equal annual installments with real estate taxes, one-fifth each year plus the interest on the unpaid balance.

SEWERAGE SERVICE CHARGES
WATER MAIN & LATERAL ASSESSMENTS 13.08

The first installment shall be due and payable with real estate taxes for the current year, which installment shall include the interest commencing with the date shown on the Assessment Notice; and the remaining annual installments shall be due and payable with real estate taxes for each successive year thereafter, which installments shall include the interest on the unpaid balance to the year of payment.

3. Seven-Year Plan. On the seven-year plan the full amount of the assessment shall be paid in seven (7) equal annual installments with real estate taxes, one-seventh each year plus the interest on the unpaid balance. The first installment shall be due and payable with real estate taxes for the current year, which installment shall include the interest commencing with the date shown on the Assessment Notice; and the remaining annual installments shall be due and payable with real estate taxes for each successive year thereafter, which installments shall include the interest on the unpaid balance to the year of payment.

4. Ten-Year Plan. On the ten-year plan the full amount of the assessment shall be paid in ten (10) equal annual installments with real estate taxes, one-tenth each year plus the interest on the unpaid balance. The first installment shall be due and payable with real estate taxes for the current year, which installment shall include the interest commencing with the date shown on the Assessment Notice; and the remaining annual installments shall be due and payable with real estate taxes for each successive year thereafter, which installments shall include the interest on the unpaid balance to the year of payment.

5. Prepayment. If the property owner should so elect, payment in full of the unpaid balance with interest to date of payment, may be paid at any time before the final installment becomes due.

(d) Interest. Interest at an annual rate shall be determined for each project by the Village Board.

(10) SERVICE TO PREVIOUSLY UNASSESSED PARCELS. When an unassessed parcel abuts or adjoins a water main available for connection, the Village Board may permit a connection for such parcel providing payment is made by the owner thereof for an equivalent full assessment pursuant to the provisions of this section.

(11) SITUATIONS NOT COVERED. Situations not covered by this section in levying special assessments and situations requiring individual determinations at variance with this section for the installation and construction of public improvements in the Village of Hales Corners shall be resolved by the Village Board after receipt of the recommendation of the Commission of Public Works. The Village Board shall use these Special Assessment Policies as guidelines.

(12) OTHER AUTHORITY RETAINED. It is not intended by the enactment of this ordinance to deprive the Village Board of any power conferred by Chapter 66, Wisconsin Statutes, or any other chapter or home-ruled power vested in said board.

13.08 (1) ADOPT MILWAUKEE REGULATIONS. There hereby is incorporated by reference the rules and regulations promulgated by the City of Milwaukee, for retail water service, which shall be binding upon all persons receiving retail water service from the City of Milwaukee.

(2) METERS. Meters measuring and controlling the individual supply of water from the retail water service supplied by the City of Milwaukee shall be remote and outside registers of such type as shall be satisfactory to and approved by the City of Milwaukee.

(3) ACCESS TO CITY OF MILWAUKEE REPRESENTATIVE. The Village of Hales Corners delegates to representatives of the City of Milwaukee the right of access upon private property being served under the retail water agreement with the City of Milwaukee for the purposes of inspection, meter reading, individual shut-off of service in default of payment and re-establishing service.

(4) PROTECTION OF UTILITY FACILITIES. No person shall alter, remove, damage, reconstruct, destroy or disturb the structures of any public water main serving the occupants of the village under the retail water agreement with the City of Milwaukee without the prior approval of the Plumbing Inspector of the Village and the Engineering Department of the Milwaukee Water Works.

(5) DELINQUENT PAYMENTS TO BE A LIEN ON PROPERTY. In the event the village is required to make payment of delinquent charges for retail water service to the City of Milwaukee, pursuant to the guarantee agreement contained in the retail water service contract, on October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which water has been furnished prior to October 1, and payment for which is owing and in arrears at the time of giving such notice. The clerk shall furnish the treasurer with a list of all such lots or parcels of real estate, and the notice shall be given by the treasurer. Such notice shall be in writing and shall state the amount of such arrears, and that unless the same is paid by November thereafter a penalty of 10 percent of the amount of such arrears will be added hereto; and that unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate to which water was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. On November 16 the treasurer shall certify and file with the clerk a list of all lots or parcels of real estate, give the legal description thereof, to the owners or occupants of which notice of arrears in payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided. Each such delinquent amount, including such penalty shall thereupon become a lien upon the lot or parcel of real estate to which the water was furnished and payment for which is delinquent, and the clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by the law for payment of taxes upon real estate.

~~13.09 AMBULANCE FEE.~~ The village clerk is hereby authorized and directed to collect a fee for ambulance services performed by the rescue squad of the Fire Department in the sum of \$150 for residents of the Village of Hales Corners and in the sum of \$200 for non-residents. All ^{monies} moneys received shall represent reimbursement to the village and shall be paid into the village treasury as part of the general village revenue.

13.09 AMBULANCE FEE. The Village clerk is hereby authorized and directed to collect fees for ambulance services performed by the rescue squad of the Fire Department as follows:

Run Charges:	\$300 – Residents of the Village of Hales Corners
	\$350 – Non-residents of the Village of Hales Corners
Disposables:	\$ 35 – Oxygen Administration
	\$ 1 – Gloves
	\$ 15 – Cervical Collar
Mileage:	\$ 7 – Per Mile

All monies received shall represent reimbursement to the village and shall be paid into the village treasury as part of the general village revenue.

(Ordinances 95-06, 96-13, 99-10, 99-11, 00-13, 01-10, 02-01)

13.10 BRUSH PICKUP and DISPOSAL FEE. The Village Clerk is hereby authorized and directed to collect a fee for the pickup and disposal of brush and tree trimmings by the Department of Public Works according to the following subsections. All moneys received shall represent reimbursement to the Village and shall be paid into the Village treasury as part of the general Village revenue.

- (1) The flat charge for each property pickup will be ~~\$12.50~~ ^{20.00}.
- (2) When more than one-half hour ^{\$20.00} is required at any single property site an extra ~~\$12.50~~ will be charged for each additional one-half hour or fraction thereof.
- (3) The service will be at the convenience of the Village but will normally be scheduled for the periods April 1 to May 15 and October 1 to November 15.
- (4) Brush and trimmings to be picked up must be piled with reasonable symmetry at one location on the property which is accessible and within five feet of the edge of the pavement of the principal roadway serving the property. This provision is subject to any nonconflicting, further regulations as may be set forth by the Public Works Commission.
- (5) Brush and Trimmings located as in SubSection (4) will be presumed with intent for pickup and subject thereto without further notice.
- (6) A notice of service and charge will be left with the resident or appropriately on the property, on completion of the service. Such notice will form the basis for subsequent billing. Delinquent payments will be taxed. Elimination of the presence of the material on the property will be considered prima facie evidence of the service having been performed.
- (7) The intent of this ordinance is within the provisions of Wisconsin Stat. 66.60 (16) with respect to both authority and notice. No further notice will be given beyond that required by law for the publication of ordinances.

ORDINANCE
94-12

13.11 STORM SEWER AND STREET CONSTRUCTION:
SPECIAL ASSESSMENT POLICY

13.11 STORM SEWER AND STREET CONSTRUCTION: SPECIAL ASSESSMENT POLICY

(1) PURPOSE. In accordance with §§66.60 and 66.62, Wis. Stats., the purpose of this Section is to create a policy and procedure by which special assessments may be levied against properties benefited from the installation of storm drainage facilities and certain street improvements caused to be installed/constructed by the Village. Nothing herein shall prohibit the village from levying and imposing special assessments under alternative procedures, nor shall negotiated development agreements be required to conform with the guidelines herein contained.

(2) LEVY OF ASSESSMENTS. The cost of installing or constructing any storm drainage facilities or street improvements by the Village may be charged under this section in whole or in part to the property benefited by such work or improvement and the Village Board may make an assessment against such benefited property in the manner provided herein.

The Village Board may, after duly conducting a public hearing on the proposed assessments, elect to reduce the assessments on any or all affected parcels where said Board deems the assessments to be in excess of the benefits to be received by the improvements.

Nothing herein contained shall prohibit the financial participation of a benefited property owner in a project where such owner and the Village Board mutually agree to the participation.

(3) INDIRECT COSTS INCLUDED. In addition to the direct costs of the work, as hereinafter enumerated, such indirect costs as the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the service of the administrative staff of the Village, the cost of any architectural, engineering and legal service, and any other items of indirect cost, which may reasonably be attributed to the proposed work or improvement, may be included in the assessments.

The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Village Board.

(4) STORM DRAINAGE SYSTEM ASSESSMENTS. (a) Definable Area. 1. Nothing herein shall prohibit proceedings under Chapter 88 to provide for the drainage of lands within a drainage district.

2. In levying special assessments for storm drainage improvements, the village board must find that special benefits are conferred upon property in a limited and determinable area.

(b) Previous Assessments. No assesment for storm drainage facilities shall be levied where:

STORM SEWER AND STREET CONSTRUCTION 13.11
SPECIAL ASSESSMENT POLICY

- Existing developed land has been previously assessed or charged for storm improvements, not including driveway or roadway culverts; or
- Undeveloped lands that will not be served by the system directly (i.e. having the system pass through or abut such parcel in a street or easement).
- In the opinion of the Village Board, the improvements will replace existing deficient drainage systems and will not uniformly benefit the affected properties.

(c) Direct Costs Included. Construction costs included in the assessments may include: All labor and materials as necessary to install main sewers of all sizes, inlets, inlet leads, culverts, ditching, swaling, man-holes, junction chambers, excavation, backfilling and restoration.

(d) Assessment Determination. The storm sewer special assessment shall be determined as follows:

- Storm sewer mains included in the determination of the assessment rate shall not exceed the cost of a 12 inch sewer or equivalent thereof.
- The assessment rate shall be determined by actual cost of constructing the main sewer per lineal foot, including related appurtenances, and direct and indirect costs.
- The assessment rate shall be applied to the frontage of the property, determined in the same manner as established for water main assessments, to compute the total assessment for the property.

(5) STREET PAVEMENT IMPROVEMENTS. (a) Previous Improvements. No assessment for street improvements, other than curb and gutter, shall be levied where:

- Existing developed land has been previously assessed or charged for street improvements within 25 years prior to the proposed levy, or
- Where a parcel is served by an existing hard surface pavement (i.e. concrete, bituminous concrete, or surface treated macadam) and such parcel is zoned for single-family residential use.

(b) Direct Costs Included. Construction costs included in the assessments may include: full-depth pavement up to thirty-two (32) feet of total width, curb and gutter if integrally constructed with the pavement, rough and fine grading, base course, shoulders, parkway restoration, topsoiling, seeding and sodding, including all labor and materials.

(c) Assessment Determination. The pavement special assessment shall be determined as follows:

13.11 STORM SEWER AND STREET CONSTRUCTION:
SPECIAL ASSESSMENT POLICY

- The assessment rate shall be determined by actual cost of constructing the pavement per lineal foot, including direct and indirect costs.
- The assessment rate shall be applied to the frontage of the property being assessed, determined in the same manner as established for water main assessments, to compute the total assessment for the property.

(d) The front foot assessment rate shall be determined by dividing the total cost of the pavement to be installed under the proposed project, including intersections, by the total assessable front footage.

(6) CURB AND GUTTER IMPROVEMENTS. Assessments for curb and gutter construction shall be levied as follows:

(a) Direct Costs Included. Construction costs included in the assessments for such improvements may include the curb and gutter, restoration, rough and backfill grading, and gravel sub-base.

(b) Assessment Determination. The curb and gutter special assessment shall be determined as follows:

- The assessment rate shall be determined by actual cost of constructing the main sewer per lineal foot, including direct and indirect costs.
- The assessment rate shall be applied to the frontage of the property being assessed, determined in the same manner as established for water main assessments, to compute the total assessment for the property.

(c) The front foot assessment rate shall be determined by dividing the total cost of the curb and gutter to be installed under the proposed project, including intersections, by the total assessable front footage.

(7) SITUATIONS NOT COVERED. The Village Engineer shall recommend procedures in levying special assessments for public improvements not covered by this section.

SPECIAL ASSESSMENT POLICIES

WATER MAIN ADDENDUM TO SEC. 13.07(10)

Assessments for Water Main shall be on an assessable footage basis and the assessable footage for each parcel of land shall be the total number of feet measured along the street or alley right-of-way between the intersection of the side lot lines and the street or alley right-of-way line. This length is the frontal footage of the property. The frontal footage of the property shall be used in determining special assessments except in special cases where special procedures are necessary to determine the length to be used. These special cases and the method to be used are enumerated in the following paragraphs and diagrams.

The assessable footage for parcels of land that warrant special consideration in determining assessments for Water Main extensions shall be approved by the Village Board upon the recommendation of the Commission of Public Works and the Village Engineer. Parcels which may warrant special consideration are as follows:

- a. Corner Parcels.
- b. Parcels with an excessively long frontage and little or no width at the rear of the lot.
- c. Parcels with an excessively long frontage and encompassing a small area.
- d. Parcels with a comparatively short frontage and a large width at the rear of the lot.
- e. Parcels with a comparatively short frontage and encompassing a large area.
- f. Parcels of unusual shape or size.
- g. Parcels where zoning may prohibit satisfactory development to warrant the benefits listed. (Example: Wetland Zoning)
- h. Parcels where zoning may substantially increase the benefits listed. (Example: Parcels that are dividable by zoning but existing development does not permit division at the time of utility construction.)

The diagrams contained herein are intended for use when determining the amount of assessable footage per parcel of land for special assessments. These are to be used as guides and the final approval for methods used will rest with the Village Board. Although these diagrams are usable in the majority of cases there will be special situations that could vary the proposed standard procedures.

Where special and/or different procedures are required, the Engineer and the committee in charge will submit their recommendation to the Village Board for its approval.

The Engineer's Report on Estimated Costs, Allocations and Special Assessments will be approved by the Village Board before the public hearing.

CORNER PARCELS

Corner parcels shall be assessed in accordance with Section 13.07(7) of the Village Code. See diagrams relating to corner parcels in Part 1 of these policies for examples.

UNUSUALLY SHAPED LOTS

The assessable footage for parcels of land that are unusually shaped and warrant special consideration for assessment purposes will be determined in the following manner:

1. The total number of feet abutting the public work or improvement will be measured along the street or alley right-of-way between the intersection of the side lot lines and the street or alley right-of-way line. This length is the frontal footage of the property.
2. The length of a line one-hundred (100) feet back of and parallel to the property frontage will be determined.
3. When the difference in length of the frontal footage of the property (paragraph 1) and the line one-hundred (100) feet back of the property frontage (paragraph 2) is less than 30%, the actual frontal footage of the property will be used as the assessable footage of the property.
4. When the difference in length of the frontal footage of the property (paragraph 1) and the line one-hundred (100) feet back of the property frontage is greater than 30%, the average of the two lengths will be used as the assessable footage of the property.
5. Each project must be completely analyzed individually. If in the opinion of the Village Board, the 30% factor specified above should be adjusted to increase or decrease the deduction or exemption as the Village Board may determine to be reasonable and just under the circumstances of each case, then the adjustment will be made in accordance with the Board's decision.
6. See Diagrams relating to Unusually Shaped Parcels in Part I of these policies for examples.

VILLAGE

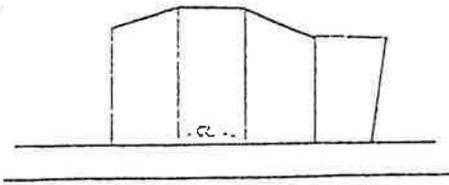
The Village may pay assessments for water mains in the following situations:

1. Village owned property.
2. Property previously assessed for the same type of municipal improvement providing that parcel of land cannot be divided or subdivided.

SUGGESTED PROCEDURE FOR DETERMINING THE ASSESSABLE FOOTAGE

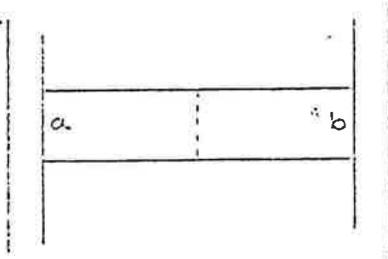
WATER MAIN,

1.



Assessable Footage = a

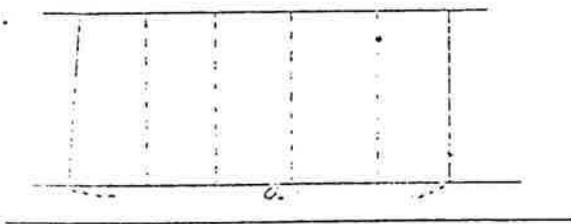
2.



Can be divided.

Assessable Footage = a
Assessable Footage = b

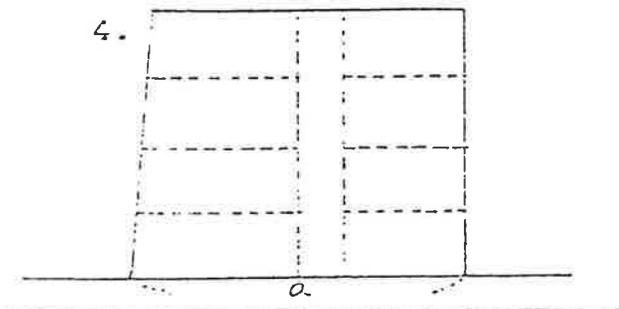
3.



Can be divided.

Assessable Footage = a

4.

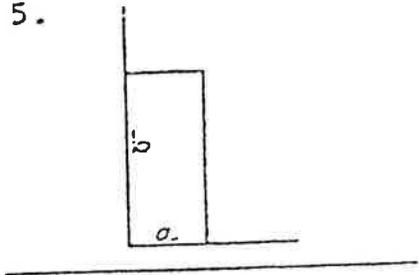


Can be Subdivided.

Assessable Footage = a

WATER MAIN

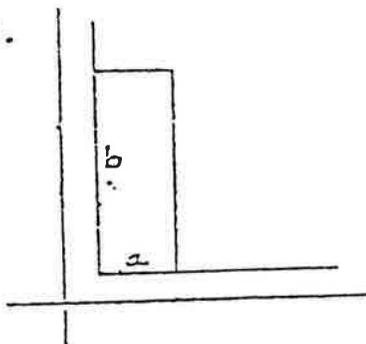
5.

Corner Lot - Cannot be divided

a = short side

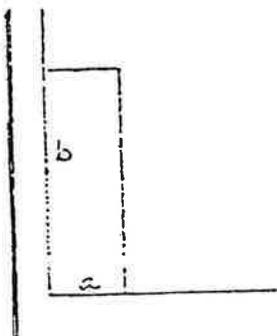
Larger of the actual frontage on the short side or the maximum frontage for the zoning district.

6.

Corner Lot - Cannot be divided

Larger of the actual frontage on the short side or the maximum frontage for the zoning district.

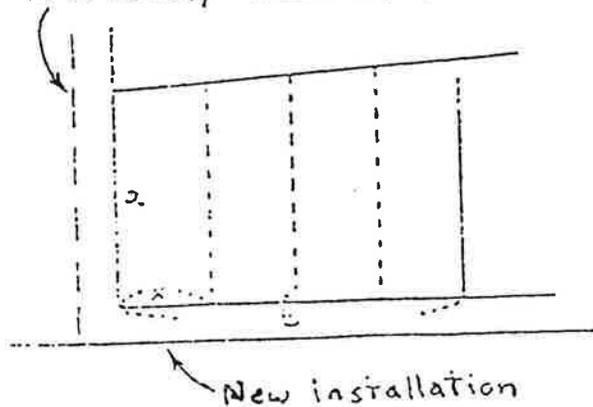
7.

Corner Lot - Cannot be divided

Larger of the actual frontage on the short side or the maximum frontage for the zoning district.

8.

Previously Installed & Assessed

Corner Lot

b = long side

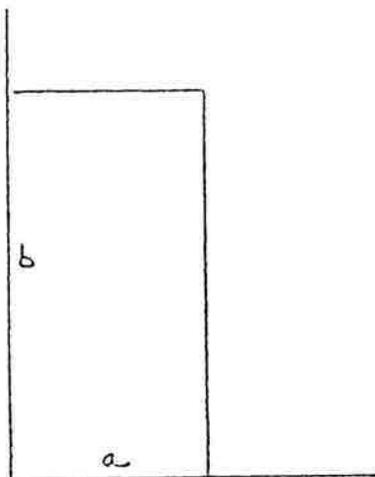
Can be divided.

b - x

x = the zoning depth for the district on the corner lot.

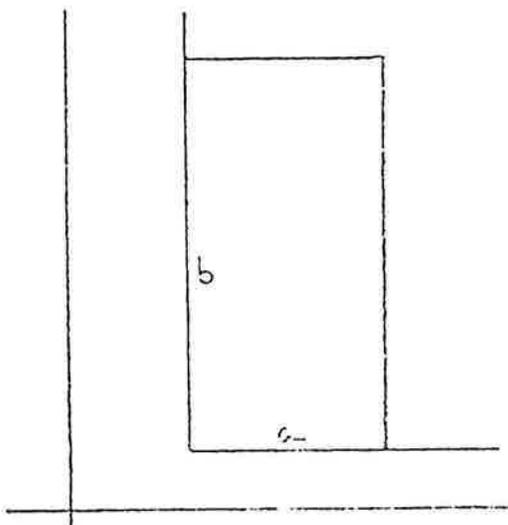
WATER MAIN

5 a.



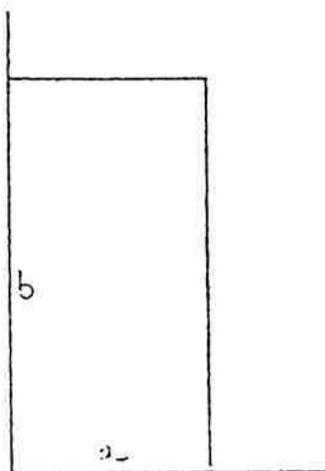
Corner Lot - cannot be divided
 Commercial and light manufacturing
 a = short side
 Accessable footage = a plus that
 part of b in excess of 1.5 x the
 minimum allowable R-1 zoning
 frontage of 75 feet ($1.5 \times 75 =$
 112.50)

6 a.



Corner Lot - Cannot be divided
 Commercial and light manufacturing
 a = short side
 Accessable footage = a plus that
 part of b in excess of 1.5 x the
 minimum allowable R-1 zoning
 frontage of 75 feet ($1.5 \times 75 =$
 112.50)

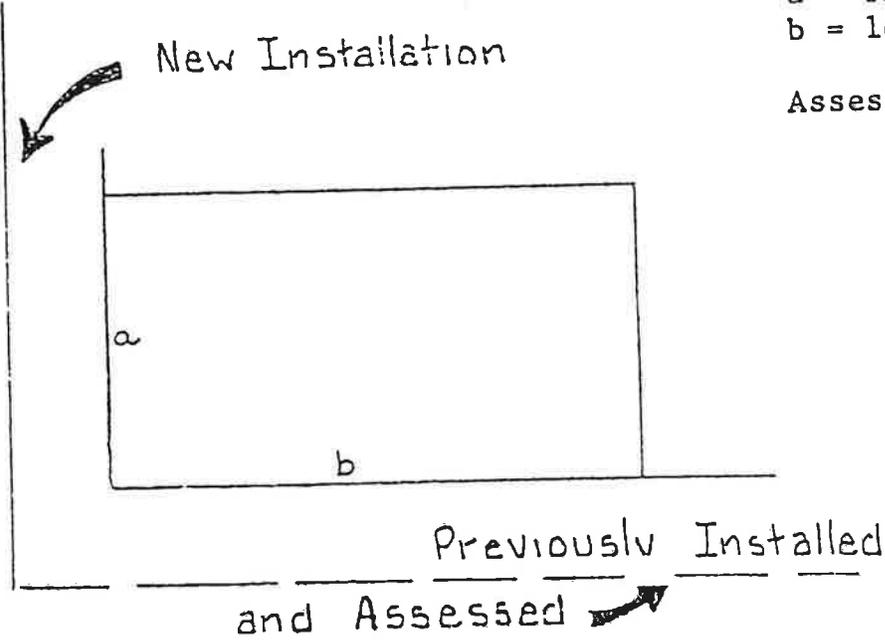
7 a.



Corner Lot - Cannot be divided
 Commercial and light manufacturing
 b = long side
 Accessable footage = a plus that
 part of b in excess of 1.5 x the
 minimum allowable R-1 zoning
 frontage of 75 feet ($1.5 \times 75 =$
 112.50)

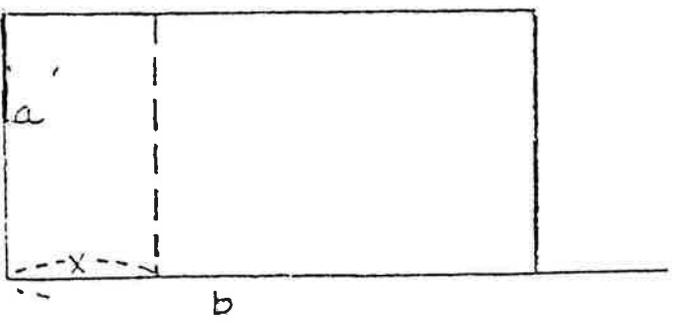
WATER MAIN

3-a



Corner Lot - Can be divided
 a = short side
 b = long side
 Assessed Footage = a

8-b

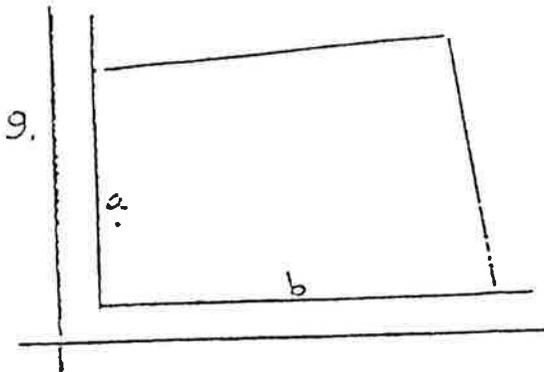


Corner Lot - no future main on short side

Can be divided
 b = long side
 x = minimum zoning depth for district

Assessed Footage = $a + b - x$

New Installation

WATER MAINCorner Lot

$a =$ short side

Large Parcel that can be divided or subdivided.

$a + b$ - the zoning depth for the district on the corner lot

R1 zoning depth will be 133 ft.;

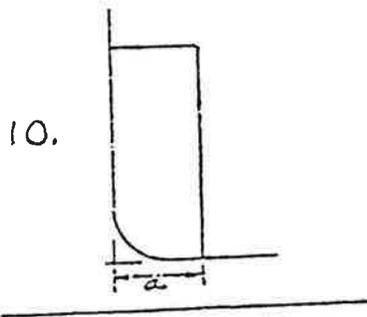
R2 zoning depth will be 167 ft.;

R3 zoning depth will be 200 ft.;

R4 zoning depth will be 125 ft.

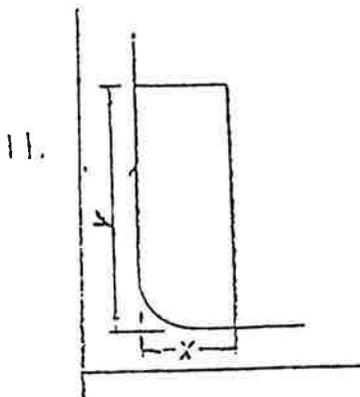
Commercial & light manufacturing - no zoning

Corner Lot - Cannot be divided ^{133 ft.}



$a =$ short side

Larger of the actual frontage on the short side or the minimum frontage for the zoning district.



Corner Lot Cannot be divided

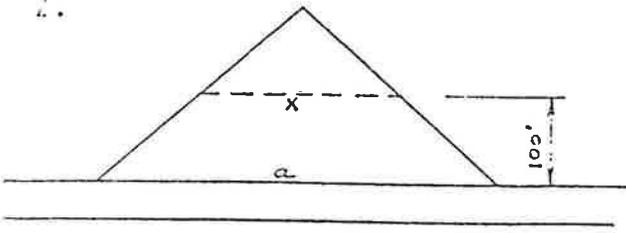
Short side = x

Long Side = y

Larger of the actual frontage on the short side or the minimum frontage for the zoning district.

SANITARY SEWER, WATER MAIN, STORM SEWER

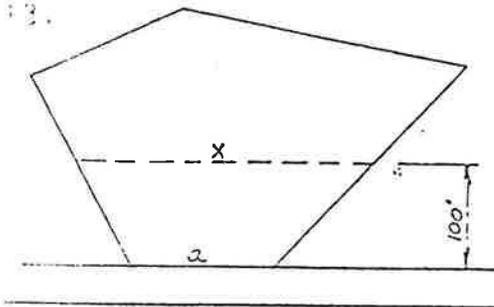
2.

Unusual Shaped Lot

$$\text{Assessable Footage} = \frac{a + x}{2}$$

(When $a - x$ is greater than 30% of "a")

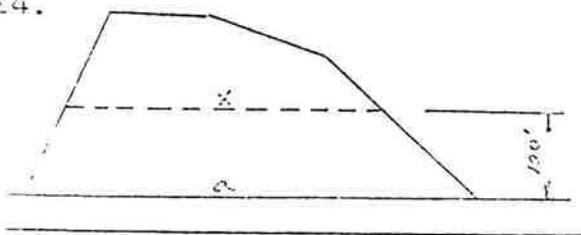
3.

Unusual Shaped Lot

$$\text{Assessable Footage} = \frac{a + x}{2}$$

(When $x - a$ is greater than 30% of "a")

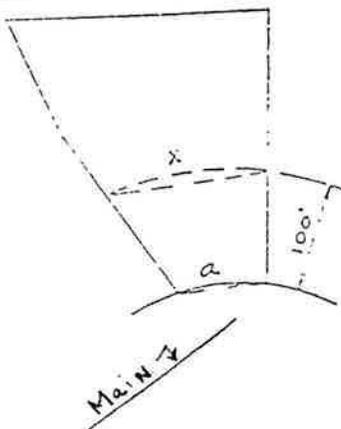
4.

Unusual Shaped Lots

$$\text{Assessable Footage} = \frac{a + x}{2}$$

(When $a - x$ is greater than 30% of "a")

5.

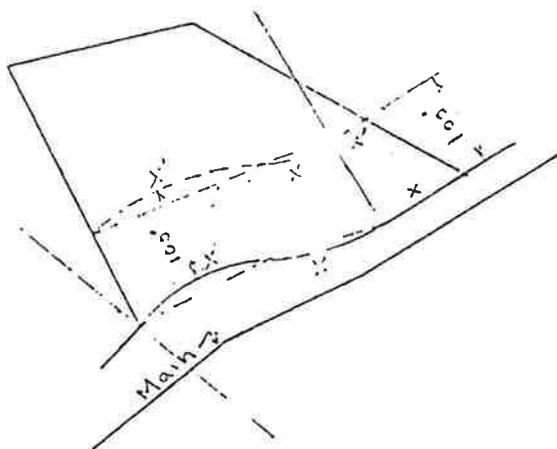
Unusual Shaped Lots

$$\text{Assessable Footage} = \frac{a + x}{2}$$

(When $x - a$ is greater than 30% of "a")

SANITARY SEWER, WATER MAIN, STORM SEWER

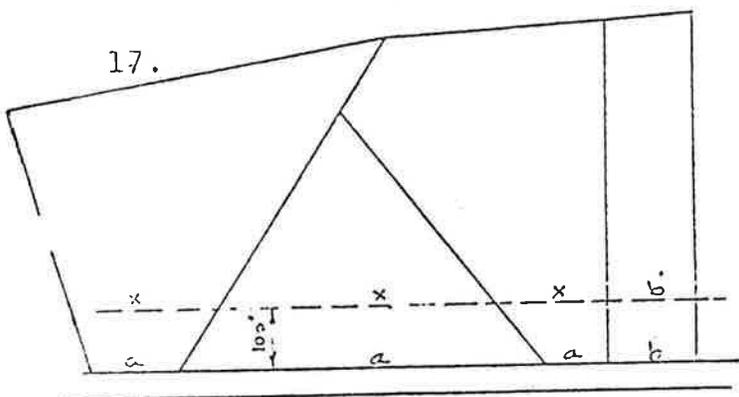
16.



Unusual Shaped Lots

$$\text{Assessable Footage} = \frac{(x+x+x) + (x'+x'+x')}{2}$$

17.



Unusual Shaped Lots

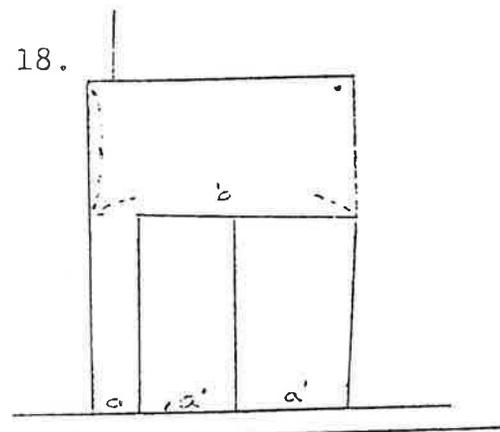
Very large parcels that can be subdivided.

$$\text{Assessable Footage} = \frac{a + x}{2}$$

$$\text{Assessable Footage} = b$$

(When $a - x$ is greater than 30% of "a")

18.



Unusual Shaped Lots

Lot is to be served from new main.

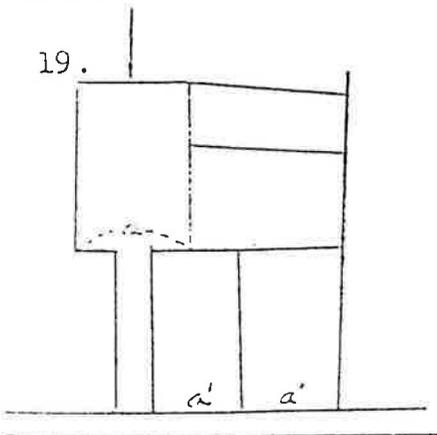
Cannot be divided.

"a" is short side.

$$\text{Assessable Footage} = a'$$

$$\text{Assessable Footage} = a$$

19.



Unusual Shaped Lots

Lot is to be served from new main.

Cannot be divided.

"a" is short side.

$$\text{Assessable Footage} = a'$$

$$\text{Assessable Footage} = a$$

CHAPTER 3. FINANCE AND PUBLIC RECORDS

TABLE OF CONTENTS

Rev. 12/14

FINANCE AND TAXES.....	2
SEC. 3.01 CITY BUDGET.....	2
SEC. 3.02 TAXES.....	2
SEC. 3.03 TAX EXEMPT PROPERTY.....	3
SEC. 3.04 FEE FOR RETURNING CHECKS WITH INSUFFICIENT FUNDS.....	3
SEC. 3.05 DUPLICATE TREASURER’S BOND ELIMINATED.....	3
SEC. 3.06 PUBLIC DEPOSITORIES.....	3
SEC. 3.07 STATEMENT OF REAL PROPERTY STATUS.....	3
SPECIAL ASSESSMENTS.....	4
SEC. 3.200 LEVY OF SPECIAL ASSESSMENTS.....	4
SEC. 3.201 INCLUDABLE COSTS.....	4
SEC. 3.202 ENGINEER’S REPORT.....	4
SEC. 3.203 NOTICE AND HEARING.....	4
SEC. 3.204 WAIVER OF NOTICE AND HEARING.....	4
SEC.3.205 RESOLUTION LEVYING ASSESSMENTS.....	4
SEC. 3.206 LOW INCOME ADJUSTMENT.....	5
SEC. 3.207 APPEAL OF SPECIAL ASSESSMENTS.....	5
SEC. 3.208 PROPERTY EXCLUDED FROM SPECIAL ASSESSMENT.....	5
SEC. 3.209 SPECIAL CHARGES.....	5
SEC. 3.210 PAYMENT PLANS.....	5
SEC. 3.211 EXISTING DEFERRED SPECIAL ASSESSMENTS.....	5
SEC. 3.212 INCENTIVE TO ELIMINATE EXISTING DEFERRED ASSESSMENTS.....	5
SEC. 3.213 CITY OWNED PROPERTY.....	6
SEC. 3.214 NOTICE OF LEVY OF SPECIAL ASSESSMENT.....	6
SEC. 3.215 SCHEDULE OF RATES FOR ASSESSMENTS.....	6
SEC. 3.216 OVERSIZING RATES AND POLICY.....	6
SEC. 3.217 GRINDER PUMP SEWER SYSTEM ADJUSTMENTS.....	6
SEC. 3.218 CORNER PARCELS.....	6
SEC. 3.219 DOUBLE FRONTAGE PARCELS.....	7
SEC. 3.220 LOTS CREATED BY REDIVISION OR COMBINATION.....	7
SEC. 3.221 RECONSTRUCTION JURISDICTION AND POLICY.....	7
SEC. 3.222 OTHER AUTHORITY RETAINED.....	7
FEES, PERMITS AND CHARGES.....	8
SEC. 3.40 FEES, PERMITS AND CHARGES.....	8
SEC. 3.50 STORM WATER MANAGEMENT SYSTEM USER CHARGES.....	9
PUBLIC RECORDS RETENTION.....	14
SEC. 3.60 PUBLIC RECORDS.....	14
SEC. 3.61 RECORDS RETENTION.....	14

FINANCE AND TAXES

SEC. 3.01 CITY BUDGET.

- (a) **Fiscal Year.** The calendar year shall be the fiscal year.
- (b) **Departmental Estimates.** When requested by the City Administrator each year, each officer, department and committee shall file with the City Administrator an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year plus such other information as requested. Such statements shall be presented in the form prescribed by the City Administrator and shall be designated as "Departmental Estimates."
- (c) **City Administrator to Prepare.**
 - (1) **Budget to Include.** Each year the City Administrator shall prepare and submit to the Common Council a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar years. The budget shall include the following information:
 - a. The expense of conducting each department and activity of the City for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommended as compared with appropriations for the current year.
 - b. An itemization of all anticipated income of the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
 - c. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
 - d. Such other information as may be required by the Council and by state law.
 - (2) **Copies of Budget.** The City shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- (d) **Hearings.** The Committee of the Whole shall submit to the Common Council, at the time the annual budget is submitted, the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submis-

sion of the proposed appropriation ordinance to the Common Council, it shall be deemed to have been regularly introduced therein. The Common Council shall hold a public hearing on the budget and the proposed appropriation ordinance as required by law. Following the public hearing the proposed appropriation ordinance may be changed or amended and shall take the same course in the Council as other ordinances.

- (e) **Changes in Budget.** The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except by a two-thirds (2/3) vote of the entire membership of the Common Council. Notice of such transfer shall be given by publication within ten (10) days thereafter in the official City newspaper.
- (f) **City Funds to be Spent in Accordance With Appropriation.** No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 3.01(e) of this Chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

SEC. 3.02 TAXES.

- (a) **Real Property Taxes.** All real property taxes shall be paid in one of the following ways:
 - (1) In full, on or before January 31st.
 - (2) In installments as follows:
 - a. One-half (1/2) of the real property taxes shall be paid on or before January 31st.
 - b. One-fourth (1/4) of the real estate taxes shall be paid on or before March 31st.
 - c. One-fourth (1/4) of the real estate taxes shall be paid on or before May 31st.
- (b) **Delinquent First Installment.** If the first installment of real property taxes is not paid on or before January 31st, the entire amount of the remaining unpaid taxes on that parcel is delinquent as of February 1st.
- (c) **Delinquent Second or Third Installment.** If the second or third installment payment of real property taxes is not paid by the due date specified in this Section, the entire amount of the remaining unpaid taxes on that parcel is delinquent as of the first day of the month after the payment is due.

- (d) **Special Assessments, Special Charges, and Other Taxes.** All special assessments, special charges and special taxes that are placed on the tax roll shall be paid in full on or before January 31st.
- (e) **Personal Property Taxes.** All personal property taxes shall be paid in full on or before January 31st.
- (f) **Penalty.** There is hereby imposed a penalty of five-tenths percent (0.5%) per month, or fraction of a month, in addition to the interest provided under Sec. 74.47, Wis. Stats., on all general property taxes, special charges, special assessments and special taxes included in the tax roll which are delinquent.

SEC. 3.03 TAX EXEMPT PROPERTY.

- (a) **Definitions.** In this Section, “tax-exempt property” shall be defined as that property classified as exempt under Sec. 70.11, Wis. Stats.
- (b) **Tax Exemption Report.**
 - (1) The owner of each parcel of tax exempt property must file a tax exemption report with the City Clerk on or before March 31st of each even-numbered year pursuant to Sec. 70.377, Wis. Stats. If the property owner fails to file the tax exemption report with an estimate of the fair market value of the property on or before March 31st of each even-numbered year, the City Clerk shall send a certified letter to the property owner requesting the information within thirty (30) days. If the property owner fails to comply, the property shall be appraised by an appraiser hired by the City. The cost of said appraisal shall be paid by the property owner.
 - (2) Each person that is required to file a report under Subsection (b)(1) shall pay a fee as set forth in Section 3.40 to the City for each tax exemption report to defray the costs of distributing and reviewing the forms and of preparing a summary report for the State of Wisconsin. Only one (1) fee per owner shall be charged for the submission of a multi-parcel tax exemption report.
- (c) **Unrelated Business Income Report.**
 - (1) The owner of tax exempt property must file an unrelated business income report pursuant to Sec. 70.339, Wis. Stats., annually, on or before March 15th of each year, if the owner was subject to taxation for unrelated business income in the previous year. If the statement required under this Section is not received by the due date, the City Clerk shall send the owner of the property a notice by certified mail, stating that failure to file a statement is subject to penalties pursuant to Wisconsin Statutes and Subsection (c)(2).
 - (2) A person who fails to file a statement within thirty (30) days after notification under Sub-

section (a) shall forfeit to the City Ten Dollars (\$10.00) for each succeeding day on which the form is not received by the City Clerk, but not more than Five Hundred Dollars (\$500.00).

SEC. 3.04 FEE FOR RETURNING CHECKS WITH INSUFFICIENT FUNDS.

- (a) There shall be a fee as prescribed in Section 3.40(c)(35) for processing checks made payable to the City that are returned because of insufficient funds in the account in question.
- (b) Collection costs and attorneys’ fees shall be added to the principal amounts of unpaid bills owed to the City that are placed with collection agencies.

SEC. 3.05 DUPLICATE TREASURER’S BOND ELIMINATED.

- (a) **Bond Eliminated.** The City of Oak Creek elects not to give the bond on the City Treasurer provided for by Sec. 70.67(1), Wis. Stats.
- (b) **City Liable for Default of Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Treasurer to the County Treasurer.

State Law Reference: Sec. 70.67, Wis. Stats.

SEC. 3.06 PUBLIC DEPOSITORIES.

The Common Council shall designate the public depository or depositories within this state within which City funds shall be deposited, and when the money is deposited in such depository in the name of the City, the City Treasurer and bondsman shall not be liable for such losses as are defined by state law.

State Law Reference: Chapter 34 and Sec. 62.12(7), Wis. Stats.

SEC. 3.07 STATEMENT OF REAL PROPERTY STATUS.

The City Clerk and Treasurer are authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding public utility bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. A minimum of one (1) business day is required for preparation of a statement of real property status. There shall be a fee as prescribed in Section 3.40 for compiling such information.

SPECIAL ASSESSMENTS

SEC. 3.200 LEVY OF SPECIAL ASSESSMENTS.

The cost of installing or constructing any public work or improvement by the City may be charged under this section, in whole or in part, to the property benefited by such work or improvement and the Common Council may levy an assessment against such benefited property in the manner provided herein.

Ordinance #2032 A 10/5/99

SEC. 3.201 INCLUDABLE COSTS.

- (a) The cost of any work or improvement to be paid in whole or in part by special assessment levied against property may include the following:
- (1) The direct and indirect cost thereof;
 - (2) The damages occasioned thereby;
 - (3) The interest on bonds or notes issued in anticipation of the collection of the assessments;
 - (4) A reasonable charge for the services of the administrative staff of the City;
 - (5) The cost of any architectural, engineering and legal services;
 - (6) Any other items of direct or indirect cost, which may reasonably be attributed to the proposed work or improvement.

The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Common Council.

- (b) The amount assessed against any property for any work or improvement, which represents an exercise of the City's taxing power, shall not exceed the actual value of the benefits conferred on the property. An assessment levied under the police power must benefit the property and the assessment shall be levied on a reasonable basis as determined by the Common Council.

Ordinance #2032 A 10/5/99

SEC. 3.202 ENGINEER'S REPORT.

Prior to levying a special assessment, the Common Council, by preliminary resolution, shall direct that special assessments be levied and shall direct that the City Engineer prepare and file with the City Clerk, for public inspection, his report which shall consist of:

- (a) A copy of the preliminary or final plans and specifications of the proposed work or improvement.
- (b) An estimate of the entire cost of the proposed work or improvement or the actual cost thereof based on contracts awarded.
- (c) An estimate of that portion of the total cost of the improvement to be levied against the benefited properties.
- (d) An estimate, as to each parcel of property affected, of:
 - (1) The assessment of benefits to be levied.

- (2) The damages to be awarded for property taken, damaged, or adversely affected.
 - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.
- (e) A statement that the property against which the assessments are proposed is benefited, where the work or improvement constitutes an exercise of the police power. In such cases the estimates required under Subsection (d) above, shall be replaced by a schedule of the proposed assessments.

Ordinance #2032 A 10/5/99

SEC. 3.203 NOTICE AND HEARING.

Upon completion and filing of the Engineer's Report, the City Clerk shall cause notice to be given stating the nature of the proposed work or improvement, the general boundary lines of the proposed assessment district or area including, in the discretion of the Common Council, a small map thereof, the place and time at which all person interested, or their agents or attorneys, may appear before the Common Council and be heard concerning the matters contained in the report. Such notice shall be published as a Class 1 notice, under Chapter 985 Wisconsin Statutes. A copy of such notice shall be mailed, at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after publication of the notice.

Ordinance #2032 A 10/5/99

SEC. 3.204 WAIVER OF NOTICE AND HEARING.

The Common Council may, without any notice or hearing hereunder, levy and assess the whole or any part of the cost of any municipal work or improvement as a special assessment upon the property benefited thereby whenever notice and hearing thereon is waived in writing by all the owners of property affected by such special assessment.

Ordinance #2032 A 10/5/99

SEC.3.205 RESOLUTION LEVYING ASSESSMENTS.

After hearing persons interested in the proposed assessment levy, the Common Council may approve, disapprove, or modify the proposed assessments or it may refer the report to the Engineer with such direction, as it deems necessary to accomplish a fair and equitable assessment. Upon approval of the Engineer's report, the Common Council shall adopt a resolution levying the special assessment as finally approved. The resolution shall contain the following:

- (a) Confirmation of the Engineer's report
- (b) A determination that the proposed work or improvement constitutes an exercise either of the police power, or the taxing power.

- (c) A determination that the assessments may be paid in annual installments and the number and due date of such installments and the interest thereon pursuant to Section 66.54(7), Wisconsin Statutes.
- (d) A statement, if applicable, that the assessments or a portion of the assessments so levied is long term (20 year) pursuant to Section 66.605, Wisconsin Statutes.

Ordinance #2032 A 10/5/99

SEC. 3.206 LOW INCOME ADJUSTMENT.

A property owner who applies and qualifies for consideration as a low income household shall have the interest rate established by the resolution levying the assessment reduced by 2%. The property owner's income must not exceed 80% of the county median income. This subsection shall apply when the special assessment comes active.

Ordinance #2032 A 10/5/99

SEC. 3.207 APPEAL OF SPECIAL ASSESSMENTS.

Any person having an interest in any parcel of land affected by any determination of the Common Council may appeal therefrom to the Milwaukee County Circuit Court in the manner provided in Section 66.60(12), Wisconsin Statutes.

Ordinance #2032 A 10/5/99

SEC. 3.208 PROPERTY EXCLUDED FROM SPECIAL ASSESSMENT.

If any property included within the proposed assessment district or area shall be excluded from assessment, the proposed assessment shall be computed and paid by the City, Water and Sewer Utility, or storm water drainage district as determined by the Common Council.

Ordinance #2032 A 10/5/99

SEC. 3.209 SPECIAL CHARGES.

Special charges for services rendered by the City may be imposed by the Common Council pursuant to Section 66.60(16), Wisconsin Statutes.

Ordinance #2032 A 10/5/99

SEC. 3.210 PAYMENT PLANS.

- (a) Except those properties that are subject to subsection (b) the property owner may pay special assessments as follows:
 1. Within thirty (30) days of the date of the levy.
 2. Within five (5) years of the date of the levy in equal annual installments on the property tax bill with interest as determined in the final assessment resolution.
 3. Within ten (10) years of the date of the levy in equal annual installments on the property tax bill with interest as determined in the final assessment resolution.

- 4. Within any number of years greater than ten (10) as determined by the Council of the date of the levy in equal annual installments on the property tax bill with interest as determined in the final assessment resolution.

- (b) For those properties which are vacant or have one residential dwelling unit, that are two and one-half (2 ½) acres or more in area, or have three hundred thirty (330) feet or more of assessed frontage, payment shall be made within twenty (20) years of the date of the levy in equal annual installments on the property tax bill with interest as determined in the final assessment resolution.

Ordinance #2032 A 10/5/99

SEC. 3.211 EXISTING DEFERRED SPECIAL ASSESSMENTS.

- (a) The City Clerk shall keep a record of all existing deferred and active special assessments. The annual tax bill for each property subject to a deferred special assessment shall indicate this condition by inserting the word "Deferred" under the special assessment column.
- (b) Before the issuance of any building or plumbing permit, the Building Commissioner or his designee shall refer the application for permit to the City Clerk to determine if any special assessment is outstanding against the parcel involved.
- (c) The city will comply with the assessment and deferment conditions as previously established by assessment resolution unless the property owner(s) so affected agree to a change.

Ordinance #2032 A 10/5/99

SEC. 3.212 INCENTIVE TO ELIMINATE EXISTING DEFERRED ASSESSMENTS.

- (a) As an inducement to reduce the amount of previously deferred special assessments, the total amount specially assessed against a property shall be reduced based on the date the special assessment is levied as follows when a payment plan is selected on or before December 31, 2000:
 - (1) On or after 1 January 1990 – 10%
 - (2) 1 January 1980 to 31 December 1989 – 20%
 - (3) Prior to 1 January 1980 – 30%
- (b) At such time as the owner of a property subject to a deferred assessment commences payment the assessment may be paid in either full or in installments.
- (c) The installments shall be due and payable annually, without interest, and the property owner shall have the option of selecting a repayment term for 2 to 10 years, which shall be set and fixed. The installment will be added to the annual tax bill if not paid by November 15th of each year.
- (d) This ordinance shall not change any obligation, oversizing, repayment, development agreement or other payment plan approved prior to the adoption of this ordinance.

- (e) The discount incentive program shall no longer be available after December 31, 2000 unless the Council votes to continue it. Any property owner who has commenced a payback program of a deferred assessment at a discounted rate, in installments, shall be entitled to continue payment at a discounted rate.

Ordinance #2032 A 10/5/99

Ordinance #2074 A 6/6/00 Sec. 3.212

SEC. 3.213 CITY OWNED PROPERTY.

There shall be no special assessment levied against City property. The cost of the project which otherwise would be levied against City property shall be the City's financial responsibility.

Ordinance #2032 A 10/5/99

SEC. 3.214 NOTICE OF LEVY OF SPECIAL ASSESSMENT.

An Assessment Notice shall be mailed to each affected property owner after final determination of all costs and computations for all affected properties has been completed.

Ordinance #2032 A 10/5/99

SEC. 3.215 SCHEDULE OF RATES FOR ASSESSMENTS.

The Common Council shall annually determine and establish assessment rates.

Ordinance #2032 A 10/5/99

SEC. 3.216 OVERSIZING RATES AND POLICY.

The schedule of rates and the policy on oversizing shall be determined and adopted by the Common Council by Resolution, pursuant to Section 14.113(b) Municipal Code City of Oak Creek.

Ordinance #2032 A 10/5/99

SEC. 3.217 GRINDER PUMP SEWER SYSTEM ADJUSTMENTS.

A parcel of land against which there is levied a special assessment for sanitary sewer, and where the owner had installed a grinder pump sanitary sewer system prior to the adoption of the final resolution levying an assessment for a gravity sewer system, the assessment for the gravity sewer system shall be reduced by way of a credit for the documented costs associated with the grinder pump sewer system as follows:

- (a) One hundred percent (100%) of said costs if the grinder pump sewer system was installed within one (1) year before the passage of the final assessment resolution.
- (b) Eighty percent (80%) of said costs if the grinder pump sewer system was installed within two (2) years before passage of the final assessment resolution.
- (c) Sixty percent (60%) of said costs if the grinder pump sewer system was installed within three (3) years before the passage of the final assessment resolution.

- (d) Forty percent (40%) of said costs if the grinder pump sewer system was installed within four (4) years before passage of the final assessment resolution.

- (e) Twenty percent (20%) of said costs if the grinder pump sewer system was installed within five (5) years before passage of the final assessment resolution.

Ordinance #2032 A 10/5/99

SEC. 3.218 CORNER PARCELS.

When special assessments are determined on a front foot basis and a corner lot abuts the work or improvement, the assessment against the parcel shall be determined as follows:

- (a) When the improvement is installed abutting both the long frontage side and the short frontage side of a corner parcel, the assessment shall be determined by multiplying the full per foot assessment rate times the sum of the short side frontage plus that portion of the long side frontage in excess of one hundred thirty-five (135) feet.
- (b) When the improvement is installed abutting only the long frontage side of a corner parcel, and no previous assessment for the same improvement has been made, the assessment shall be determined as in (a) above.
- (c) When the improvement is installed abutting only the short frontage side of a corner parcel, and no previous assessment for the same improvement has been made, the assessment shall be determined by multiplying the full per foot assessment rate times the length of the short side.
- (d) When the improvement is installed abutting only the long frontage side of a corner parcel, and a previous assessment for the same improvement has been made for the short side, the assessment shall be determined by multiplying the full per foot assessment rate times that portion of the long frontage side in excess of one hundred thirty-five (135) feet.
- (e) When the improvement is installed abutting only the short frontage side of a corner parcel, and a previous assessment has been made for the long side, there shall be no additional assessment for the initial one hundred thirty-five (135) feet of the short side. The portion in excess of one hundred thirty-five (135) feet shall be assessed under the provisions of Section 3.210(b).
- (f) If the improvement is installed on either the long frontage side or short frontage side of a parcel previously assessed for the same improvement, and no corner lot computation was made, the assessment shall be determined by adding the short side frontage to that portion of the long side frontage in excess of one hundred thirty-five (135) feet, and from that sum subtracting the previously assessed frontage, and then multiplying the full per foot assessment rate times the difference.

Ordinance #2032 A 10/5/99

SEC. 3.219 DOUBLE FRONTAGE PARCELS.

When special assessments are determined on a front foot basis and a double frontage parcel (a parcel which runs through an entire block and has frontage on two (2) different streets or public rights-of-way) abuts the work or improvement, the assessment against the parcel shall be determined as follows:

- (a) If, after an investigation and report by the Director of Community Development, the Common Council determines that under the provisions of the zoning ordinance it is possible to divide the parcel into two (2) parcels, one fronting each street, the parcel shall be subject to an assessment for each frontage when the improvement abutting the frontage is installed. In such cases, the assessment against each frontage shall be determined and treated as separate assessments. The assessment for the vacant frontage shall be assessed under the provisions of Section 3.210(b).
- (b) If such a parcel cannot be divided to create two (2) parcels, there shall be no assessment for the same benefit from the same type of improvement installed abutting the second frontage.
- (c) The assessment shall become due as specified by the resolution levying special assessments for that frontage which abuts the assessable improvement.

Ordinance #2032 A 10/5/99

SEC. 3.220 LOTS CREATED BY REDIVISION OR COMBINATION.

An investigation shall be made by the Director of Community Development to determine if a parcel, under the provisions of the zoning ordinance, may reasonably be divided or combined in such a way as to create additional parcels. The results of this investigation shall be reported to the Common Council, which shall determine the special assessments on a reasonable, case by case, basis.

Ordinance #2032 A 10/5/99

SEC. 3.221 RECONSTRUCTION JURISDICTION AND POLICY.

The following criteria shall apply:

- (a) Reconstruction of sanitary sewer and water main are under the jurisdiction of the Oak Creek Water and Sewer Utility.
- (b) Those facilities under the jurisdiction of the City include the following: storm sewer, drainage ditches, detention and retention structures, storm water management districts, laterals, streets, sidewalks, bike paths, bridges, culverts and headwalls, street lighting, street trees, parks, playgrounds, and City installed service connections.
- (c) Reconstruction assessment shall be based on a combination of the zoning category of a property and the road classification, by use, of the street in which the facility assessed is located. For facilities installed in easements, the zoning category of a property shall be the only consideration in as-

sessing reconstruction costs. The effective rate of assessment shall be obtained from the appropriate Schedule of Rates table, which applies to the facility, which has been reconstructed.

- (d) The policies and rates of assessment for reconstruction of facilities under City jurisdiction shall be determined and approved by the Common Council and shall be set forth by Ordinance. The rates set by this Ordinance shall be effective beginning on 1 January and shall apply for the entire calendar year.

Ordinance #2032 A 10/5/99

SEC. 3.222 OTHER AUTHORITY RETAINED.

It is not intended by the enactment of this ordinance to deprive the Common Council of any power conferred by Sections 66.53 through 66.698, Wisconsin Statutes, but any limitations contained therein and any procedures prescribed therein for the levy of special assessments or special charges shall not apply to the exercise of the special assessment authority contained herein.

Ordinance #2032 A 10/5/99

FEES, PERMITS AND CHARGES

SEC. 3.40 FEES, PERMITS AND CHARGES.

(a) **Review of Fees.** The City Administrator shall at least every two (2) years, prepare reports regarding the adequacy of the fees, charges, and permits contained in this section. The City shall charge such fees, permits and charges, except for impact fees, as provided in sub. (c) and room tax for hotels and motels, as provided in sub.(d), as are authorized by a resolution adopted by the Common Council. There shall be maintained in the office of the city clerk a schedule of all fees, permits and charges, as authorized by resolution of the Common Council.

(b) **Council Approval of Fees.** The Common Council may review and approve the fees, permits, charges and other taxes specified herein as part of the annual budget adoption or at such other time as it determines and make changes to the schedule of fees, charges and permits by adoption of a resolution.

(c) **Impact Fees.**

1. Library Facilities Impact Fee.

(a) Library Facilities Impact Fee Area.

For purposes of the library facilities impact fee imposed under this Section, the fee shall apply to all land within the City of Oak Creek.

(b) Residential Development.

i. Single Family unit - \$705.00

ii. The Multi-Family fee per unit for undeveloped, platted land, or for redevelopment of previously developed land shall

be:

Three bedroom unit - \$705.00 per unit

Two bedroom unit - \$529.00 per unit

One bedroom unit - \$352.00 per unit

(c) The fee for single family homes shall also be applied to each unit in a two family structure and for each mobile home.

2. Park and Recreation Facilities Impact Fee.

(a) Park and Recreation Facilities Impact Fee Area. For purposes of the park and recreation facilities impact fee imposed under this Section, the fee shall apply to all the land within the City of Oak Creek:

(b) Residential Development.

i. The Single Family fee per single family home for undeveloped, platted land or for redevelopment of previously developed land shall be: Single Family unit - \$2,105.00

ii. The Multi-Family fee per unit for undeveloped, platted land or for redevelopment of previously developed land

shall be:

Three bedroom unit - \$2,105.00 per unit

Two bedroom unit - \$1,579.00 per unit

One bedroom unit - \$1,052.00 per unit

iii. The fee for single family homes shall also be applied to each unit in a two family structure and for each mobile home.

3. Fire Facilities Impact Fee.

(a) Fire Facilities Impact Fee Area. For purposes of the fire facilities impact fee imposed under this Section, the fee shall apply to all the land within the City of Oak Creek.

(b) Residential Development.

i. The Single Family fee per single family home for undeveloped, platted land or for redevelopment of previously developed land shall be: Single Family unit - \$338.00

ii. The Multi-Family fee per unit for undeveloped, platted land, or for redevelopment of previously developed land shall be:

Three bedroom unit - \$338.00 per unit

Two bedroom unit - \$254.00 per unit

One bedroom unit - \$169.00 per unit

iii. The fee for single family homes shall also be applied to each unit in a two family structure and for each mobile home.

(c) Non-Residential Development.

i. The fee per unit for undeveloped, platted land, or for redevelopment of previously developed non residential land shall be:

Commercial use - \$0.18 per square

foot

Industrial use - \$0.13 per square foot

Institutional use - \$0.18 per square foot

(4) Police Facilities Impact Fee.

(a) Police Facilities Impact Fee Area. For purposes of the police facilities impact fee imposed under this Section, the fee shall apply to all the land within the City of Oak Creek.

(b) Residential Development.

i. The Single Family fee per single family home for undeveloped, platted land or for redevelopment

of previously developed land shall be:

Single Family unit - \$798.00

- ii. The Multi-Family fee per unit for undeveloped, platted land or for redevelopment of previously developed land shall be:

Three bedroom unit - \$798.00 per unit

Two bedroom unit - \$599.00 per unit

One bedroom unit - \$399.00 per unit

- iii. The fee for single family homes shall also be applied to each unit in a two family structure and for each mobile home.

(c) Non-Residential Development.

- i. The non-residential fee per unit for undeveloped, platted land, or for redevelopment of previously developed land shall be:

Commercial use - \$0.45 per square foot

Industrial use - \$0.30 per square foot

Institutional use - \$0.45 per square foot

(d) Room Tax for Hotels and Motels.

1. Pursuant to Sec. 66.0615, Wis. Stats., for the privilege of furnishing at retail, rooms or lodging to transients by hotel keepers, motel operators, or other persons furnishing accommodations that are available to the public irrespective of whether membership is required for use of the accommodations, a tax known as a room tax is hereby imposed upon the retailers at the rate of eight percent (8%) of gross receipts from the lease or rental of such accommodations, rooms or lodging within the City of Oak Creek on or after March 1, 1982. "Transient," "hotel" and "motel" shall have the meaning set forth in Sec. 77.52(2)(a)1, Wis. Stats. or any future amendment thereto.
2. Any tax so imposed shall not be subject to the selective sales tax imposed by Sec. 7.52(2)(a)1, Wis. Stats.
3. Each retailer engaged in furnishing such accommodations, rooms or lodging as defined in this Section shall submit a quarterly report to the City Treasurer's office showing the gross receipts from furnishing such accommodations, rooms or lodging, along with a copy of his State Sales Tax Report for said business, along with the eight percent (8%) tax for the gross receipts as reported, by not later than thirty (30) days from the end of each

calendar quarter for the receipts of that past calendar quarter except that before the person collecting the tax pays it to the City within the time frame, the person may retain 3 percent (3%) of the tax collected to cover the person's processing costs.

4. All unpaid taxes shall bear interest at the legal rate from the due date of the return. Failure to pay the tax, or delinquent payment of such taxes, shall be subject to a \$10.00 late filing penalty in addition to the interest imposed herein.
5. If a false or fraudulent return is filed with the intent in either case to defeat or evade the tax imposed by this Section, a penalty of fifty percent (50%) of the tax due shall be paid in addition to the tax interest and late filing penalty.
6. The original 6% room tax collected pursuant to City of Oak Creek Ordinance 929, dated March 1, 1982 shall be disbursed solely at the discretion of the Common Council, except that a minimum of 28% of the proceeds from the original 6% tax shall be allocated to the Community Development Authority to promote economic development within the City.
7. Pursuant to Wisconsin Statutes 66.0615 (1m)(d)2, at least 70% of the increased amount of room tax collected as a result of increasing the room tax from 6% to 8% by virtue of City of Oak Creek Ordinance #2742 shall be spent directly on tourism promotion and development or shall be forwarded to the Tourism Commission.

Ordinance #1996 A 4/20/99 Sec. 3.40(c)(21)
Ordinance #1996 A 4/20/99 Sec. 3.40(c)(22)
Ordinance #2006 A 6/1/99 Sec. 3.40(c)(14)a and b
Ordinance #2009 A 6/15/99 Sec. 3.40(c)(32)b and f
Ordinance #2010 A 7/6/99 Sec. 3.40(c)(17)(c)(2)
Ordinance #2012 A 7/6/99 Sec. 3.40(c)(8), 3.40(c)(12), 3.40(c)(19), 3.40(c)(32)(a), 3.40(c)(32)(c)
Ordinance #2018 A 7/20/99 Sec. 3.40(c)(8), 3.40(c)(27), 3.40(c)(32), 3.40(c)(33), 3.40(c)(40)
Ordinance #2033 A 10/19/99 Sec. 3.40(c)(13)(a)1 and 2
Ordinance #2051 A 1/4/00 Sec. 3.40(c)(2)
Ordinance #2070 A 6/6/00 Sec. 3.40(c)(28)(cc)
Ordinance #2075 A 6/6/00 Sec. 3.40(c)(13)(a) 1 and 2
Ordinance #2114 A 3/6/01 Sec. 3.40(c)(6)(a)
Ordinance #2120 A 4/2/01 Various Secs.
Ordinance #2124 A 4/17/01 Various Secs.
Ordinance #2127 A 5/1/01 Various Secs.
Ordinance #2141 A 6/19/01 Sec. 3.40(c)(14) a&b
Ordinance #2167 A 12/4/01 Sec.3.40 (c)(13)a 1&2
Ordinance #2177 A4/1/02 Sec. 3.40 (c)(13) a 1&2
Ordinance #2221 A 11/20/02 Sec. 3.40(c)(1)
Ordinance #2226 A 12/3/02 Sec. 3.40(c)(32)to3.40(c)(41)

Ordinance #2233 A2/4/03 Sec. 3.40(c)
 Ordinance #2240, A3/13/03, Sec.3.40 (15)(a)3 to 6, Sec. 3.40(15)(b) 19 to 22
 Ordinance #2256 A7/2/03 Sec. 3.40(29)(b)(c)(f)(h)(i)(z)
 Ordinance #2281 A11/4/03 Sec. 3.40(12)(c)(d)
 Ordinance #2311 A 6/15/04 Sec. 3.40(33)(34)
 Ordinance #2430, A 9/19/06, Sec. 3.40(c)(15)(a)
 Ordinance # 2436, A 12/5/06, Sec. 3.40(c)(15)
 Ordinance #2435, A 12/19/06, Sec 3.40(c)(14)
 Ordinance # 2451, A 3/20/07, Sec. 3.40(c)(15)
 Ordinance # 2488, A 1/15/08, Sec. 3.40(c)(18)(h)&(j)
 Ordinance # 2488, A 1/15/08, Sec. 3.40(c)(39)
 Ordinance # 2503, A 5/20/08, Sec.3.40(c)(17)(e)
 Ordinance # 2509, A 6/17/08, Sec.3.40(c)(15)(b)(9)(a-e)
 Ordinance # 2537, A12/16/08, Sec. 3.40(c)(14)a 1 and 4, Sec. 3.40(c)(14)b 1, 2, and 3, Sec.3.40(c)(14)c 1, 2, 3 and 5, Sec. 3.40(c)(14)a 12, Sec. 3.40(c)(14)h
 Ordinance #2548, A 3/3/09, Sec. 3.40(c)(15)
 Ordinance #2561 A 7/21/09, Sec 3.40(3)(a)(b)(c)
 Ordinance 2562 A 9/3/09, Sec.3.40(c)(17)
 Ordinance 2579 A 1/19/10, Sec.3.40(c)(14)
 Ordinance 2603 A 10/19/10, Sec.3.40(c)(7), Sec. 3.40(c)(11), and Sec. 3.40(c)(29)
 Ordinance 2609 A 12/21/10 Sec. 3.40
 Ordinance 2742 A 11/5/14 Sec.3.40(d)1&3, 3.40(d) 6 & 7

SEC. 3.50 STORM WATER MANAGEMENT SYSTEM USER CHARGES

(a) PURPOSE. The Common Council of the City of Oak Creek finds that the management of storm water and other surface water discharges within and beyond the Oak Creek, the Root River, Lake Michigan and other bodies of water within the City is a matter that affects the health, safety and welfare of the City, its citizens and businesses and others in the surrounding area. Failure to effectively manage storm water affects the sanitary sewer utility operations of the City by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, lakes and other bodies of water within and adjacent to the City. A system for the collection and disposal of storm water provides services to all properties within the City of Oak Creek and surrounding areas, including those properties not currently served by the system. The cost of operating and maintaining the City storm water management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Council hereby exercises its authority to establish a storm water management service charge and establish the rates for storm water management services. In promulgating the regulations contained in this chapter, the City is acting pursuant to authority granted by Chapters 62 and 66 of the Wisconsin Statutes, including, but not limited to, sections 62.04, 62.11, 62.16(2), 62.18, 66.0621, 66.0809, 66.0811, 66.0813, 66.0821, and 66.0627.

(b) DEFINITIONS. The following definitions shall be applicable in this Section:

- (1) "City" means City of Oak Creek.
- (2) "Condominium" means property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes.
- (3) "Council" means the Common Council of the City of Oak Creek.
- (4) "Customer" means any property owner of lands within the City of Oak Creek which is provided with storm water management services, either directly or indirectly, by the City of Oak Creek.
- (5) "Equivalent Charge (EC)" means the charge per ERU imposed for storm water management services in the City of Oak Creek.
- (6) "Equivalent Runoff Unit (ERU)" means the estimated average horizontal impervious area of a "single family home" within the City of Oak Creek. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. One ERU has been determined to be 3,300 square feet of impervious area.
- (7) "Exempt parcels" means railroad tracks, public rights-of-way, public streets, public alleys and public sidewalks, public bike paths, public parks and public conservation areas. *Note: This by definition is different than tax exempt parcels.*
- (8) "Duplex residential property" means any residential property identified for habitation containing two (2) dwelling units.
- (9) "Dwelling unit" means a single unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (10) "Impervious Area" or "Impervious surface" means a horizontal surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, compacted gravel, as well as streets, roofs, sidewalks, parking lots and other similar surfaces. The City Engineer shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The City Engineer may require additional information as necessary to make the determination. The number of ERU's determined applicable to a property shall be updated by the City Engineer based on any additions to the impervious area.
- (11) "Multifamily residential property" means any residential property other than condominiums identified for habitation containing more than two dwelling units on one parcel.
- (12) "Non-residential property" means any developed lot or parcel not exclusively residential as defined herein, including, but not limited to, transient rentals (such as hotels and motels), business, manu-

facturing, institutional, governmental property and parking lots.

(13) "Residential property" means any lot or parcel developed exclusively for residential purposes including, but not limited to, single family homes, manufactured homes, multifamily apartment buildings and condominiums, and agricultural property that contains a farm residence.

(14) "Single family property" means a residential space identified for habitation with exactly one dwelling unit.

(15) "Storm water management service" means the tasks and administration required to control storm water runoff to protect the health, safety and welfare of the public, and comply with State and Federal regulations. It includes, but is not limited to, street sweeping, erosion control, storm water management system improvements and maintenance, storm water monitoring and testing, storm water management planning and related public education.

(16) "Storm water management system" means the storm water collection system of the City, including, but not limited to storm sewers, ditches, detention ponds, retention ponds, natural and human-made or altered drainage channels, creeks, rivers, lakes and all improvements thereto, which by this section are constituted as the responsibility of the City, and all activities undertaken to conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quality or quantity of discharge from such system.

(17) "Undeveloped property" means any non-residential property which has less than one-fourth (0.25) of the equivalent runoff unit of impervious area. Vacant land currently in agricultural use shall be considered undeveloped property.

(c) CREATION. There is hereby established a storm water management service charge in the City of Oak Creek. The administration of the storm water management service charges shall be under the supervision of the City Administrator.

(d) MANAGEMENT. The storm water management service charge is subject to approval by the Council. All collected revenues shall be placed in the Storm Water Fund and shall be managed consistent with all other City funds.

(e) AUTHORITY. The City may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, monitor and finance such facilities as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls and ponds, and such other facilities as will support a storm water management system.

(f) STORM WATER MANAGEMENT SERVICE CHARGES.

The charges to be imposed for storm water management service pursuant to the rate classifications in Section 3.50(h) shall be made by Resolution duly adopted by the Common Council. The charges for storm water management service shall be calculated on an Equivalent Charge (EC) basis. The EC shall be imposed on all property with an impervious surface. The EC will be calculated on the basis of a single family property (an ERU). Other classifications of property will be charged multiples of the EC based on the ERU calculation for that property.

(g) STORM WATER MANAGEMENT SERVICE CHARGE: PAYMENT.

The charges established hereunder shall be billed to the storm water management service charge customer for the ensuing year, at the same time as the tax bill, except for the initial billing. The initial billing will be for the current year and will be billed to the customer within six months of the effective date of this ordinance. The property owner shall be the ultimate responsible party for payment of the storm water management service charge. Failure to pay the charges when due will subject the owner to such penalties as are established by State law and/or the Council, and may result in the charges being assessed as a lien against the property pursuant to Sec. 66.0821, Wis. Stats.

(h) STORM WATER CUSTOMER CLASSIFICATION.

(1) For purposes of imposing the storm water management service charges and based upon the use as of the first day of January preceding the billing, all lots and parcels within the City except exempt parcels are classified into the following six (6) customer classes:

a. Residential – Single Family: The charge imposed for a single family residential property shall be the fee for one (1) EC.

b. Residential – Duplex: The charge imposed for a duplex residential property shall be the fee for one (1) EC.

c. Residential – Condominium: The charge imposed for each dwelling unit within a condominium residential property shall be the fee for five-tenths (0.5) of one (1) EC.

d. Residential – Multifamily: The charge imposed for a multifamily residential property shall be the fee for one (1) EC, multiplied by the numerical factor obtained by dividing the total square footage of impervious area of the property by the square footage of one (1) ERU. Such impervious area shall be determined based on the best information reasonably available. The factor shall be rounded down to the nearest one-fourth (0.25), i.e., Multifamily Charge = EC fee x (total impervious area ÷ 3,300 square feet).

e. Non-residential: The charge imposed for a non-residential property shall be the fee for one (1) EC, multiplied by the numerical factor ob-

tained by dividing the total square footage of impervious area of the property by the square footage of one (1) ERU. Such impervious area shall be determined based on the best information reasonably available. The factor shall be rounded down to the nearest one-fourth (0.25), i.e., Non-residential Charge = EC fee x (total impervious area ÷ 3,300 square feet).

f. Undeveloped: The charge imposed for an undeveloped property shall be zero (0) until changed by resolution by the Council.

(2) Minimum Charge. The minimum ERU calculations for any customer other than undeveloped properties shall be not less than the rate of one-fourth (0.25) of one ERU.

(i) STORM WATER MANAGEMENT SERVICE CHARGE-ADJUSTMENT.

(1) Adjustments may be made for customers who own and properly maintain storm water management practices as defined in Section 13.103, except as provided in Section 3.50(i)(4). In considering such a request, the City Engineer shall consider whether and to what extent the City's cost of providing service available to a property has been lessened by the storm water management practices. If the City's cost of providing service or making service available to a property has not been lessened by the storm water management practices, the request for an adjustment shall be denied. If the City's cost of providing service or making service available to a property has been lessened by the storm water management practices, the customer shall be eligible for an adjustment, subject to conditions outlined by the City Engineer, including, but not limited to, the signing of a maintenance agreement with the City, by the customer and the City.

(2) In considering a request for an adjustment, the City Engineer may, at his or her discretion, separately examine multiple drainage areas on one piece of property and may recommend allowing an adjustment for a portion of the property if the characteristics of one or more drainage areas meet the criteria set forth in this section.

(3) The City Engineer, at his or her discretion, may recommend allowing an adjustment which may be as low as zero for a property for reasons other than as specifically set forth in this section provided that the adjustment is reasonable and not unjustly discriminatory.

(4) No adjustments shall be considered for structural or nonstructural Best Management Practices that are required in order to comply with any local, state, or federal regulation, including, but not limited to, Sections 13.100 through 13.114 of the Municipal Code, Milwaukee Metropolitan Sewerage District's Chapter 13, Wisconsin Administrative Code Chapters NR103, NR151, NR216 or Chapter 30, Wisconsin Statutes.

(5) No adjustments shall be considered for any "natural" features such as, but not limited to, wetlands,

lakes, rivers, creeks and floodplains or water impoundment of any kind in existence prior to passage of this Ordinance.

(6) City Engineer's Review Procedure For Adjustments.

a. The City Engineer shall issue a written Determination as to whether a written request for adjustment will be granted, denied or granted in part and denied in part, within fifteen (15) days of receipt of all materials and reports required by the City Engineer on the request for an adjustment. The Determination shall be mailed to the customer requesting adjustment.

b. A customer may appeal a Determination within thirty (30) days of the date of the City Engineer's Determination, by submitting a written request for appeal to the Small Claims Committee. Any request for appeal in excess of five thousand (\$5000) dollars shall be forwarded directly to the Council.

c. If no timely written request for appeal is received, the Determination of the City Engineer shall be final.

d. The Small Claims Committee review of the appeal to the Determination shall be completed within thirty (30) days of the receipt of the written request for appeal. The Small Claims Committee shall review the appeal and determine whether the City Engineer's Determination shall be approved, modified or rejected. The determination of the Small Claims Committee shall be in writing and set forth the reason or reasons for its decision and shall be mailed to the customer.

e. A customer may appeal the Small Claims Committee Determination within thirty (30) days of the date of the Determination, by submitting a written request for appeal to the Common Council.

(j) APPEAL OF CHARGE.

(1) Method of Review.

a. A customer may request a review of a classification and ERU determination by submitting a written request specifying all bases for the request to the City Engineer.

b. The City Engineer shall provide a written explanation as to the customer's classification and ERU determination within fifteen (15) days of receipt of the request for an adjustment. The explanation shall be mailed to the customer requesting an adjustment.

c. Within thirty (30) days of the date of the City Engineer's explanation, the customer may appeal the City Engineer's classification and ERU determination to the Small Claims Committee by filing with the City Clerk a written request for appeal. Any request for appeal in excess of five thousand (\$5000) dollars shall be forwarded directly to the Council.

d. The Small Claims Committee shall hear the appeal within thirty (30) days of the receipt of the written request for appeal. The Small Claims Committee shall hold a contested case hearing to determine whether the classification and/or ERU determination is fair and reasonable or whether a modification to the classification and/or ERU is warranted. The Small Claims Committee shall determine whether the City Engineer's determination shall be approved, modified or rejected. The determination of the Small Claims Committee shall be filed within ten (10) days of the hearing, in writing, and set forth in detail the reason or reasons for its decision and shall be mailed to the customer.

e. A customer may appeal the Small Claims Committee Determination within thirty (30) days of the date of the Determination, by submitting a written request for appeal to the Common Council.

(2) Application of Adjustment. There shall be no retroactive adjustment for user charges imposed prior to the date of the granted request. Adjustments will be effective on the first bill following the date of the granted request for adjustment.

(3) As a condition precedent to challenging any storm water classification, all charges must be paid to the City. Failure to comply with Section (j)(l) waives all right to challenge the classification.

(k) SEVERABILITY. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remaining of the ordinance shall remain in force and not be affected by such judgment.

Ordinance #2238 A 2/17/03 Sec. 3.50

Ordinance #2604 A 11/03/10 Sec. 3.50(f)

PUBLIC RECORDS RETENTION

SEC. 3.60 PUBLIC RECORDS.

The following definitions shall be applicable in Sections 3.60 and 3.61:

- (a) **Definitions.** The terms “authority,” “records” and “requester” shall have the meanings as set forth in Sec. 19.32, Wis. Stats.
- (b) **Duty to Maintain Records.** An authority and all employees of the City shall safely keep and preserve all records received from his or her predecessor or other persons which are required by law to be maintained in his or her office or which are in the lawful possession or control of the authority or employee or his or her deputies.
- (c) **Legal Custodian.** The City Clerk or the Clerk’s designee shall act as legal custodian for the Common Council and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Common Council.
- (d) **Fees.** Fees for records provided to a requester are set forth in Section 3.40 of this Code of Ordinances.

SEC. 3.61 RECORDS RETENTION.

- (a) **Purpose.** The purpose of this Section is to establish a City-wide records retention schedule and authorize destruction of City records pursuant to that schedule on an annual basis. Record custodians do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original records, pursuant to Sec. 16.61(7), Wis. Stats. If there is not a specific law requiring a specific retention period, all records must be retained seven years, unless the Public Records Information Board fixes a shorter period.
- (b) **Notice to State Historical Society.** Unless notice is waived by the State Historical Society of Wisconsin, at least sixty (60) days’ notice shall be given by the Record Custodian to the Society prior to the destruction of any record as provided in Sec. 19.21(4)(a), Wis. Stats. Notice to the State Historical Society shall be required for any record not listed on the City’s Official Records Retention Schedule.
- (c) **Definitions.**
 - (1) **“Legal Custodian”.** The individual responsible for maintaining records pursuant to Sec. 19.33, Wis. Stats., or any future amendments and revisions thereto.
 - (2) **“Record”.** Record as defined in Sec. 19.32(2), Wis. Stats., or any future amendments and revisions thereto.
- (d) **City Records Retention Schedule Created and Adopted.** The “Official City of Oak Creek Records Retention Schedule”, dated October 21, 1997

and all future amendments thereto approved by the department head and the State of Wisconsin Public Records and Forms Board is hereby adopted by reference. The schedule and any future amendments thereto shall be kept on file and maintained in the office of the City Clerk.

- (e) **Water Utility Records.** Records of the Water Utility shall be retained in accordance with regulations established and published by the Public Service Commission of Wisconsin.
- (f) **Preservation through Microfilm or Optical Imaging.** Record Custodians may keep and preserve public records through the use of microfilm or optical imaging, providing the microfilm or optical imaging meets the applicable standards contained in Secs. 16.61(7) and 16.61(2), Wis. Stats., or any future amendments and revisions thereto. After verification, records preserved by the use of microfilm or optical imaging shall be considered the original record for all purposes and any record converted to microfilm or optical imaging shall be destroyed. The retention periods identified in the Schedule shall apply to all City records in any media.
- (g) **Destruction After Request for Inspection.** No record subject to a pending public records request may be destroyed until after the request is granted or until sixty (60) days after the request is denied. If any action is commenced under Sec. 19.37, Wis. Stats., the requested record may not be destroyed until after a court order is issued and all appeals have been completed as provided in Sec. 19.35(5), Wis. Stats.
- (h) **Destruction Pending Litigation.** No record subject to pending litigation shall be destroyed until the litigation is resolved.
- (i) **Tape Recording.** Any tape recording of a governmental meeting of the City may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published if the purpose of the recording was to take minutes of the meeting.

Ordinance #2043 A 11/2/99 Sec. 3.61(d)

CITY OF SOUTH MILWAUKEE

22-1

22.01

SPECIAL ASSESSMENTS

- 22.01 Introduction and Purpose
- 22.02 General
- 22.03 Storm Sewers
- 22.04 Sanitary sewers
- 22.05 Water Mains
- 22.06 Grading
- 22.07 Alley Paving
- 22.08 Curb and Gutters
- 22.09 Street Paving
- 22.10 House Laterals
- 22.11 Sidewalks
- 22.12 Special Assessment Payments
- 22.13 Improvement Life – Reassessment

22.01 INTRODUCTION AND PURPOSE. In order to provide for the equitable distribution an assessment of costs incurred in the installation of various public works projects within the City of South Milwaukee, under authorization granted by Section 66.60, Wisconsin Statutes, the Common Council of the City of South Milwaukee ordains these regulations, all subject to, and in conformance with, the latest revisions of the said Section 66.60, Wisconsin Statutes.

22.02 GENERAL. For the purposes of this ordinance, the assessable benefits accruing to any given property from public improvements shall be determined as relating directly to the frontage thereof, as explained hereinafter for the specific improvement. Side frontage, in the case of corner lots, shall refer to that side of the lot which has the most frontage on an improvement. If the long side of a platted lot abuts on any alley paving improvements, whether or not this lot has alleys on two sides thereof, said frontage shall be considered to be side frontage.

Where so provided herein, certain improvements may be assessed on an actual cost basis, or some percentage thereof, as specified in the Preliminary Resolution for the particular improvement program.

None of the improvements described herein shall be used by any property for which the applicable assessment has not been paid or payment provided for. Any assessments for such use shall be based on the assessment rate used at the time of the improvement, if known, or it shall be based on the average of the last three known assessment rates for like improvements.

None of the requirements of this ordinance shall prohibit the Common Council from making adjustments in assessment rates, assessable costs, or in assessable frontages, when, in the opinion of said Common Council, a standard assessment will prove to be excessive or otherwise unreasonable, and not in conformity with the intent of this ordinance.

22.03 STORM SEWERS. No special assessments are to be levied for the construction of storm sewers except as provided in Chapter 14 of the South Milwaukee Code, entitled Land Subdivision Regulations.

22.04 SANITARY SEWERS. (1) ASSESSABLE COSTS. The assessable portion of the installation of sanitary sewers shall consist of the equivalent cost of laying an 8-inch sewer with sand bedding and gravel backfill, manholes, manhole frames and covers, road surface replacement and other incidental costs, but shall not include the cost of mains on non-assessable frontages, as provided in Subsection (4) hereof.

(2) **ASSESSMENT BASIS.** The total assessable cost for all sanitary sewer work constructed in the same public works program, when divided by the assessable frontage, will result in the assessment rate to be applied to frontages.

- (a) **Direct frontage.** Every lot or parcel of land, when abutting the installation of sanitary sewers on any street side thereof, shall pay a minimum assessment based on the frontage of said lot or parcel on the street having the smallest frontage, whether or not the sewer is on that side.
- (b) **Side frontage.** No assessment shall be levied for side frontage, except that a direct frontage assessment shall apply to that side frontage in excess of 150 feet.

(3) **ENGINEERING AND ADMINISTRATIVE COSTS.** All engineering and administrative costs of the installation shall be included in the assessment rate and computed in the amount of 7% of such assessment rate. Am. 10/8/69, 882

(4) **EXCLUSIONS.** When sanitary sewers are installed in and through easements, alleys, pedestrian or public walks, and when they do not constitute a direct benefit to the abutting properties, such installation shall not be considered to be a part of the entire assessable cost of the program.

CITY OF SOUTH MILWAUKEE

22-3

22.05

22.05 WATER MAINS. (1) ASSESSABLE COSTS. The assessable portion of the installation of water mains shall consist of the equivalent cost of laying an 8-inch water main with sand bedding and gravel backfill, hydrants, valves and valve boxes, road surface replacement and other such incidental costs, and shall exclude the cost of mains and non-assessable frontages. Am. 4/16/85, 1299

(2) ASSESSMENT BASIS. The total assessable cost for all water main installations in the same public works program, when divided by the assessable frontage, will result in the assessment rate to be applied to frontages.

(a) Direct frontage. Every lot or parcel of land, when abutting the installation of water mains on any street side thereof, shall pay a minimum assessment based on the frontage of said lot or parcel on the street having the smallest frontage, whether or not the water main is on that side.

(b) Side frontage. No assessment shall be levied for side frontage, except that a direct frontage assessment shall apply to that side frontage in excess of 150 feet.

(3) ENGINEERING AND ADMINISTRATION COSTS. All engineering and administrative costs of the installation of water mains shall be included in the assessment rate and computed in the amount of 7% of such assessment rate. Am. 10/8/69, 882

(4) EXCLUSIONS. When water mains are installed in or through easements, alleys, pedestrian or public walks, and when they do not constitute a direct benefit to the abutting properties, such installation shall not be assessed against these frontages, except as it may be considered to be a part of the entire assessable cost of the program.

22.06 GRADING. (1) ASSESSABLE COSTS. All grading of land for streets, alleys, sidewalks and curbs, except such as result from a grade change for the convenience of the City, shall be assessed on the basis of the actual computed cost of such grading for each frontage abutting thereon.

(2) ASSESSMENT BASIS. The actual costs of grading shall be computed as applying to all frontages of property abutting thereon.

(3) ENGINEERING AND ADMINISTRATIVE COSTS. All engineering and administrative costs of grading shall be included in the assessment rate and computed in the amount of 7% of such assessment rate. Am. 10/8/69, 882

CITY OF SOUTH MILWAUKEE

22-4

22.07

22.07 ALLEY PAVING. (1) ASSESSABLE COSTS. The assessable portion of the installation of the alley paving shall be limited to 85% of the total costs of paving an alley 14 feet in width along all frontages in the program, including incidental grading work required and the construction of alley approaches.

(2) ASSESSMENT BASIS. The total assessable cost of the particular type of alley paving, when divided by the total frontage, will result in the assessment rate to be applied to frontages. Am. 6/4/74, 991

- (a) Direct frontage. Every lot of parcel of land, when abutting the installation of alley paving, shall pay an assessment for all frontage thereon, except that in the case an alley abuts on two connecting sides, the direct assessment shall apply only to the short side thereof.
- (b) Side frontage. Side frontage shall be assessed at a rate of 1/3 of the normal rate for all side frontage up to 150 feet in length, the excess over 150 feet being assessable as direct frontage.

(3) ENGINEERING AND ADMINISTRATIVE COSTS. All engineering and administrative costs of alley paving shall be included in the assessment rate and computed in the amount of 7% of such assessment rate. Am. 10/8/69, 882

22.08 CURB AND GUTTER. (1) ASSESSABLE COSTS. The assessable portion of the installation of curb and gutter shall consist of the total cost of all such work done on assessable frontages, including incidental grading work and curb radii, but shall exclude curbs on median strips and other areas not related to property frontages.

(2) ASSESSMENT BASIS. The total assessable cost of the curb and gutter installation, when divided by the assessable frontage, will result in the assessment rate to be applied to frontages.

- (a) Direct frontage. Every lot or parcel of land, when abutting the installation of curb and gutter, shall pay an assessment for all frontage thereon, except that in the case a curb and gutter abuts on two connecting sides, the direct assessment shall apply only to the short side thereof.
- (b) Side frontage. Side frontage shall be assessed on the same basis as direct frontage.

CITY OF SOUTH MILWAUKEE

22-5

22.08

(3) ENGINEERING AND ADMINISTRATIVE COSTS. All engineering and administrative costs of the installation of curb and gutter shall be included in the assessment rate and computed in the amount of 7% of such assessment rate. Am. 10/8/69, 882

22.09 STREET PAVING. (1) ASSESSABLE COSTS. The assessable portion of the installation of street paving shall consist of the total cost of all such work done on assessable frontages, including incidental grading work and intersection paving, and shall be limited to the cost of paving the equivalent of $\frac{1}{2}$ of a 36 foot wide residential roadway.

(2) ASSESSMENT BASIS. The total assessable cost of the particular type of street paving, when divided by the total frontage will result in the assessment rate to be applied to frontages. Am. 6/4/74, 991

(a) Direct frontage. Every lot or parcel of land, when abutting the installation of street paving, shall pay an assessment for all frontage thereon, except that in the case a street abuts on two connecting sides, the direct assessment shall apply only to the short side thereof.

(b) Side frontage. Side frontage shall be assessed at a rate of $\frac{1}{3}$ of the normal rate of all side frontage up to 150 feet in length, the excess over 150 feet being assessable as direct frontage.

(3) ENGINEERING AND ADMINISTRATIVE COSTS. All engineering and administrative costs of street paving shall be included in the assessment rate and computed in the amount of 7% of such assessment rate.

(4) EXCLUSIONS. A 5-inch asphalt roadway over a 6-inch stone base shall be considered to be the standard residential roadway. Road installations of a different type or greater thickness or cost shall be assessed at the rate for the described standard roadway. Am. 3/5/91, 1491

22.10 HOUSE LATERALS. (1) ASSESSABLE COSTS. All sewer and water laterals installed to abutting properties shall be assessed on the basis of the actual cost of such installation for each lateral.

(2) ASSESSMENT BASIS. The assessment basis for house laterals shall be the actual cost per installation.

(3) ENGINEERING AND ADMINISTRATIVE COSTS. All engineering and administrative costs shall be included in the assessment rate and computed in the amount of 3% of such assessment rate. Am. 10/8/69, 882

CITY OF SOUTH MILWAUKEE

22-6

22.11

22.11 SIDEWALKS. (1) ASSESSABLE COSTS. The assessable portion of the installation of sidewalks shall consist of the total cost of all such work done in a program, including incidental grading work, but shall exclude sidewalk paving at the radius of intersections.

(2) ASSESSMENT BASIS. The total assessable cost of the sidewalk paving, when divided by the assessable frontage, will result in the assessment rate to be applied to frontages.

(a) Direct frontage. Every lot or parcel of land, when abutting the installation of sidewalks, shall pay an assessment for all frontage thereon.

(b) Side frontage. Assessment shall be paid as in direct frontage.

(3) ENGINEERING AND ADMINISTRATIVE COSTS. All engineering and administrative costs shall be included in the assessment rate and computed in the amount of 7% of such assessment rate. Am. 10/8/69, 882

22.12 SPECIAL ASSESSMENT PAYMENTS. Special assessment payments provided for herein may be paid in cash until the due date of the billing, therefore, or annual installments, the maximum terms of which, except as otherwise provided herein, shall be as follows:

(a) Street paving – 10 years.

(b) Sanitary sewers, water mains, house laterals – 5 years.

(c) Alley paving, curb and gutter, sidewalks, grading, resurfacing – 3 years.

The unpaid balance of any special assessment levied hereunder shall bear interest from the original due date thereof at a rate which shall be determined by the Common Council prior to the publication of the notice required by Section 66.54 (7)(e), Wisconsin Statutes, relative to the payment of annual installments of special assessments and such rate shall be specified in said notice.

In the event that the total special assessments levied against any lot or parcel or land during the calendar year shall exceed the sum of \$400.00. the owner of such lot or parcel may elect to pay the same in 10 annual installments, notwithstanding the maximum installment terms hereinabove provided.

CITY OF SOUTH MILWAUKEE

22-7

22.13

22.13 IMPROVEMENT LIFE – REASSESSMENT. Due to the uncertainty connected with estimating the life expectancy of a given improvement and due to the many extraneous factors which can contribute to the reduction in the useable life thereof, the Common Council shall, at the time reconstruction of the specific improvement becomes necessary, weigh the factors which contributed to this necessity and determine what portion of the cost, if any, shall be reassessed against the abutting properties according to the assessment basis previously outlined for the improvement. Cr. 3/3/64, 750

////