

ENCLOSURE FOR NOTICE AND INVOICE OF:
NEW NON-RESIDENTIAL USER

DELAFIELD-HARTLAND WATER POLLUTION CONTROL COMMISSION
SEWER USE & USER CHARGE ORDINANCE

Section 18.12.4 Administration of Connection Charge

In collecting the Connection Charges, the following Shall apply:

- (1) Direct Charge to Users. The Connection Charge is not a charge against the Customer, but is a charge directed to (i) a new User making a connection of a Building Sewer to a public sewer or (ii) an existing User who has substantially increased its wastewater discharge(s) into the public sewerage system, where the wastewater is ultimately treated at the Wastewater Facilities. Notwithstanding the foregoing, however, the Customer wherein such User(s) is/are located, shall assist the Commission in collecting the applicable Connection Charge from the User in question. Collection and payment of such Connection Charges shall be made in accordance with Section 18.12.6 below. For purposes of Section 18.12, the term “User” means the fee simple owner (or its equivalent) of the subject real property owned by the new User or existing User, as the case may be.
- (2) New Users. On or before the date of issuance of a building permit or plumbing permit for the construction of a new structure which will be connected to a Building Sewer that discharges into a public sewer, the Customer shall advise the Commission of (i) the parcel identification information where the connection is to occur; (ii) the name, address and contact information of the new User; (iii) whether or not the new User will also be served by a public water supply system; (iv) the number of DUEs applicable to the new User, which determination shall be made in accordance with Section 18.12.4(6) below; and (v) any additional information the Commission or its designee may reasonably require. Upon receipt of such information, the Commission shall issue an invoice to the new User for the Connection Charge due the Commission. At said time, the new User shall also be provided with a copy of this Section 18.12.4 dealing with a right to appeal. The Customer shall collect the Connection Charge as a condition precedent to the issuance of a building or plumbing permit; and in no event later than the issuance of an occupancy permit for the structure in question.
- (3) Existing User’s Increase in Wastewater Discharges. A Connection Charge is also applicable to existing Users who substantially increase their wastewater discharges to the Wastewater Facilities. For existing Users, an additional Connection Charge is due when the average daily flow from such User increases by one (1.00) DUE or more over an average twenty-four (24) month period, the first twelve months of which is determined on a July 1 through June 30 time period. Within sixty (60) days following the end of the first twelve (12) month period, the Commission Shall notify in writing (the “Initial Notice”) the User and the Customer wherein the User is located that the average daily flow from such existing User exceeds the foregoing baseline. The Initial Notice shall advise the User and Customer of the excess wastewater discharge, the potential number of additional DUEs that may be assigned as a result of such excess, and the anticipated amount of the additional Connection Charges associated therewith and to become due to the Commission if the User does not reduce such discharges. The existing User shall

then have the succeeding July 1 through June 30 time period of twelve (12) calendar months within which to take action and/or reduce the excess discharges. If the wastewater discharge is not subsequently reduced during the said second twelve month period of time, then the Commission Shall notify the User and Customer in writing of the additional DUEs that are due. Such notice (the "Final Notice") shall advise of the number of additional DUEs that have been assigned; the additional Connection Charges due to the Commission as a result thereof; and that the User has the right to appeal the determination of the additional DUEs that have been so assigned. The Final Notice shall include a copy of said section and an invoice for the Connection Charges due; and such notice shall be given within sixty (60) days following the end of the expiration of the second twelve (12) month time period.

- (4) Appeal by New User. A new User who disputes (i) the determination of DUEs applicable to such User or (ii) the determination of the Commission's Connection Charge, shall within sixty (60) days following the date of the Commission's invoice described in Section 18.12.4(2) above, file a written appeal with the Commission specifying the nature of the dispute. No appeal may be taken unless the Connection Charge is paid in accordance with the invoice. If an appeal is so made, the Commission shall hold a hearing in accordance with Section 18.12.4(5). If an appeal is made after expiration of the sixty (60) day period, it shall be summarily dismissed as being untimely.
- (5) Appeal by Existing User. An existing User Shall have the right to appeal a determination of additional DUEs made under Section 18.12.4(3) above, as follows:
 - (a) Within sixty (60) days after the date of mailing of the Final Notice by the Commission that additional Connection Charges are due as a result of additional DUEs resulting from increased flows, the said User Shall file a written appeal with the Commission which Shall (i) request a reconsideration of the DUE determination and (ii) specify the grounds or reasons therefore. Any request made after the expiration of the aforesaid sixty (60) day period, Shall be summarily denied as being untimely.
 - (b) No appeal Shall be taken unless the additional Connection Charges are timely paid within sixty (60) days after the mailing of the Final Notice by the Commission.
 - (c) If a timely appeal is taken, then the Commission Shall hold a hearing at which time the said User may present evidence and reasons in support of the appeal. The Commission Shall within sixty (60) days after such hearing, render its decision, to the User, unless a longer period of time is granted by the User. If the appeal is based upon the claim that excess wastewater discharges are the result of a water leak or faulty meters, the User shall have the burden of proof to show (i) good cause why the leak or faulty meter could not have been remedied within the 24 month period described in Section 18.12.4(3) above; and (ii) that the water resulting from the leak did not subsequently, either in whole or in part, enter the public sewerage system.

- (d) The decision of the Commission shall be in writing and mailed to the User and Customer in question. If the Commission redetermines the assignment of DUEs to such User and/or the amount of the associated Connection Charges based upon the evidence presented at the hearing, it shall order the refund of any Connection Charges previously paid which are found to be unsubstantiated. Such refund shall be without interest thereon.
 - (e) The User may appeal from the written decision of the Commission by filing a petition for review within sixty (60) days after date of mailing of the decision, with the Wisconsin Public Service Commission pursuant to Section 66.0821(5) of the Wisconsin Statutes, as amended.
- (6) DUEs Determination. DUEs Shall be determined for all uses in accordance with the ordinances of the Commission in effect from time to time. Attached hereto and incorporated herein is Schedule A, which is a conversion schedule for determining DUEs applicable to various types of properties and uses thereof; and Shall be used by the Commission for purposes of determining applicable DUEs, either for new Users or Users who increase their wastewater discharges. Once a Connection Charge has been finally determined and paid, and following expiration of all applicable time periods within which an appeal may be taken, the Connection Charge shall not be subject to refund, even if the user/property in question changes its use in such a manner that fewer DUEs are applicable thereto. Under no circumstance Shall there ever be less than one (1.00) DUE for each Building Sewer connected to a Sanitary Sewer, unless the Commission by resolution determines otherwise. The Commission May at any time require a User to install appropriate meters to determine whether or not increased wastewater flows have or are occurring relative to the property in question.

Attachment to Sewer Use Ordinance
 Schedule A
 Domestic User Equivalent (DUE) Determination Schedule

Definition: 1.00 DUE = 205 Gallons Per Day = Approximately 75,000 Gallons Per Year

<u>Classification</u>	<u>DUE Value</u>
A. Residential:	
Single Family Residence	1.00
Duplex	2.00
Mobile Homes	1.00
Apartment	1.00 per apartment
Condominiums	1.00 per unit
B. Institutional:	
Community Based Residential Facility (CBRF)	0.25 per resident (including support staff)
Church	1.00
Hospital	0.75 per bed
Nursing Home	0.50 per bed
Schools:	
Boarding	0.35 per student
Elementary	0.03 per student
High School	0.04 per student
C. Commercial/Industrial:	
Bar	0.04 per seat
Bowling Alley	0.35 per lane
Restaurant:	
Normal Operation	0.04 per seat
24 Hour Operation	0.06 per seat
Hotel	0.25 per bedroom
Motel	0.20 per bedroom
Garage	1.00 per 4,000 sq. ft. plus carwash (1)
Small Retail Stores and Businesses	1.00 per 3,000 sq. ft.
Service Station:	
Normal Location	1.00 plus carwash (1)
Freeway Location	2.00 plus carwash (1)
Shopping Center	1.00 per 4000 sq. ft. floor space
Supermarket	1.00 per 4000 sq. ft. floor space
Car Wash	Average daily flow in [(gal/day)/205] (1)
Factory	0.08 per employee plus average daily process wastewater in [(gal/day)/205]
Laundromat	Average daily flow in [(gal/day)/205] (2)
D. Other	See note (3)

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Notes:

- (1) Car washes to be considered separately upon application based on estimated flows from facilities involved.
- (2) Flow to be estimated based on equipment installed.
- (3) DUEs for User categories not listed in this Schedule Shall be determined by the Commission on a case by case basis.
- (4) All totaled computations Shall be rounded upward to the nearest 0.25 DUE. No classification Shall receive less than 1.00 DUE.
- (5) Special conditions May dictate deviations from the DUE values indicated in this Schedule.
- (6) User Charges for other than Residential Users Shall be based on metered flow where meters are required by the Commission. User DUEs = Metered Flow [(gal/day)/205].