

ORDINANCE NO. O-2024-19

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON CHAPTER 74
(UTILITIES) & APPENDIX B (FEE SCHEDULE)**

WHEREAS, the City of Wheaton ("City") is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, the purpose of the stormwater utility system is to convey stormwater runoff for the public health, safety, and welfare of the residents of the City; and

WHEREAS, all real property in the City contributes to runoff and either uses or benefits from the stormwater utility system; and

WHEREAS, the Mayor and City Council find it appropriate and necessary to provide an effective and long-term approach to stormwater management and provide for the construction, maintenance, operation and improvement of the stormwater utility system; and

WHEREAS, the Mayor and City Council and City Staff have carefully evaluated the City Code and believe certain amendments are appropriate.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

SECTION 1: That the following sections of Chapter 74 are hereby amended by revising Article VII, which shall now be titled "Stormwater Utility".

ARTICLE VII – STORMWATER UTILITY

Sec. 74-296. Purpose

The purpose of this article is to provide an adequate and stable source of funding for stormwater management by establishing a stormwater utility which is based upon the amount of impervious area contained within a parcel.

Sec. 74-297. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means City of Wheaton, Illinois

Credit means a conditional reduction in the amount of a stormwater utility fee assessed to a parcel or parcels.

Developed land means a parcel that has been altered from its natural state by the addition of impervious area.

Equivalent Runoff Unit (ERU) means a unit of measure that represents the impervious area on a typical single-family residential parcel. One (1) ERU is defined as the runoff generated by a typical single-family residential parcel and is set equal to 3,300 square feet of impervious area or any fraction thereof.

Groundwater discharge means the flow emanating from the overhead storm sewer (sump pump) of a parcel.

Impervious Area means any area within a parcel that prevents or significantly impedes the infiltration of stormwater into the soil. Common impervious areas include, but are not limited to, buildings, roofed structures, including overhangs, eaves and soffits, paved areas, walkways, driveways, parking lots, patios, swimming pools, compacted aggregate, storage areas, and similar non-porous structures.

Non-single-family residential parcel means developed land that is not a single-family residential parcel.

Parcel means an area of land within the corporate limits of the city that has been established by a plat or other legal means and has been assigned a Property Index Number by the County of DuPage, Illinois.

Single-family residential parcel means developed land containing one dwelling structure which is not attached to another dwelling and which contains one or more bedrooms, one or more bathrooms, and kitchen facilities, designed for occupancy by one family.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater system means a facility by which stormwater is collected and/or conveyed, including, but not limited to, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater utility means the city's stormwater utility established by this article for management, operations, maintenance, engineering, planning, and capital investments related to the stormwater system.

Sec. 74-298. Stormwater utility fee structure

- (a) The owner of any parcel, unless otherwise exempt as specified in Sec. 74-300, shall be charged a stormwater utility fee in accordance with the rates, fees, and charges established by the city council from time to time.
- (b) The stormwater utility fee rate per ERU per month shall be in accordance with Appendix B to this Code.
- (c) Single-family residential parcels shall be charged and billed based on the following impervious area tiers:

	Parcel Description	Number of ERUS per Parcel
Tier 1	Parcels with 250 to 2,500 square feet of impervious area	0.75 ERU
Tier 2	Parcels with 2,501 to 4,000 square feet of impervious area	1.0 ERU
Tier 3	Parcels with 4,001 to 7,000 square feet of impervious area	1.5 ERUs
Tier 4	Parcels with more than 7,000 square feet of impervious area	The actual number of ERUs rounded to the next tenth of an ERU multiplied by the rate per ERU as set forth in Appendix B to this Code

(d) All non-residential and non-single family residential parcels in the city shall be billed based on the measured number of ERUs on the parcel.

Sec. 74-299. Impervious area database.

The impervious area for all parcels in the city is established by the city. The city shall maintain an impervious area database for all parcels within the city which will serve as the basis for determination of the number of ERUs associated with each parcel.

Sec. 74-300. Exemptions from stormwater utility fee

City-owned properties, public rights-of-way, such as roadways, sidewalks, and alleys, and parcels with less than 250 square feet of impervious area shall not be subject to the stormwater utility fee.

Sec. 74-301. Requests for adjustments of the stormwater utility fee

(a) The owner of a parcel, or the owner's authorized agent, may request adjustment of the stormwater utility fee by submitting a written request to the director of finance. The owner of the parcel is solely responsible for initiating any review of the amounts of the stormwater utility fee. A request for an adjustment may only be filed if one (1) or more of the following grounds are present:

- 1) Errors in the square footage of the impervious area of the parcel;
- 2) Mathematical errors in calculating the fee to be applied to the parcel;
- 3) Errors in the identification of the owner or address of a parcel subject to the fee; or
- 4) There are unique features of, or unique circumstances affecting, the parcel, such that the amount of the stormwater utility fee does not approximately reflect the impact on the city's stormwater system. In order to receive an adjustment under this subsection, the unique features or circumstances must not be generally applicable or present to other parcels in the city.

(b) The director of finance or designee shall make a determination within forty-five (45) days after receipt of the parcel owner's completed written request for adjustment of the fee.

(c) A pending application for a request for adjustment shall not constitute a valid reason for nonpayment of a current stormwater utility fee.

- (d) Any owner of a parcel who submits a request for adjustment of a fee shall comply with all city rules and procedures and must provide all information necessary for the director of finance to make a determination on the request for adjustment of the fee. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.
- (e) If approved by the city, the adjustment will be incorporated into the stormwater utility fee calculation for the specified parcel and will apply to the next regularly generated bill. The city shall not refund overpayment. This change will not be retroactively applied to previous utility bills.
- (f) Appeal from denial of a request for adjustment.
 1. *General.* An applicant for an adjustment may appeal a denial of said request to the city manager by filing a written appeal at the office of the city manager within ten calendar days of the date of mailing of the decision denying said request.
 2. *Form for appeal.* An appeal to the city manager shall be made in writing and must be accompanied by any documentation or other evidence the appellant wishes the city manager consider in deciding the appeal.
 3. *Time/form of decision.* The city manager shall review and make a decision whether to allow or deny the appeal within sixty (60) days of receipt of a completed appeal application. Said decision shall be in writing, and, if it denies the appeal, it shall state the reasons for the denial. Such decision shall be final.

Sec. 74-302. Credits

- (a) *Runoff credit:* Owners of parcels that release all stormwater runoff and groundwater discharge outside of the city's stormwater system are eligible for a runoff credit of fifty percent of the stormwater utility fee.
- (b) Applications for a runoff credit shall be filed in writing with the director of engineering, along with documentation required by the credit application, for the assessment of the application, which documentation shall include, but not be limited to:
 1. Topographical depictions of the runoff patterns and directions of all stormwater runoff and groundwater discharges emanating from the relevant property
 2. Relevant photographic evidence in support of the application
- (c) A pending application for a runoff credit shall not constitute a valid reason for nonpayment of a current stormwater utility fee.
- (d) The city reserves the right to inspect the applicant's parcel or parcels during the process of investigating the application to verify the conditions on the ground are consistent with the documentation provided in the credit application.
- (e) The director of engineering or designee shall review a runoff credit application pursuant to this section and shall either grant or deny the requested credit or credits within sixty (60) days after the date on which the application is received.
- (f) A stormwater utility fee runoff credit granted under this section shall remain in effect for five (5) years from the date of approval. The owner of the parcel may apply for renewal of the credit for successive five-year periods, subject to meeting all of the applicable conditions then in effect. The approval of a stormwater utility fee runoff credit shall not create a property right to renew or be granted a credit upon the expiration of the credit's five-year term.
- (g) Appeal from denial of a credit application.

1. *General.* An applicant for the runoff credit may appeal a denial of said request to the city manager by filing a written appeal at the office of the city manager within ten calendar days of the date of mailing of the decision denying said request.
2. *Form for appeal.* An appeal to the city manager shall be made in writing and must be accompanied by any documentation or other evidence the appellant wishes the city manager consider in deciding the appeal.
3. *Time/form of decision.* The city manager shall review and make a decision whether to allow or deny the appeal within sixty (60) days of receipt of a completed appeal application. Said decision shall be in writing, and, if it denies the appeal, it shall state the reasons for the denial. Such decision shall be final.

(h) A runoff credit may be forfeited under the following circumstances: failure to make stormwater utility fee payments; submission of inaccurate documents; failure to submit required documentation. Any party who has received an improperly issued credit shall be required to reimburse the city.

Sec. 74-303-315. Reserved

SECTION 2: That Section B-8, Administrative Fees, Appendix B, Fee Schedule, of the Wheaton City Code is hereby amended as follows:

B-8 Public Works/Water Fees		
1. Sewer fees:	(Chapter 74)	Each
1. Sanitary sewer service inspection	\$75.00	
2. Sewer service inspection	\$75.00	
3. Sewer tap fee	\$75.00	
4. Rates for sanitary sewer service:		
a. Sanitary sewer service for customers with metered water service	\$1.40	Per 100 cubic feet
Minimum monthly charge is 100 cubic feet		
b. Sanitary sewer service for customers with unmetered water service	\$12.00	Per month
5. Rate for stormwater utility		
a. Monthly stormwater utility fee for parcels	\$5.30	Per ERU
b. Nonrefundable runoff credit application fee	\$300	Per Application
2. Water fees:	(Chapter 74)	
1. Single-family dwelling connection privilege	\$340.00	Per connection

2. Multiple-family dwelling connection privilege:		Per connection
a. First two units	\$600.00	
b. Next eight units, per unit	\$250.00	
c. Each unit in excess of ten units, per unit	\$230.00	
3. Office and commercial properties connection privilege (as defined in the Wheaton Building Code):		Per connection
a. Per cubic foot of water estimated by the city engineer to be used in an average 24-hour period	\$1.90	
b. Minimum fee, per floor or story	\$350.00	
4. Industrial properties connection privilege:		
a. Per cubic foot of water so estimated to be used in an average 24-hour period	\$0.75	
b. Minimum fee, per structure	\$600.00	
5. Other property uses connection privilege:		
a. Per cubic foot of water so estimated to be used in an average 24-hour period	\$3.00	
b. Minimum fee	\$300.00	
6. For repair of damaged water meters	Cost of parts, plus labor and equipment	Each
a. $\frac{5}{8}$ -inch meter	\$170.00	
b. $\frac{3}{4}$ -inch meter	\$190.00	
c. 1-inch meter	\$230.00	
d. $1\frac{1}{2}$ -inch meter	\$470.00	
e. 2-inch meter (disc)	\$590.00	
f. For plumber installation of larger meter	Cost of meter, plus ten percent handling fee	
8. Water taps:		

a. Taps for water service, including labor, equipment rental and materials for tap and service installation to and including shutoff valve:		Each
1. 1-inch tap	\$1,700.00	
2. 1½-inch tap	\$1,850.00	
3. 1½-inch tap	\$2,000.00	
4. 2-inch tap	\$2,250.00	
5. Fee for abandoning and plugging each unused water service, when done at the time a new service tap is made	\$300.00	
6. Services to be plugged when not in conjunction with a new service tap.	\$850.00	
b. Taps for water service, including labor and equipment rental; excludes tapping valve, valve box, sleeve, excavation, backfill and restoration. Fee for maximum of three hours labor:		Each
1. 4-inch tap	\$250.00	
2. 6-inch tap	\$275.00	
3. 3-inch tap	\$300.00	
4. Over three hours labor	\$30.00	
c. Taps over eight inches made by contractor	\$75.00	
9. For inspecting water service extension	\$75.00	Per permit
10. For delinquent statements declared in default:		
a. Administrative fee	\$20.00 plus	
b. For reinstating water service:		
1. During normal working business hours (8:00 a.m. — 4:30 p.m.)	\$50.00	Each
2. During non-working business hours, Saturday, Sunday or a holiday	\$100.00	Each
11. For unmetered water for construction purposes only. Construction water shall not be used for watering sod and new lawns.		

a. For each month, or portion thereof, of the construction period for single-family residence construction	\$20.00	
b. For each month, or portion thereof, of the construction period for all other construction:	\$50.00	
12. Rates for metered water service:		
a. Fixed monthly customer charges:		
Meter size		
5/8" or 3/4"	\$13.59	
1"	\$27.18	
1 1/2"	\$54.35	
2"	\$86.96	
3"	\$163.06	
4"	\$271.76	
6"	\$543.53	
b. Usage charge:		
Rate per 100 cubic feet	\$5.05	
c. Minimum usage charge:		
Minimum monthly usage charge is 100 cubic feet		
13. Reserved.		
14. Reserved.		
15. Water service deposits:		Each
a. Single-family dwelling:		
1. Dwelling occupied or serviced by owner	\$0.00	
2. Dwelling occupied by non-owner	\$50.00	
3. Attached single-family dwelling unit serviced by management company	\$50.00	
Maximum per building	\$250.00	
b. Multiple-family dwelling:		

1. Dwelling unit occupied by owner	\$0.00	Each
2. Dwelling unit occupied by non-owner	\$25.00	Each
Maximum	\$250.00	
3. Dwelling unit serviced by management company	\$25.00	Each
Maximum per building	\$250.00	
4. Commercial buildings	\$60.00	Each
5. Restaurants, with seating capacity of at least 50 persons	\$250.00	
16. Extension recapture fees:	See Wheaton Code, <u>§ 74-166</u> for formula	
17. Well point permit	\$15.00	Per permit
18. Fire hydrant meter deposit	\$700.00	Each
Minimum charge	\$20.00	
19. Turbine meter:		
a. Minimum charge	\$10.00	
b. Deposit	\$200.00	
20. Tanker truck water fee	\$5.00	
3. Water wells:		Each
a. Application fee	\$100.00	
b. Annual/renewal license fee	\$400.00	
4. Water bill review deposits:		Per test
a. Initial test requested by consumer	\$0.00	
b. Further testing requested by consumer:		
1. Meters sized $\frac{5}{8}$ inch through one inch	\$30.00	
2. Meters sized one $\frac{1}{2}$ inches	\$75.00	
3. Meters sized two inches	\$200.00	
4. Meters sized three inches	\$200.00	

5. Meters sized four inches	\$200.00	
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SECTION 3: In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

SECTION 5: In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 6: This ordinance shall become effective August 1, 2024 after its passage, approval, and publication in pamphlet form in the manner prescribed by law.


Philip J. Suess

Mayor

Attest:


Andrea Rondele

City Clerk

Roll Call Vote:

Ayes: Councilman Brown
Mayor Suess
Councilman Clousing
Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker

Nays: None

Absent: None

Motion Carried Unanimously

Passed: May 20, 2024

Published: May 21, 2024