

REQUEST FOR BOARD ACTION

AGENDA ITEMS: 6.23 & 6.24



Village Manager's Office

SUBJECT: Stormwater Utility Fee Ordinance; Resolution Delaying Collection for Non-Residential Properties

MEETING DATE: Introduction – November 12, 2019
Adoption – December 10, 2019

FROM: [Michael Braiman](#), Assistant Village Manager
[Melinda Molloy](#), Finance Director
[John Prejzner](#), Assistant Director of Administrative Services

BUDGET IMPACT: None

Recommended Motion

Move to remove from the table Ordinance No. 2019-O-70 amending the Wilmette Village Code (Chapter 26 – Sewer and Water Facilities).

Move to adopt Ordinance No. 2019-O-70 amending the Wilmette Village Code (Chapter 26 – Sewer and Water Facilities).

Move to adopt Resolution #2019-R-18 directing Village staff to delay collection of stormwater utility fees for non-single family residential properties.

UPDATE:

Following concerns from non-residential properties regarding the financial impact of the stormwater utility fee, the Municipal Services Committee (MSC) met on November 19, 2019 and directed staff to research options to expand the credit program to include properties that have invested in MWRD detention as well as non-for-profit institutional uses.

The MSC is meeting in the morning of December 10th to review options that could reduce the financial impact of the stormwater utility fee upon these properties. To ensure a thorough and transparent process that takes into account the concerns of all stakeholders, it is recommended that the Village delay collection of non-single family residential stormwater utility fees until April 2020. Note: Ordinance No. 2019-O-70 will implement the stormwater utility fee for all properties (including non-residential) as initially contemplated; Resolution #2019-R-18 will simply delay collection of the fee for non-residential properties until April 2020. Should a determination be made that a more extensive credits program for non-residential properties is in the public

interest, subsequent action implementing such program(s) will be required by the Village Board prior to April 2020.

Background

On April 17, 2018, the Village Board voted to proceed with a stormwater improvement project to provide meaningful flood relief for residents who live west of Ridge Road. The project, known as the Neighborhood Storage Improvement Project (NSP), was optimized by the Village Board in February 2019 in order to provide flood protection to additional homes. The total cost of the optimized project is estimated to be \$68 million.

The Village intends to issue 30-year general obligation debt to fund the improvements, which could have an annual revenue requirement of approximately \$4 million. In May 2018, staff issued a Request for Proposals (RFP) for a study to identify stable and sustainable funding methods for the debt service associated with the NSP. On July, 24, 2018, the Village Board approved a contract with Raftelis to complete the stormwater utility feasibility study.

Subsequently, the Village Board received a presentation from Raftelis at a June 13, 2019 Committee of the Whole meeting. The consultant recommended the Village pursue implementation of a stormwater utility fee because of:

- Stability over time as compared to the volatility of the sewer fee which is dependent on water consumption
- The correlation between a property's impervious surface and its impact on the storm sewer system – the utility fee is considered more equitable than the sewer fee

Based on Rafeltis' presentation, there was consensus amongst the Village Board to continue consideration of a stormwater utility fee. With the goal to have a funding source in place by January 1, 2020, the Board authorized staff to move forward with implementation efforts.

On July 23, 2019 the Village Board approved a subsequent agreement with Raftelis to complete the implementation phase of the stormwater utility. This work consisted of identifying a rate structure for single-family residential, multi-family residential, and institutional and commercial and commercial properties as well as an incentive and credits program.

Discussion

On September 23, 2019 Raftelis presented to the Village Board key policy considerations. At this meeting, the Village Board directed staff to prepare a stormwater utility with the following parameters:

- Tiered rate structure for single-family properties based on impervious surface with an incentive program for stormwater improvements
- Multi-family, commercial, and institutional (referred to as non-single family) rate structure based on impervious surface with a credit program for excess stormwater detention
- Exempt governmental owned property from utility

Both the single-family and non-single family rate structures will be based on an Equivalent Runoff Unit (ERU) of impervious surface, along with a fixed fee per account. Each ERU is 3,590

square feet of impervious surface which is the median of impervious surface on a single-family parcel. In 2020, the fixed fee per account will be \$40 and an ERU will be \$104. As additional debt is issued to complete the project and the debt service increases, these rates will be increased over time (it is expected that the final rate increase will occur in 2026).

Based on the previously mentioned parameters, the following rate structure will be in place for single-family parcels in 2020:

Tier	Impervious Surface Square Footage	ERU Billed	Fixed Fee	Total Cost
1	<3,000 sq. ft.	0.75	\$40	\$118
2	3,000 – 4,300 sq. ft.	1.00	\$40	\$144
3	>4,300 sq. ft.	1.40	\$40	\$186

As previously mentioned, non-single family parcels will also be based on impervious surface, however there is no tier structure. Properties will be billed based on the amount of ERUs of impervious surface on a property. Below is a sample calculation of how the stormwater utility fee on a non-single family parcel will be calculated.

Impervious Surface Square Footage	ERU Calculation	ERU Billed	ERU Cost	Fixed Fee	Total Cost
14,260	14,260 / 3,590	4	4 * \$104 = \$416	\$40	\$456

In addition to codifying the stormwater utility, the Ordinance also increases the parking rates in the Village Center Metra lots. As discussed during the stormwater fee implementation process on September 23, these lots will be charged a stormwater utility fee. In order to pay for this fee a rate increase is necessary. The main lot will see an increase from \$2.50 to \$2.60 while the Poplar lot will increase from \$2.00 to \$2.10. It is projected that this increase will cover any stormwater fee costs for the next three years.

Documents Attached

1. Ordinance No. 2019-O-70 redline version
2. Ordinance No. 2019-O-70 clean version
3. Memorandum for the December 10, 2019 MSC meeting
4. Resolution No. 2019-R-18

ORDINANCE NO. 2019-O-70

AN ORDINANCE ESTABLISHING A STORMWATER UTILITY AND RELATED FEES

WHEREAS, the Village of Wilmette, Cook County, Illinois, (hereinafter the “Village”) is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, in addition to the Village’s Home Rule Authority, Section 11-139-2 of the Illinois Municipal Code (65 ILCS 11-139-2), the Village is authorized to own, build, maintain and operate a stormwater system to protect and preserve the health, safety and welfare of the public; and

WHEREAS, in addition to the Village’s Home Rule Authority, Section 11-139-8 of the Illinois Municipal Code (65 ILCS 11-139-8) authorizes the Village to operate a stormwater system and charge ~~the~~ Village residents and owners of real property located within the Village a reasonable fee for the use and service of the stormwater system; and

WHEREAS, all real property in the Village contributes to runoff and either uses or benefits from the maintenance of the stormwater system; and

WHEREAS, the existing stormwater system, comprised of combined and separate systems, is currently used by all properties within the Village; and

WHEREAS, in response to a series of storms that inundated numerous areas of the Village, the Village has embarked on the development and implementation of a stormwater management plan that provides for a series of capital improvements, upgrades and additions to the Village’s existing stormwater system; and

WHEREAS, in order to provide an effective and long term approach to stormwater management within the Village, it is necessary to provide an adequate and stable revenue stream for the construction, maintenance, operation and improvement of the Village's stormwater system; and

WHEREAS, the Village has determined that it needs a dedicated source of funding to address stormwater and mitigate flooding in an efficient and effective manner; and

WHEREAS, the Village finds imposing a ~~Village-Village~~-wide fee for collecting and managing stormwater runoff from impervious surfaces is the most equitable, practical basis for funding stormwater management; and

WHEREAS, it is in the best interests of the health, safety and general welfare of the Village, its residents and property owners, that the Village stormwater system be operated as a municipal utility that is funded through user fees ~~rather than property taxes~~.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois, in the exercise of its home rule power as follows:

SECTION 1: The foregoing findings and recitals, and each of them, are hereby adopted as Section 1 of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: The Wilmette Village Code, as amended, is further amended by creating a new Article in Chapter 26, Sewer and Water Facilities, title Article XII, Stormwater Utility Fee, by inserting the new text shown below so that said new Article XII shall hereafter read as follows:

ARTICLE XII. – STORMWATER SYSTEM UTILITY

Sec. 26-336 – Purpose

The purpose of this Article is to establish a stormwater utility to protect the public health, safety and welfare of the residents of the Village of Wilmette from damage to property and local waterways from

stormwater runoff and floods, through the construction and operation of flood reduction and control facilities, and through water quality management and floodplain management. It is also the purpose of this Article to provide an effective and long-term approach to stormwater management within the Village by identifying and providing an adequate and stable funding source for stormwater management.

Sec. 26-337 – 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:

Credit means a conditional reduction in the amount of a ~~S~~stormwater ~~System~~utility ~~-User~~ fee to an individual property based on the provisions of the Village of Wilmette Stormwater Credit and Incentive Manual.

Developed Land means property that has been altered from its natural state by the addition of ~~impervious area~~Impervious Area.

Duplex Parcel means ~~any Parcel~~Developed Land containing a single structure designed with two dwellings units of which each unit contains one or more bedrooms, one or more bathrooms, and kitchen facilities, designed for occupancy by one family in each unit.

Equivalent Runoff Unit (ERU) is a unit of measure of ~~impervious surface~~Impervious Surface (in square feet which can be whole or fractional) that represents the ~~impervious surface~~Impervious Surface area on a typical Single Family Residential Parcel. Three thousand five hundred ninety (3,590) square feet of ~~impervious area~~Impervious Area shall equal one ERU.

Impervious Area or Impervious Surface means those areas that do not readily allow for the penetration of rain into the ground at rates at or above the infiltration rate of naturally vegetated areas or significantly impedes the infiltration of stormwater into the soil. Common ~~impervious area~~Impervious Area include, but are not limited to, rooftops, sidewalks, walkways, pavers, patio areas, driveways, parking lots, storage areas, compacted aggregate and awnings.

Non-Single Family Residential Parcel means Developed Land ~~any Parcel~~ that is not a Single Family Residential Parcel ~~or Duplex Parcel~~.

Parcel means an area of land within the corporate limits of the Village that has been established by a plat or other legal means to be used, developed or built upon as a unit. A Parcel shall also mean any area of land within the corporate limits of the Village that has been assigned a Property Index Number (PIN) by Cook County, 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, ~~with a bathroom~~one or more bathrooms, and kitchen facilities, designed for occupancy by one family. Single-Family Residential Parcel units may include houses, manufactured homes and mobile homes located on one or more individual lots or Parcels of land.

Stormwater System means a conveyance or system of conveyances ~~and that~~ include sewers, (both combined sewer systems and separate storm sewer systems), storm drains, curbs, gutters, ditches, retention ponds or basins, dams, stream impoundments, manmade channels or storm drains, pumping stations, and flood control facilities and appurtenances thereof which is designed or used for the collection, control, transportation, treatment or discharge of stormwater.

Stormwater Utility means the Village of Wilmette's stormwater utility established by this Article for the management, operation, maintenance, engineering, planning, and capital investments related to the Stormwater System.

User means the owner of a Parcel that uses, benefits from, or connects to the Village's Stormwater System.

Sec. 26-338 – Establishment of a Stormwater Utility

- (a) The Village hereby establishes a stormwater utility to provide for the management, regulation, construction, maintenance, and improvement of the handling of stormwater runoff in the Village, and for such purposes may include all or part of the necessary engineering, planning, operations, maintenance, repair, administration and enforcement, capital programs, debt service and education efforts related thereto.
- (b) All fees collected pursuant to this Article shall be used only for the purposes of the stormwater utility as deemed appropriate by the Village and all funds shall be deposited into the Village's established Sewer Fund and marked in an account as Stormwater Utility or a similar designation. The Village's Finance Director shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the Stormwater Utility account. The Sewer Fund shall be subject to the annual audit as provided for in Section 26-297 of the Village Code.

Sec. 26-339 – Charges for the Stormwater Utility ~~Service~~

~~The owner of any Parcel that uses, benefits from or connects to the Stormwater System, except a~~ User, except as otherwise exempted in this Article, shall be charged for such service in accordance with rates, fees and charges established in this Article.

Sec. 26-340 – Stormwater Utility Fee Structure

- (a) Fee Imposed. An annual stormwater utility fee is hereby imposed on ~~Users the owners of the Parcels in, or partially in the Village.~~ User's Parcel. The stormwater utility fee ~~for all Parcels in the Village shall~~ be based on the measured number of ERUs of the User's Parcel. An additional fixed charge of \$40 per year shall also be ~~assessed per imposed in equal parts upon each utility bill generated throughout the fiscal year for which the fixed charge is determined.~~
- (b) ERU ~~Fee Amount~~ Rate. The ERU rate shall be \$104 per every ERU.

- (c) Single Family Residential Parcels shall be charged and billed based on the following ~~impervious-area~~Impervious Area tiers:
 - (1) A Parcel with less than 3,000 square feet of ~~impervious-area~~Impervious Area shall be billed for 0.75 ERU.
 - (2) A Parcel with 3,000 square feet or more, and less than or equal to 4,300 square feet of ~~impervious-surface~~Impervious Surface area will be billed for 1 ERU.
 - (3) A Parcel with greater than 4,300 square feet of ~~impervious-surface~~Impervious Surface area will be billed for 1.4 ERU.
- (d) Duplex Parcels shall be charged and billed in the same manner as Single Family Residential Parcels. If a Duplex Parcel has more than one water billing account associated with the Parcel, then the stormwater utility fee shall be divided equally between the accounts.
- (e) All Non-Single Family Residential Parcels in the Village shall be billed based on the measured number of ERUs on the Non-Single Family Residential Parcels.
- (f) Fees to qualifying Parcels may be adjusted if stormwater utility fee credits are approved by the Village for onsite stormwater management per the Village of Wilmette Stormwater Credit and Incentive Manual.

Sec. 26-341 – Impervious Area Database

The ~~impervious-area~~Impervious Area for all Parcels in the Village is established by the Village. The Village shall maintain an ~~impervious-area~~Impervious Area database for all Parcels within the Village which will serve as the basis for determination of the number of ERUs associated with each Parcel. The database will be based on available information, including geographic information systems analysis, aerial photographs, mapping information, site examination and other available information, and will be periodically updated based on available information.

Sec. 26-342 – Stormwater Bills

- (a) Issuance of bill. The Finance Department shall issue all bills for stormwater utility fees.
 - (1) ~~The annual Bills for~~ stormwater utility fees shall be billed in four equal installments and collected in the same manner as other Village utility and garbage collection bills are billed and collected. ~~rendered by the Village in the same manner as other Village utility and garbage collection bills are rendered.~~ The requirements, timing, obligations for payment of the stormwater utility fees, as well as any penalties or late fees shall be the same as the Village’s requirements, timing, obligations for payment, penalties, or late fees for water rates and bills as provided in Article VII of this Chapter.

- (2) All bills for the stormwater utility fee will be billed on a common statement, and collected along with the charges for water usage, sewer user usage, the Solid Waste Collection Fee and the Water Meter Fee.
- (3) In the event ~~the~~ User or another party responsible for the payment of the stormwater utility fee makes a payment insufficient to pay the total amount billed on the common statement, the partial payment shall first be applied to the stormwater utility fee, second to the sewer user charge, third to the Solid Waste Collection Fee, fourth to the Water Meter Fee, and last to the water charge. The Village may discontinue water service in accordance with the provisions and process provided for in this Chapter for any unpaid balance of the common ~~utility bill~~ statement.
- (4) The ~~owner of any Parcel~~ User, the occupant thereof, ~~and~~ the customer of the service of ~~said system~~ Stormwater System, and any other party responsible for the payment of the stormwater utility fee, shall be jointly and severally liable to pay for such stormwater utility fee for said Parcel.
- (5) Notice must be given to the Village by the ~~Parcel owner~~ User if it is desired that bills be forwarded to any other address than the Parcel address.
- (6) In the event a bill for water usage for numerous Parcels with multiple owners is currently addressed to one party, the stormwater utility fee for each of those Parcels will be added to that bill and be addressed to that same party who shall be responsible for payment.

Sec. 26-343 – Liens

The Village may lien and foreclose upon a lien for an unpaid bill for the stormwater utility fee in the same manner as provided for in Sections 26-184 and 26-185 of this Chapter or by another other lawful means available to the Village.

Sec. 26-344 – Other ~~remedies~~ Remedies

In addition to the recording of a lien, the Village may seek payment for delinquent stormwater utility fees, penalties and interest, including any additional lien charges due, by filing suit to collect the same.

Sec. 26-345 – Interference with ~~stormwater system~~ Stormwater System.

- (a) No person shall alter, interfere with or disturb the stormwater system or appurtenances thereto without the permission of the Village Manager or his/her designee.
- (b) No person shall willfully or negligently break, injure or deface such stormwater system and appurtenances, or commit any act which is intended to or which shall obstruct or impair the intended use thereof.

Sec. 26-346 – Change in Ownership

Irrespective of any change in ownership, the owner of each Parcel of real estate shall be liable for the payment of any unpaid stormwater utility fees.

Sec. 26-347 – Exemptions from Stormwater Utility Fee

The following Parcels shall be exempt from the stormwater utility fee:

- (a) Parcels owned by:
 - (1) the United States of America, or any agency or entity thereof, including but not limited to, the United States Postal Service, the Department of Homeland Security, or the United States Coast Guard; and
 - (2) the State of Illinois; and
 - (3) any unit of county or local government, or any other political subdivision of the State of Illinois; and

- (b) Parcels that are:
 - (1) dedicated public rights-of-way, such as roadways, sidewalks and alleys; and
 - (2) railway lines; and
 - (3) Non-Single Family Residential Parcel with an ~~impervious area~~Impervious Area of 400 square feet or less.

Sec. 26-348 – Stormwater Utility Fee Incentives and Credits

The Director of Engineering & Public Works shall recommend to the Village Board, a Stormwater Credit and Incentive Manual, and from time to time amendments to the same, for approval by the Village Board. The Stormwater Credit and Incentive Manual shall have the purpose of establishing a program of incentives and credits that will reduce the stormwater utility fee that particular property owners will be required to pay, to promote efforts by said property owners to mitigate the effects of stormwater on the Stormwater System.

Sec. 26-349 – Adjustments to ~~stormwater bills~~Stormwater Bills.

- (a) A Parcel's ~~stormwater utility rate and/or computed~~Impervious Area, which is used to compute the number of ERUs may be adjusted by the Director of Engineering & Public Works to an amount which more properly represents the ~~impervious surfaces~~Impervious Surfaces on a Parcel. This may be done upon presentation by the ~~property owner~~User of factual evidence that in the Director's sole discretion, establishes that the ~~impervious area~~Impervious Area used to determine the Parcel's stormwater utility tier or the computed number of ERUs was incorrect.

- (b) Responsibility for ~~initiating adjustment process~~Initiating Adjustment Process.

The ~~owner of the Parcel~~User is responsible for initiating any review of the ~~impervious area~~Impervious Area computation for a Parcel or any other computations involved in

determining the stormwater utility fee for that Parcel by filing an application for an adjustment of the fee, hereinafter referred to in this Article as an “application for an adjustment”, and presenting factual evidence in support of a change in the fee.

(c) Application for ~~adjustment~~Adjustment.

The ~~owner of the Parcel~~User must file an application for an adjustment on forms provided by the Village, and file the application ~~and~~which shall include factual evidence in support of the adjustment with the Director of Engineering & Public Works.

(d) Decision on ~~application~~Application.

The Director of Engineering & Public Works shall make a decision approving or denying the application for an adjustment within sixty (60) days of receipt of a completed application for an adjustment. The Director’s decision shall be in writing and, if the decision is to deny the application, it shall state the reasons for said denial. The decision shall be mailed to the applicant at the address as shown on the application for an adjustment.

(e) Effective ~~date~~Date of ~~adjustment~~Adjustment.

If an application for an adjustment is approved by the Director of Engineering & Public Works, the stormwater fee shall be adjusted accordingly for the specified Parcel and will apply to the next regularly generated bill.

(f) Appeal from ~~denial~~Denial of ~~application~~Application for an ~~adjustment~~Adjustment.

- (1) General. An applicant for an adjustment may appeal a denial of said application to the Village Manager by filing a written appeal at the office of the Village Manager within ten (10) calendar days of the date of mailing of the decision denying said application.
- (2) Form for appeal. An appeal to the Village Manager shall be made in writing and must be accompanied by any documentation or other evidence the appellant wishes the Village Manager to consider in deciding the appeal.
- (3) Time/Form of Decision. The Village 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.

SECTION 3: The Wilmette Village Code, as amended, is further amended in Chapter 14

Motor Vehicles, Article XIV Parking Meters, Section 14-428 as set forth below with deletions shown in strikethrough type and additions shown in underlined, bold type so that said Section 14-428 shall hereafter read as follows:

Sec. 14-428. - Parking charges; meter operation.

- (a) The meters in the Poplar Lots and the Green Bay Lots shall operate upon the insertion of ~~\$2.00~~ **\$2.10** for ten hours. The meters in the Main Commuter Lot shall operate upon the insertion of ~~\$2.50~~ **\$2.60** for ten hours.
- (b) Each meter shall be so designed and constructed that upon the expiration of the time interval registered by the insertion of currency or any electronic method of payment authorized by the Village Manager in the amount as above provided, it will indicate by appropriate sign or signal that the lawful parking meter period has expired and, during that interval of time and prior to the expiration thereof, will indicate the interval of time which remains of the period.

SECTION 4: Codifier’s Authority. The Village’s codifier is authorized and hereby directed, to adjust section and paragraph numbering as may be necessary to render this ordinance consistent with the numbering of the Village Code. This authorization includes creating new Sections 26-321 to 26-335 to be marked as “reserved” in Article XI of Chapter 26.

SECTION 5: This Ordinance shall be in full force and effect from and after January 1, 2020, subsequent to its passage, approval and publication as required by law.

PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the ~~26th~~**10th** day of ~~November~~**December**, 2019, according to the following roll call vote:

AYES: _____
NAYS: _____
ABSTAIN: _____
ABSENT: _____

 Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this ~~26th~~**10th** day of ~~November~~**December**, 2019,

 President of the Village of Wilmette, IL

ATTEST:

 Clerk of the Village of Wilmette, IL

Published in pamphlet form ~~November 27~~December 11, 2019.

ORDINANCE NO. 2019-O-70

**AN ORDINANCE ESTABLISHING A STORMWATER UTILITY AND
RELATED FEES**

WHEREAS, the Village of Wilmette, Cook County, Illinois, (hereinafter the “Village”) is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, in addition to the Village’s Home Rule Authority, Section 11-139-2 of the Illinois Municipal Code (65 ILCS 11-139-2), the Village is authorized to own, build, maintain and operate a stormwater system to protect and preserve the health, safety and welfare of the public; and

WHEREAS, in addition to the Village’s Home Rule Authority, Section 11-139-8 of the Illinois Municipal Code (65 ILCS 11-139-8) authorizes the Village to operate a stormwater system and charge Village residents and owners of real property located within the Village a reasonable fee for the use and service of the stormwater system; and

WHEREAS, all real property in the Village contributes to runoff and either uses or benefits from the maintenance of the stormwater system; and

WHEREAS, the existing stormwater system, comprised of combined and separate systems, is currently used by all properties within the Village; and

WHEREAS, in response to a series of storms that inundated numerous areas of the Village, the Village has embarked on the development and implementation of a stormwater management plan that provides for a series of capital improvements, upgrades and additions to the Village’s existing stormwater system; and

WHEREAS, in order to provide an effective and long term approach to stormwater management within the Village, it is necessary to provide an adequate and stable revenue stream for the construction, maintenance, operation and improvement of the Village's stormwater system; and

WHEREAS, the Village has determined that it needs a dedicated source of funding to address stormwater and mitigate flooding in an efficient and effective manner; and

WHEREAS, the Village finds imposing a Village-wide fee for collecting and managing stormwater runoff from impervious surfaces is the most equitable, practical basis for funding stormwater management; and

WHEREAS, it is in the best interests of the health, safety and general welfare of the Village, its residents and property owners, that the Village stormwater system be operated as a municipal utility that is funded through user fees.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois, in the exercise of its home rule power as follows:

SECTION 1: The foregoing findings and recitals, and each of them, are hereby adopted as Section 1 of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: The Wilmette Village Code, as amended, is further amended by creating a new Article in Chapter 26, Sewer and Water Facilities, title Article XII, Stormwater Utility Fee, by inserting the new text shown below so that said new Article XII shall hereafter read as follows:

ARTICLE XII. – STORMWATER SYSTEM UTILITY

Sec. 26-336 – Purpose

The purpose of this Article is to establish a stormwater utility to protect the public health, safety and welfare of the residents of the Village of Wilmette from damage to property and local waterways from

stormwater runoff and floods, through the construction and operation of flood reduction and control facilities, and through water quality management and floodplain management. It is also the purpose of this Article to provide an effective and long-term approach to stormwater management within the Village by identifying and providing an adequate and stable funding source for stormwater management.

Sec. 26-337 – 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:

Credit means a conditional reduction in the amount of a stormwater utility fee to an individual property based on the provisions of the Village of Wilmette Stormwater Credit and Incentive Manual.

Developed Land means property that has been altered from its natural state by the addition of Impervious Area.

Duplex Parcel means Developed Land containing a single structure designed with two dwelling units of which each contains one or more bedrooms, one or more bathrooms, and kitchen facilities, designed for occupancy by one family in each unit.

Equivalent Runoff Unit (ERU) is a unit of measure of Impervious Surface (in square feet which can be whole or fractional) that represents the Impervious Surface area on a typical Single Family Residential Parcel. Three thousand five hundred ninety (3,590) square feet of Impervious Area shall equal one ERU.

Impervious Area or Impervious Surface means those areas that do not readily allow for the penetration of rain into the ground at rates at or above the infiltration rate of naturally vegetated areas or significantly impedes the infiltration of stormwater into the soil. Common Impervious Area include, but are not limited to, rooftops, sidewalks, walkways, pavers, patio areas, driveways, parking lots, storage areas, compacted aggregate and awnings.

Non-Single Family Residential Parcel means Developed Land that is not a Single Family Residential Parcel or Duplex Parcel.

Parcel means an area of land within the corporate limits of the Village that has been established by a plat or other legal means to be used, developed or built upon as a unit. A Parcel shall also mean any area of land within the corporate limits of the Village that has been assigned a Property Index Number (PIN) by Cook County, 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. Single-Family Residential Parcel units may include houses, manufactured homes and mobile homes located on one or more individual lots or Parcels of land.

Stormwater System means a conveyance or system of conveyances that include sewers (both combined sewer systems and separate storm sewer systems), storm drains, curbs, gutters, ditches, retention ponds or basins, dams, stream impoundments, manmade channels or storm drains, pumping stations, and flood control facilities and appurtenances thereof which is designed or used for the collection, control, transportation, treatment or discharge of stormwater.

Stormwater Utility means the Village of Wilmette's stormwater utility established by this Article for the management, operation, maintenance, engineering, planning, and capital investments related to the Stormwater System.

User means the owner of a Parcel that uses, benefits from, or connects to the Village's Stormwater System.

Sec. 26-338 – Establishment of a Stormwater Utility

- (a) The Village hereby establishes a stormwater utility to provide for the management, regulation, construction, maintenance, and improvement of the handling of stormwater runoff in the Village, and for such purposes may include all or part of the necessary engineering, planning, operations, maintenance, repair, administration and enforcement, capital programs, debt service and education efforts related thereto.
- (b) All fees collected pursuant to this Article shall be used only for the purposes of the stormwater utility as deemed appropriate by the Village and all funds shall be deposited into the Village's established Sewer Fund and marked in an account as Stormwater Utility or a similar designation. The Village's Finance Director shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the Stormwater Utility account. The Sewer Fund shall be subject to the annual audit as provided for in Section 26-297 of the Village Code.

Sec. 26-339 – Charges for the Stormwater Utility

A User, except as otherwise exempted in this Article, shall be charged for such service in accordance with rates, fees and charges established in this Article.

Sec. 26-340 – Stormwater Utility Fee Structure

- (a) Fee Imposed. An annual stormwater utility fee is hereby imposed on Users. The stormwater utility fee shall be based on the measured number of ERUs of the User's Parcel. An additional fixed charge of \$40 per year shall also be imposed.
- (b) ERU Rate. The ERU rate shall be \$104 per every ERU.
- (c) Single Family Residential Parcels shall be charged and billed based on the following Impervious Area tiers:

- (1) A Parcel with less than 3,000 square feet of Impervious Area shall be billed for 0.75 ERU.
 - (2) A Parcel with 3,000 square feet or more, and less than or equal to 4,300 square feet of Impervious Surface area will be billed for 1 ERU.
 - (3) A Parcel with greater than 4,300 square feet of Impervious Surface area will be billed for 1.4 ERU.
- (d) Duplex Parcels shall be charged and billed in the same manner as Single Family Residential Parcels. If a Duplex Parcel has more than one water billing account associated with the Parcel, then the stormwater utility fee shall be divided equally between the accounts.
 - (e) All Non-Single Family Residential Parcels in the Village shall be billed based on the measured number of ERUs on the Non-Single Family Residential Parcels.
 - (f) Fees to qualifying Parcels may be adjusted if stormwater utility fee credits are approved by the Village for onsite stormwater management per the Village of Wilmette Stormwater Credit and Incentive Manual.

Sec. 26-341 – Impervious Area Database

The Impervious Area for all Parcels in the Village is established by the Village. The Village shall maintain an Impervious Area database for all Parcels within the Village which will serve as the basis for determination of the number of ERUs associated with each Parcel. The database will be based on available information, including geographic information systems analysis, aerial photographs, mapping information, site examination and other available information, and will be periodically updated based on available information.

Sec. 26-342 – Stormwater Bills

- (a) Issuance of bill. The Finance Department shall issue all bills for stormwater utility fees.
 - (1) The annual stormwater utility fee shall be billed in four equal installments in the same manner as other Village utility and garbage collection bills are rendered. The requirements, timing, obligations for payment of the stormwater utility fees, as well as any penalties or late fees shall be the same as the Village's requirements, timing, obligations for payment, penalties, or late fees for water rates and bills as provided in Article VII of this Chapter.
 - (2) All bills for the stormwater utility fee will be billed on a common statement, and collected along with the charges for water usage, sewer user usage, the Solid Waste Collection Fee and the Water Meter Fee.
 - (3) In the event a User or another party responsible for the payment of the stormwater utility fee makes a payment insufficient to pay the total amount billed on the common statement, the partial payment shall first be applied to the stormwater utility fee,

second to the sewer user charge, third to the Solid Waste Collection Fee, fourth to the Water Meter Fee, and last to the water charge. The Village may discontinue water service in accordance with the provisions and process provided for in this Chapter for any unpaid balance of the common statement.

- (4) The User, the occupant thereof, the customer of the service of Stormwater System, and any other party responsible for the payment of the stormwater utility fee, shall be jointly and severally liable to pay for such stormwater utility fee for said Parcel.
- (5) Notice must be given to the Village by the User if it is desired that bills be forwarded to any other address than the Parcel address.
- (6) In the event a bill for water usage for numerous Parcels with multiple owners is currently addressed to one party, the stormwater utility fee for each of those Parcels will be added to that bill and be addressed to that same party who shall be responsible for payment.

Sec. 26-343 – Liens

The Village may lien and foreclose upon a lien for an unpaid bill for the stormwater utility fee in the same manner as provided for in Sections 26-184 and 26-185 of this Chapter or by another other lawful means available to the Village.

Sec. 26-344 – Other Remedies

In addition to the recording of a lien, the Village may seek payment for delinquent stormwater utility fees, penalties and interest, including any additional lien charges due, by filing suit to collect the same.

Sec. 26-345 – Interference with Stormwater System.

- (a) No person shall alter, interfere with or disturb the stormwater system or appurtenances thereto without the permission of the Village Manager or his/her designee.
- (b) No person shall willfully or negligently break, injure or deface such stormwater system and appurtenances, or commit any act which is intended to or which shall obstruct or impair the intended use thereof.

Sec. 26-346 – Change in Ownership

Irrespective of any change in ownership, the owner of each Parcel of real estate shall be liable for the payment of any unpaid stormwater utility fees.

Sec. 26-347 – Exemptions from Stormwater Utility Fee

The following Parcels shall be exempt from the stormwater utility fee:

- (a) Parcels owned by:
 - (1) the United States of America, or any agency or entity thereof, including but not limited to, the United States Postal Service, the Department of Homeland Security, or the United States Coast Guard; and
 - (2) the State of Illinois; and
 - (3) any unit of county or local government, or any other political subdivision of the State of Illinois; and

- (b) Parcels that are:
 - (1) dedicated public rights-of-way, such as roadways, sidewalks and alleys; and
 - (2) railway lines; and
 - (3) Non-Single Family Residential Parcel with an Impervious Area of 400 square feet or less.

Sec. 26-348 – Stormwater Utility Fee Incentives and Credits

The Director of Engineering & Public Works shall recommend to the Village Board, a Stormwater Credit and Incentive Manual, and from time to time amendments to the same, for approval by the Village Board. The Stormwater Credit and Incentive Manual shall have the purpose of establishing a program of incentives and credits that will reduce the stormwater utility fee that particular property owners will be required to pay, to promote efforts by said property owners to mitigate the effects of stormwater on the Stormwater System.

Sec. 26-349 – Adjustments to Stormwater Bills.

- (a) A Parcel's Impervious Area, which is used to compute the number of ERUs may be adjusted by the Director of Engineering & Public Works to an amount which more properly represents the Impervious Surfaces on a Parcel. This may be done upon presentation by the User of factual evidence that in the Director's sole discretion, establishes that the Impervious Area used to determine the Parcel's stormwater utility tier or the computed number of ERUs was incorrect.

- (b) Responsibility for Initiating Adjustment Process.

The User is responsible for initiating any review of the Impervious Area computation for a Parcel or any other computations involved in determining the stormwater utility fee for that Parcel by filing an application for an adjustment of the fee, hereinafter referred to in this Article as an “application for an adjustment”, and presenting factual evidence in support of a change in the fee.

- (c) Application for Adjustment.

The User must file an application for an adjustment on forms provided by the Village, and file the application which shall include factual evidence in support of the adjustment with the Director of Engineering & Public Works.

(d) Decision on Application.

The Director of Engineering & Public Works shall make a decision approving or denying the application for an adjustment within sixty (60) days of receipt of a completed application for an adjustment. The Director's decision shall be in writing and, if the decision is to deny the application, it shall state the reasons for said denial. The decision shall be mailed to the applicant at the address as shown on the application for an adjustment.

(e) Effective Date of Adjustment.

If an application for an adjustment is approved by the Director of Engineering & Public Works, the stormwater fee shall be adjusted accordingly for the specified Parcel and will apply to the next regularly generated bill.

(f) Appeal from Denial of Application for an Adjustment.

(1) General. An applicant for an adjustment may appeal a denial of said application to the Village Manager by filing a written appeal at the office of the Village Manager within ten (10) calendar days of the date of mailing of the decision denying said application.

(2) Form for appeal. An appeal to the Village Manager shall be made in writing and must be accompanied by any documentation or other evidence the appellant wishes the Village Manager to consider in deciding the appeal.

(3) Time/Form of Decision. The Village 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.

SECTION 3: The Wilmette Village Code, as amended, is further amended in Chapter 14 Motor Vehicles, Article XIV Parking Meters, Section 14-428 as set forth below with deletions shown in strikethrough type and additions shown in underlined, bold type so that said Section 14-428 shall hereafter read as follows:

Sec. 14-428. - Parking charges; meter operation.

(a) The meters in the Poplar Lots and the Green Bay Lots shall operate upon the insertion of ~~\$2.00~~ **\$2.10** for ten hours. The meters in the Main Commuter Lot shall operate upon the insertion of ~~\$2.50~~ **\$2.60** for ten hours.

(b) Each meter shall be so designed and constructed that upon the expiration of the time interval registered by the insertion of currency or any electronic method of payment authorized by the Village Manager in the amount as above provided, it will indicate by appropriate sign or signal that the lawful parking meter period has expired and, during that interval of time

and prior to the expiration thereof, will indicate the interval of time which remains of the period.

SECTION 4: Codifier’s Authority. The Village’s codifier is authorized and hereby directed, to adjust section and paragraph numbering as may be necessary to render this ordinance consistent with the numbering of the Village Code. This authorization includes creating new Sections 26-321 to 26-335 to be marked as “reserved” in Article XI of Chapter 26.

SECTION 5: This Ordinance shall be in full force and effect from and after January 1, 2020, subsequent to its passage, approval and publication as required by law.

PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **10th** day of **December, 2019**, according to the following roll call vote:

AYES: _____
NAYS: _____
ABSTAIN: _____
ABSENT: _____

Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this **10th** day of **December, 2019**,

President of the Village of Wilmette, IL

ATTEST:

Clerk of the Village of Wilmette, IL

Published in pamphlet form December 11, 2019.



Meeting Date: December 10, 2019

To: Municipal Services Committee

From: [Michael Braiman](#), Assistant Village Manager
[Brigitte Ann Berger-Raish](#), P.E., Dir. of Eng and Public Works
[Jeff Stein](#), Corporation Counsel
[Dan Manis](#), P.E., Village Engineer
[John Preizner](#), Assistant Director of Administrative Services

Subject: Stormwater Credits and Incentives

Background

Village Ordinance No. 2019-O-70, implementing a new Stormwater Utility Fee effective January 1, 2020 is on the December 10, 2019 Village Board meeting agenda for adoption.

Following concerns from non-residential properties regarding the financial impact of the stormwater utility fee, the Municipal Services Committee (MSC) met on November 19, 2019 and directed staff to research options to expand the credit program to include properties that have invested in MWRD detention as well as non-for-profit institutional uses.

To ensure a thorough and transparent review process that takes into account the concerns of all stakeholders, the December 10, 2019 Village Board agenda also includes a resolution delaying the effective date of the stormwater utility fee until April 2020 for non-residential properties while the MSC conducts its review of the credit program.

The following will discuss various options for the Village Board to consider in regards to the credits program which could reduce the financial burden of the stormwater fee for certain non-residential properties.

Discussion

The purpose of this agenda item is to present options for Committee consideration and receive feedback from stakeholders. Additional meetings will be necessary to finalize the details that could eventually be included in the final version of the Stormwater Credits and Incentives Manual adopted by the Village Board.

The table below is a summary of options for consideration. Certain entities could be eligible for multiple credits and as such, the Committee may also have to consider a maximum allowable credit at a future meeting.

Of note is that none of the additional credits were built into the financial analyses for the stormwater utility rates and any additional credit provided may have an impact on future rates for all properties. If the existing fee structure is not sufficient to account for additional credits, every \$50,000 in revenue loss would increase the annual fee for Tier 2 single-family properties by \$5; non-single family properties would experience a projected \$5 increase per ERU (when the fee reaches its maximum in later years).

Description	Initial Draft of Manual	Option for Consideration
Incentive Program	Only residential properties were eligible	Expand eligibility to include all properties (adds non-residential)
Detention Credit	Only applied to implementation of future detention	Allow credits for MWRD compliant detention retroactively
Education Credit	N/A	Per student credit (for example: \$5 or \$10) for schools that include stormwater education in their curriculum
Full Discharge Credit	Eligible for all properties than can demonstrate zero impact on the storm sewer system	No change to original Draft
Institutional and 501(c)(3)	N/A	Credit for institutional uses in the Village that have a 501(c)(3) tax status

Expanded Incentive Program

In the first draft of the Manual, only residential properties were eligible to participate in the incentive program. Staff recommends expanding the incentive program to also include non-residential properties. All other aspects of the incentive program, including the reimbursement amounts, eligible projects, program administration, etc, would stay the same. Per the recommendation, all properties would be eligible for a one-time incentive up to \$1,300 for stormwater best management practices that promote infiltration and \$5,000 for disconnecting large sources of clean water from the storm and combined sewer systems.

Retroactive Credits

The original Manual stated properties would be eligible for up to a 50% reduction in utility fee if it doubles the volume of required detention as defined by the Metropolitan Water Reclamation District's Watershed Management Ordinance (WMO). For all other owners that exceed the total WMO detention requirement, credits will be awarded in proportion to the amount of detention exceeded (e.g., 1.5 times detention exceeded will result in a 25% credit).

In order to recognize the investment some properties have made to reduce their burden on the storm sewer system, retroactive credits could be applied. Staff worked with Raffelis to determine a scale of credits based on the MWRD requirements at the time of implementation and how helpful the improvements are to the overall system.

The credits are divided into three main categories: prior to 2013, between 2014 and 2019 and 2020 and beyond. These timeframes correspond to significant changes in the MWRD detention requirements.

The table below shows that the credit percentages increase with each variation of the MWRD ordinance. This is reflective of detention requirements becoming more stringent, and consequently more helpful to the system, over time.

Site Detention Facility	Credit
Meets MWRD Ordinance Prior to 2013	20%
Meets 2014 MWRD Ordinance	25%
Meets 2020 MWRD Ordinance	28%
Doubles 2013 Ordinance Requirements	40%
Double 2014 Ordinance Requirements	50%
Double 2020 Ordinance Requirements	57%

Staff researched the properties that would be eligible for a retroactive MWRD credit according to the table above and performed a financial analysis to determine the

financial impact. It should be noted that the list of properties is not inclusive, so the draft manual would include a process for property owners to apply for this credit. Staff identified fifteen properties that would be eligible for these credits based on previously submitted permit applications. The initial analysis shows that the revenue loss for these credits in 2020 would be approximately \$15,000 in 2020 and \$46,000 by the time the fee reaches its maximum (see Attachment 2 for additional details).

Education Credit

In working with Raftelis, it is not uncommon for a stormwater utility to provide a credit to educational institutions that teach stormwater curriculum. For example, the City of Peoria, Illinois' Credit Manual is applicable to local K-12 education institutions. The credit is based on the premise that stormwater education programs targeted at students can be very effective at spreading key best practice messages throughout a household. In the Peoria model, the City provides a credit to educational institutions on an annual basis at a rate of \$5 per student. Their Manual indicates that one grade per institution, per year is eligible to receive the credit and that other grades may be eligible if requested by the educational institution and approved in advance by the City.

Institutional & 501(c)(3) Credit

An institutional use credit could be considered in recognition that institutional uses (as listed in the Village's Zoning Code) when owned by a 501(c)(3) organization, provide a valuable service to the community and are not able to pass along the costs to customers in the same way other uses are able to do so. Institutional uses (which are listed below), when combined with the ownership of land by a 501(c)(3) organization provides a limited list of properties that may be eligible for such a credit. Furthermore, combining the two prongs of this credit also eliminates any entity that is a "for profit" organization and those properties that are owned by a 501(c)(3) but are not used for charitable, educational, religious, scientific or literary purposes.

Institutional uses in the Village Zoning Code include the following:

Cemetery, Cultural Facility, Day Care Center, Adult or Child, Day Care Home, Adult or Child, Educational Facility, (College, Primary and Secondary), Golf Course, Park/Playground, Place of Worship, Public Safety Facility, Recreation Center, Social Club or Lodge

An initial review of the parcels that staff believes would fall into both the institutional and 501(c)(3) category indicates that for every 5% credit there would be a \$2,400 revenue loss in 2020 and approximately \$7,300 by the time the fee reaches its maximum (see Attachment 4 for additional details). Note that staff does not recommend a full exemption for institutional and 501(c)(3) uses, rather, the recommendation would be to

provide a credit to reduce the burden of the utility fee on these uses. Furthermore, it is important to note that this type of exemption is not offered by other municipalities and, therefore, has not been the subject of litigation. The Village of Downers Grove does exempt all properties that receive a property tax exemption; however, this exemption is still not court tested.

Attachments

1. Agenda materials from the November 19 MSC meeting provided for reference
2. List of Properties with Existing MWRD Detention
3. List of 501(c)(3) Institutions and Projected Credits



Meeting Date: November 19, 2019

To: Municipal Services Committee

From: [Brigitte Ann Berger-Raish](#), P.E., Dir. of Eng and Public Works
[Dan Manis](#), P.E., Village Engineer
[John Prejzner](#), Assistant Director of Administrative Services

Subject: Stormwater Credits and Incentives Manual

Recommendation

Municipal Services Committee review and provide direction on the Draft Stormwater Credits and Incentives Manual.

Background

Village Ordinance No. 2019-O-70, will be up for adoption on the November 26, 2019 Village Board meeting. The Ordinance implements a new Stormwater Utility Fee effective January 1, 2020. This Ordinance also authorizes the Engineering and Public Works Director to develop a Stormwater Credit and Incentive Manual in order to promote efforts by property owners to utilize best management practices to reduce their burden on the storm sewer system.

Discussion

The draft manual contains two main components that are related to stormwater management and the stormwater utility program. Credits are recurring reductions through which a user can reduce their total stormwater fee by meeting on-site stormwater management criteria. Incentives, available to single family home properties, are one-time payments for stormwater related improvements on private property.

Incentive Program

The incentive program is similar to the *RainReady* program implemented in 2019, however, it will be administered by in-house staff instead of an outside consultant. The most significant difference between the two programs is *RainReady* provided homeowner assistance with evaluating properties and providing written reports summarizing options to implement stormwater management features. The proposed residential incentive program will shift the selection of stormwater management features to homeowners and the design to professionals they hire.

Highlights of the residential incentive program are as follows:

- Incentives for 50% of improvements up to \$1,300 include bioretention systems, underground infiltration systems, on-site storage systems, and porous pavement systems or permeable pavers
- Incentives for 50% of improvements up to \$5,000 include sump pump/foundation drain, downspout/roof drain, yard drain, and any other clean source disconnections
- Homeowners fill out an application and submit a permit for the improvements they intend to implement
- Applications are reviewed and approved by engineering staff in the order in which they are submitted
- Once the dollar amount of reimbursements reaches the budget amount for this program (\$70,000), a wait-list will be implemented until additional funds are appropriated
- Only new stormwater management features are eligible with the exception of permeable pavers and porous pavement. Previously installed pavers and porous pavement will be treated the same as new installations, provided that they are in certified working and maintained order

Credit Program

In the credit program, properties are eligible for up to a 50% reduction in utility fee if it doubles the volume of required detention as defined by the Metropolitan Water Reclamation District's Watershed Management Ordinance (WMO). For all other owners that exceed the total WMO detention requirement, credits will be awarded in proportion to the amount of detention exceeded (e.g., 1.5 times detention exceeded will result in a 25% credit).

Full Discharge Credit

All properties that demonstrated that stormwater runoff generated on their property discharges outside of the Village's stormwater system will be eligible for a 100% reduction of the Equivalent Runoff Unit cost (fixed charge will still apply).

Impervious Area Reduction Review

While the Credits and Incentives Program does not include sections outlining the process for reducing the measured impervious surface area, the Stormwater Utility Fee Ordinance does incorporate this process into the Village Code. As currently proposed, customers may submit an application to reduce their billed impervious area amounts. This would apply if there are changes in impervious area or if impervious surfaces on a parcel have a different area than reported.

Attachments

1. Draft Stormwater Credit and Incentive Manual

Village of Wilmette

Stormwater Credit and Incentive Manual

1. Introduction

The Village's stormwater system routinely surcharge during moderate rain events, resulting in widespread street and overland flooding. This flooding occurs due to inadequate capacity of the current storm sewer system to handle rain water from even moderate storms. During intense storms, the street flooding can, in the worst cases, extend to the foundation of a home. The Village Board recognizes the need to manage stormwater and maintain an infrastructure system to serve the community. The Department of Engineering and Public Works manages that system on behalf of the Village. The Village Board has decided that dedicated and consistent funding is required to improve the stormwater infrastructure system. For that reason, the Village is planning to establish a stormwater utility in 2020 with user fees to be used exclusively for funding stormwater management improvement projects and/or any related debt service for constructed and future stormwater management infrastructure.

One way to reduce flooding is to reduce the amount of runoff from property within the Village. On-site stormwater management on private property utilizing green infrastructure and best management practices can reduce stormwater runoff and pollution. For that reason, the Village would like to encourage property owners to make changes to their property in ways that will reduce the amount of rainfall that becomes runoff.

The Village is establishing a stormwater Credit and Incentive program to provide property owners with an opportunity to reduce their stormwater runoff. By reducing the properties impact on the stormwater system, property owners have the option to reduce their Stormwater Utility Fee and offset the costs of improvements. This manual describes the way property owners can exercise those options provided for in this manual.

Credits are a conditional, recurring reduction through which the user can reduce their total stormwater user fee by meeting on-site stormwater management criteria. Incentives are one-time disbursements for stormwater management improvements located on private property. Incentives and Credits are available to users as provided for in this manual.

2. Credit and Incentive Policies

The following sections provide policies regarding Incentives, Credits, and the general administration of the Village of Wilmette's Stormwater Utility Fee Credit program.

2.1 Single-Family Residential Stormwater Incentives

Single-family residential property owners are eligible for stormwater Incentives, which are funded by the Stormwater Utility Fee and administered by the Village.

Residents can apply for the Incentive program through an application from the Engineering Division located at the Village Hall. A limited number of Incentives are available each year. After the limit is

reached, eligible applicants may be placed on a waiting list for possible inclusion in a following year. Incentive applications are reviewed and approved or denied in the order in which they are applied for.

A permit(s) must be applied for and issued prior to the commencement of the installation of the eligible stormwater improvements. All stormwater improvements must be installed in accordance with the conditions of the permit approval and the requirements published in the Department of Engineering and Public Works Standards Handbook.

The following types of stormwater management features qualify for stormwater Incentives for 50% of the cost of implementation of the following, not to exceed \$1,300:

- Bioretention systems (rain gardens, bioswales, etc.);
- Underground infiltration systems (dry wells, infiltration trenches or basins, etc.);
- On-site storage systems (cisterns, rain barrels, etc.);
- Porous pavement systems or permeable pavers.

The following types of stormwater management features qualify for stormwater Incentives for 50% of the implementation of the following, not to exceed \$5,000:

- Sump pump/foundation drain disconnection and re-route;
- Downspout/roof drain disconnection and re-route;
- Yard drain disconnection and re-route;
- Any other clean source connection that is disconnected and re-routed.

2.1.1 Previously Installed Improvements

Property owners who have installed porous pavement systems or permeable pavers prior to the implementation of this Credit and Incentive Manual can also receive a one-time Prior-Installation Incentive subject to the amounts listed above. In order to qualify for this Incentive, a property owner (at their own expense) must provide documentation from a certified professional engineer registered in the State of Illinois certifying that the previously installed porous pavement system or permeable pavers have been maintained properly, the void spaces are not clogged with sediment, and the entire area is functioning effectively by infiltrating stormwater runoff. Such certification must be dated within one year of the date of the application.

2.2 Stormwater Credits

Property owners in the Village are eligible to apply for a credit of up to 50% of the respective Stormwater Utility Fee (excluding the fixed charge) if they exceed the total stormwater detention volume according to the methodology outlined in the [Metropolitan Water Reclamation District \(MWRD\) Watershed Management Ordinance \(WMO\)](#). Property owners will need to submit technical calculations to establish the amount of detention required onsite to meet the WMO stormwater management requirements. If the owner doubles the amount of detention volume required, the maximum allowable Credit of 50% will be awarded. For all other owners that exceed the total WMO detention requirement on a property, Credit will be awarded on a pro-rated amount of detention exceeded up to 50% of the Stormwater Utility Fee (excluding the fixed charge). Properties that are exempt from Site Detention Requirements by the MWRD due to development type and parcel size are eligible for a credit under this section if they provide a detention facility that exceeds the required volume according to the methodology outlined in the WMO.

To apply for the Credit, property owners should submit a copy of their approved WMO Permit Application (if applicable) to the Department of Engineering and Public Works, along with the technical calculations to demonstrate the amount of onsite detention that exceeds the stormwater management requirements. The technical calculations must be prepared and certified by a professional engineer registered in the State of Illinois.

Please visit the [Metropolitan Water Reclamation District's WMO site](#) for more details on [WMO Requirements for Stormwater Management](#) and [WMO Permit Application Forms](#).

2.2.1 Credit Determination

The Village shall process applications within sixty (60) days of submittal of a complete and correct application package. Billing adjustments for approved Credits shall be applied to the next regularly scheduled bill.

If a Credit application is denied, a letter explaining the reason(s) for such denial will be provided to the applicant. The applicant may address identified deficiencies in the denial, and resubmit a revised application. The applicant has the right to appeal this decision in accord with the procedures outlined in the Village Code.

2.2.2 Maintenance Required

All stormwater management facilities require maintenance to perform as designed. Stormwater detention facilities are required to be maintained as prescribed in the [MWRD Watershed Management Ordinance \(WMO\)](#). Proof of maintenance is required in the form of a certified professional engineer's report submitted to the Department of Engineering and Public Works. Failure to maintain stormwater management facilities will result in the loss of Stormwater Utility Fee Credits.

2.2.3 Term of Credit

The Stormwater Credit is valid for three (3) years. Property owners may renew a Stormwater Credit for an additional three (3) years upon the submission of a certified professional engineer's report demonstrating continued compliance with the WMO. Failure to renew and receive approval of the stormwater credit shall result in loss of the Stormwater Utility Fee Credits.

2.2.4 Suspended / Terminated Credits

If the requirements of this manual and/or the requirements of the approved permit are not met, the property owner will be notified and will have thirty (30) days to come into compliance before the Credit will be terminated. Once a Credit is terminated, a new complete application must be submitted and approved in order to restore the Credit.

2.3 Discharge Credit

A Credit of 100% will be available to all property owners who can demonstrate that their properties discharge all stormwater runoff outside the Village stormwater system. Partial discharge of stormwater outside the Village will not be considered. The Credit shall only apply to the Equivalent Runoff Unit fee calculation and not the fixed charge as provided for in Sec.26-340(a) of the Village Code.

Mult-Family & Commercial Development Summary									
Pre-WMO MWRD Permitted Detention (to 2008)									
Development	Address	Potential Credit	2020 Fee	2020 Credit	2020 Net Fee		Final Fee	Final Credit	Net Final Fee
Marriott Residence Inn	3205 Old Glenview Road	20%	\$ 1,687	\$ (337)	\$ 1,349		5,129	\$ (1,026)	\$ 4,103
Optima Center Wilmette	1100 Central Avenue	20%	\$ 983	\$ (197)	\$ 786		2,990	\$ (598)	\$ 2,392
Jewel Osco	411 Green Bay Road	20%	\$ 3,296	\$ (659)	\$ 2,637		10,019	\$ (2,004)	\$ 8,015
Mallinckrodt	1041 Ridge Road	20%	\$ 40	\$ (8)	\$ 32		126	\$ (25)	\$ 101
Shiner Retail Development	165-171 Green Bay Road	20%	\$ 790	\$ (158)	\$ 632		2,405	\$ (481)	\$ 1,924
Ronald Knox Montessori School	2031 Elmwood Avenue	20%	\$ 548	\$ (110)	\$ 439		1,671	\$ (334)	\$ 1,337
WMO Compliant Detention (2014+)									
Development	Address								
Mather Place Phase 2 Addition	2801 Old Glenview Road	25%	\$ 2,755	\$ (689)	\$ 2,066		8,376	\$ (2,094)	\$ 6,282
The Residences at Wilmette	611 Green Bay Road	25%	\$ 1,183	\$ (296)	\$ 887		3,599	\$ (900)	\$ 2,699
1121 Greenleaf Mixed Use Bld	1121 Greenleaf Avenue	25%	\$ 379	\$ (95)	\$ 285		1,158	\$ (289)	\$ 868
Loyola Academy Phase 1	1100 Laramie Avenue	25%	\$ 18,305	\$ (4,576)	\$ 13,729		55,624	\$ (13,906)	\$ 41,718
Trillium Row	514 Poplar Drive	25%	\$ 245	\$ (61)	\$ 184		749	\$ (187)	\$ 562
Westmoreland Parking Lot/Paddle Courts	2601 Old Glenview Road	25%	\$ 7,297	\$ (1,824)	\$ 5,473		22,175	\$ (5,544)	\$ 16,632
Artis Senior Living	335 Ridge Road	25%	\$ 1,360	\$ (340)	\$ 1,020		4,138	\$ (1,035)	\$ 3,104
Pending WMO Permits									
Development	Address								
Cleland Place/HODC	1925 Wilmette Avenue	25%	\$ 426	\$ (107)	\$ 320		1,299	\$ (325)	\$ 974
Optima Mixed Use	1210 Central Avenue	25%	\$ 964	\$ (241)	\$ 723		2,932	\$ (733)	\$ 2,199
Edens Plaza Retail Expansion	3232 Lake Avenue	25%	\$ 21,983	\$ (5,496)	\$ 16,487		66,798	\$ (16,699)	\$ 50,098
Total			\$ 62,241	\$ (15,193)	\$ 47,048		\$ 189,188	\$ (46,180)	\$ 143,008

Disclaimer: Data is for demonstrational purposes only. Calculations shown are preliminary and show credits applied to whole parcel(s). Upon submission of an application for a credit it may be determined that credit amount is smaller or greater than what is displayed.

Institutional and 501(c)(3) Credit List

Property	ERU	2020		2020 Credit	Final Stormwater	Final Credit
		Stormwater Fee		(5%)	Fee	(5%)
Loyola	175.6	\$ 18,306	\$ (915)	\$ 55,625	\$ (2,781)	
St. Joes/Francis	73.9	\$ 7,726	\$ (386)	\$ 23,478	\$ (1,174)	
Regina Dominican	62.5	\$ 6,540	\$ (327)	\$ 19,876	\$ (994)	
Baha'i	35.4	\$ 3,722	\$ (186)	\$ 11,312	\$ (566)	
Beth Hillel	35.3	\$ 3,711	\$ (186)	\$ 11,281	\$ (564)	
Baker Demonstration	21.7	\$ 2,297	\$ (115)	\$ 6,983	\$ (349)	
Sacred Heart	11.3	\$ 1,215	\$ (61)	\$ 3,697	\$ (185)	
Trinity United Methodist	10.1	\$ 1,090	\$ (55)	\$ 3,318	\$ (166)	
St. Augustines	8.5	\$ 924	\$ (46)	\$ 2,812	\$ (141)	
First Presbyterian	6.3	\$ 695	\$ (35)	\$ 2,117	\$ (106)	
First Congregational	4.3	\$ 487	\$ (24)	\$ 1,485	\$ (74)	
Sukkat Shalom	3.8	\$ 435	\$ (22)	\$ 1,327	\$ (66)	
Others	8.0	\$ 872	\$ (44)	\$ 2,654	\$ (133)	
Total			\$ (2,401)		\$ (7,298)	

Disclaimer: Data is for demonstrational purposes only. Calculations shown are preliminary and should not be considered final

RESOLUTION NO. 2019-R-18

**A RESOLUTION DIRECTING THE VILLAGE STAFF TO DELAY COLLECTION OF
STORMWATER UTILITY FEES FOR NON-SINGLE FAMILY RESIDENTIAL
PROPERTIES**

WHEREAS, the Village of Wilmette, Cook County, Illinois, (hereinafter the “Village”) is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village President and Board of Trustees of the Village of Wilmette (“Village Board”) adopted Ordinance 2019-O-70 that established a stormwater utility and related fees effective on January 1, 2020; and

WHEREAS, the stormwater utility fee is to be assessed against all properties within the Village, except where specifically exempted by Ordinance 2019-O-70, beginning January 1, 2020; and

WHEREAS, Ordinance 2019-O-70 provides for a credit and incentive manual to be adopted by the Village Board; and

WHEREAS, the Municipal Services Committee of the Village Board has met and will continue to meet to recommend to the Village Board the appropriate credits and incentives to be provided for as contemplated in Ordinance 2019-O-70; and

WHEREAS, until the Municipal Services Committee provides such a recommendation and the Village Board has adopted a credit and incentive manual, Non-Single Family Residential Parcels, that may be allowed a credit to the stormwater utility fee, may be overcharged if the stormwater utility fee is billed in the first quarter of 2020; and

WHEREAS, the Village desires to still assess the entire amount due and owing of the established fees for the entire 2020 calendar year with the appropriate credits applied to such fees; and

WHEREAS, the Village shall charge the stormwater utility fee for Non-Single Family Residential Parcels, but shall not issue a bill or collect those fees in the first quarter of 2020 in order to give the Village time to implement the credit and incentive policy and give the Non-Single Family Residential Parcels time to apply for and receive such credits, and

WHEREAS, the Village shall charge and collect the entire stormwater utility fee for Non-Single Family Residential Parcels for 2020 starting in the second quarter of 2020 in order to collect the entire stormwater utility fee due prior to the end of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Wilmette as follows:

SECTION ONE: The above recitals are incorporated into this section one as if fully set forth.

SECTION TWO: The Village Manager and the Village staff are hereby directed to take all necessary actions to fully implement the conditions and intent of this resolution, which shall include, but not be limited to, refraining from collecting the stormwater utility fee for Non-Single Family Residential properties in the first quarter of 2020 and to adjust the remaining billed stormwater utility fee amounts for 2020.

SECTION THREE: This Resolution shall be in full force and effect from and after its passage as provided by law.

ADOPTED on **December 10, 2019** pursuant to the following roll call vote:

AYES: None.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

Clerk of the Village of Wilmette, IL

Approved on December 10, 2019.

Village President

Attest:

Village Clerk