

**SAMPLE -
Sample Water Utility Availability (WAC) Ordinance**

Ordinance No. _____

AN ORDINANCE AMENDING THE _____ CITY CODE BY ADDING SECTION ____ ESTABLISHING A WATER AVAILABILITY CHARGE (WAC). THE COUNCIL OF THE CITY OF _____ DOES ORDAIN:

SECTION ONE: That the _____ City Code be amended by adding the following:

"Section ____, **Water Availability Charge (WAC)** ____ Charge Established. For the purpose of providing funds for the city's wells, water treatment, water storage and water distribution systems, and the plant and facilities connected therewith, and the payment of capital charges represented by bonds, certificates of indebtedness or otherwise, which may be used to finance the costs of additions or expansions to the facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof, there is hereby imposed upon each lot, parcel of land, building or premises having any connection with the City's public water system a water availability charge (WAC) as hereinafter provided. Said charge shall be in addition to any other previous or future charge or assessment levied against the property.

Section ____, **Determination and Administration of Charge.** The availability charge as hereinabove authorized shall be imposed in addition to the user charges for water service and shall be determined and administered as follows:

Subdivision 1. Payment Required:

- a. Payment Required Prior To Connection: Prior to the issuance of the applicable permit and before connecting to the City's water system, a City water availability charge as hereinafter provided shall be paid.
- b. Additional Building Permit: If, after the initial availability charge is paid, an additional building permit is issued, the use of the property changes, or new water connection is made, the availability charge shall be recalculated and any additional charges shall be paid.
- c. Change By Resolution: Any change in the City water availability charge as hereinafter set forth shall be by Council Resolution.

Subd. 2. **Determination of Charge.** The amount of the availability charge shall be determined by the City by first determining the number of Equivalent Residential Connections (ERC's) applicable to the particular property. This charge shall be calculated in accordance with the most current ERC Table on file in the office of the City Engineer. Once the appropriate number of ERC's are determined in this manner, the availability charge shall be calculated using the charge in the most recent resolution setting the availability charge.

Subd. 3. **Determination of ERC's.** The City shall determine the number of ERC's.

Subd. 4. **Transfer of ERC's.** Once established, the number of ERC's shall remain the same on the property. An ERC can be transferred on the property from a structure being removed to a structure being constructed.

Subd. 5. **Uses Not On Table.** Any use not represented in the ERC tables shall be subject to determination of the appropriate number of ERC's by the City based on estimated flows. The most recent edition of the Service Availability Charge Procedures Manual prepared by the Metropolitan Council Environmental Services division may also be utilized as a tool for calculating ERC's."

SECTION TWO. That this ordinance shall take effect and be in force on _____, 20__.

Adopted this _____ day of _____, 20__.

BY: _____

ATTEST: _____