

Water Run-Off & Drainage Regulations

Prepared for Plan Commission discussion on 6/24/2026

This document contains references to the City's drainage and run-off rules.

1. The Standard for all Zoning Districts

400.07(7), Drainage in All Districts — this is the central rule and the one that applies to ordinary neighbor-to-neighbor run-off complaints.

The code states that no land may be privately developed, and no private use permitted, that **results in water run-off causing flooding or erosion on adjacent properties**. Run-off must instead be properly channeled into a storm drain, water course, ponding area, street gutter, or other public facility.

- It applies in every zoning district.
- It is results-based: the question is whether run-off is in fact causing flooding or erosion next door, not whether a permit was issued.
- There is no engineered design standard or permit trigger written into this subsection. It functions like a nuisance / performance standard.

Enforcement authority: 400.05(10)(b).

Citation authority: Ordinance 2025-06 (980.06).

2. Industrial Park "IP" District Drainage

410.07(2) mirrors the all-districts rule for the Industrial Park District, with two additions: run-off must conform to the overall drainage plan of the industrial park, and a landscaping/drainage plan must be submitted to the City for approval (410.07(1)(e)). The code also states the City assumes no liability for harm caused by drainage plans it approves.

3. New development — Subdivision Stormwater & Erosion control

Chapter 448, Subdivision and Land Division governs drainage at the platting stage, where the City's strongest engineered standards live.

- **448.09(7)** Stormwater drainage facilities (curbs, gutters, catch basins, storm sewers, ditches, channels) must be sized to hydraulically accommodate the 25-year storm and present no hazard to life or property. Plans require City Administrator / Utility Manager and Council approval.
- **448.08(8)** Drainage easements: the City identifies the watershed area of drainage exiting a subdivision; the cost of upgrading exit drainage may be assessed against all properties in the defined watershed area. When reasonable, the City may also require retention ponds, rain gardens, and adequate tree canopy.
- **448.09(4)** Construction-site erosion control: grading must be mulched, seeded, or sodded so erosion, siltation, and washing are prevented; sediment basins required at drainageways.

4. Soil Erosion & Sediment Control (separate ordinance, not zoning code)

Chapter 426, Soil Erosion and Sediment Control — addresses erosion during land disturbance, independent of zoning.

- **426.03(4)** A grading permit from the Building Inspector is required before any grading, stripping, cutting, or filling. Plans generally must be signed by a professional engineer or architect (waivable where no hazard to adjacent property).
- **426.04** Standards follow the Richland County Soil & Water Conservation District; provisions must accommodate the increased run-off caused by changed soil and surface conditions during and after development.
- **426.06(3)–(4)** Violations must be corrected within 30 days of written notice, then referred to the City Prosecuting Attorney. Penalty \$25–\$200 plus costs; each day is a separate offense.

5. Roof Drainage onto Public Sidewalks (separate ordinance, not zoning code)

Chapter 608, Regulating the Drainage of Roof Waters — narrow but distinct. It is unlawful to let roof waters (rain, snow, etc.) drain onto an abutting public sidewalk between November 1 and March 15, and overhead spouts or drains may never be designed to carry water across a public sidewalk. Penalty \$25–\$400 plus costs (**608.01–.02**).

6. Related Provisions

- **409.06(2)(e)** “IND” Industrial District: industrial waste material may not be washed or run off into public streets, storm sewers, or the sanitary sewer without Council approval.
- **Chapter 411** Mobile Home Parks: grounds must be graded and equipped to drain all surface water safely; sites subject to sudden flooding or erosion may not be used.
- **Chapter 452** Floodplain Zoning: a separate, state-mandated overlay (Wis. Admin. Code ch. NR 116). Within mapped floodplain areas it is more restrictive than, and supersedes, conflicting general zoning provisions.

7. Extraterritorial Zoning (ETZ)

Chapter 475, Extraterritorial Zoning — governs the unincorporated lands within the City’s extraterritorial zoning jurisdiction. The provisions above generally do **not** reach the ETZ, and the ETZ chapter contains **no run-off or drainage performance standard of its own** comparable to 400.07(7).

- The city zoning code’s all-districts drainage rule (400.07(7)), the soil-erosion ordinance (Ch. 426), and the subdivision stormwater standards (Ch. 448) are **not** incorporated into Chapter 475. Chapter 475 incorporates by reference only the floodplain/wetland definitions of Ch. 452 and the sign provisions of Ch. 485 (475.03).
- The ETZ’s own performance standards (475.04(27)) address noise, smoke, toxic or noxious matter, odors, vibration, glare/heat, explosives, screening, and waste material—but not run-off, flooding, or erosion on adjacent property.
- The only drainage-related provision is in the ETZ subdivision rules (475.04(17)): surface drainage channels must be provided “*where required by the topography*” by dedication or easement. There is no 25-year-storm or engineered design standard like the one in Ch. 448.
- Floodplain zoning (Ch. 452, NR 116) still applies within mapped floodplain areas in the ETZ, and state agricultural-rezoning findings (475.05) ask whether development would “cause unreasonable soil erosion” but neither is a general run-off performance standard.

In short: for run-off and drainage complaints arising in the ETZ, there is no direct counterpart to 400.07(7) to enforce. This is a structural gap.