

**ORDINANCE TO
AMEND CHAPTER 453 OF THE CITY OF WATERTOWN GENERAL
ORDINANCES**

**SPONSOR: ALDERPERSON BOARD
FROM: PUBLIC WORKS COMMISSION**

WHEREAS, Chapter 453, Stormwater Management, is in need revision due to an incorrect references; and,

WHEREAS, the City of Watertown Public Works Commission has reviewed the proposed amendment to Chapter 453 at its February 11, 2025 meeting and recommends adoption.

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 453-36C and 453-39D of Chapter 453, Stormwater Management, are amended to read as follows:

§ 453-36. Ultimate responsibility.

- A. Where no stormwater maintenance agreement exists, all lot and tract owners within a subdivision and property owners whose property benefits from the stormwater management system and facilities shall be ultimately responsible for the maintenance of the stormwater management system and facilities, whether or not a homeowners' association or property owners' association is the designated responsible entity.
- B. In the event the City obtains ownership of stormwater management systems and facilities once privately owned or owned by another governmental entity as the result of or arising from enforcement action under this section, as the result of annexation, or by any other means, the City shall have the right to continue to assess and charge each of the property owners benefiting from the stormwater management systems and facilities for ongoing maintenance, repair, replacement and administrative expenses relating to such stormwater management systems and facilities.
- C. Where existing City-approved private storm sewer and/or best management practices are in a state of disrepair, not constructed in accord with approved plans, or present an obstruction to the drainage system, and the resulting drainage overflows cause damage to the roadway or adjacent public or private lands, the Director of Public Works/City Engineer is authorized to resolve the drainage problem such that the system is functioning in accord with the approved designed. Authorized actions include, but are not limited to: removal of any drainage obstructions (at existing inlets, at existing ditch lines and similar locations); regrading of existing ditch lines; repairing best management practices to bring them into compliance with the approved design; and construction of improvements to the stormwater management systems such that they are constructed in accordance with the approved plans. The costs of this work shall be charged back to the owner per ~~§ 453-39D.~~ **§ 453-41D.**

§ 453-39. Drainage and stormwater utility easements.

- A. Easements. Stormwater utility/drainage easements should be identified on the preliminary and final plats, maintenance agreement or other document and recorded with the local county register of deeds to run in perpetuity with the property.
- B. Access. The City has the authority to enter the easement area to access the stormwater utility/drainage swale and/or the stormwater BMP to inspect and perform maintenance.
- C. Maintenance responsibilities. The owner(s) is responsible for the ongoing routine maintenance activities including but not limited to mowing and removal of debris within the stormwater utility/drainage swale. Items that are prohibited from being stored within the stormwater utility/drainage swale or easement include:
 - (1) Brush and compost bins and piles, fertilizers.
 - (2) Wood piles.
 - (3) Permanent structural landscaping features including but not limited to fences, retaining walls, raised garden beds, trees, shrubs, and filling or grading or land.
 - (4) Recreational furniture and equipment including but not limited to swingsets, sandboxes, firepits, and above ground pools.
 - (5) Grills.
 - (6) Vehicles, trailers, boats or campers.
 - (7) Sheds and other storage structures.
 - (8) Any items that may prevent or block the managed flow of stormwater during a rain or snow melt event whether resting in place or by floating downstream.
- D. The City is authorized to perform the corrected actions identified in the inspection report if the owner(s) does not make the required corrections in the specified time period. The City may perform corrective maintenance in the event of an emergency without prior notification to the owner. The costs of this work shall be charged back to the owner per ~~§ 453-39D~~ **§ 453-41D**.

§ 453-41. Enforcement.

- A. The City shall notify the owner(s) by certified mail of any noncompliance with this article. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- B. Upon receipt of written notification from the City under Subsection A, the owner(s) shall correct work that does not comply with this article. The owner(s) shall make corrections as necessary to meet the specifications and schedule set forth by the City in the notice.
- C. The City is authorized to refer any violation of this article to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.

- D. Any person, firm, association or corporation who does not comply with the provisions of this article shall be subject to a forfeiture of not less than \$100 nor more than \$1,000 per offense, together with the costs of prosecutions. Each day that the violation exists shall constitute a separate offense.
- E. Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before petitioning for or obtaining an injunction.
- F. When the City determines that the owner of a property has failed to be compliant with the requirements of this article, or has failed to comply with the schedules set forth in the applicable stormwater management plan, the City or a party designated by the City may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City shall keep a detailed account of the costs and expenses of performing this work. The costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon from the year in which the work is completed.

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force the day after its passage and publication.

| DATE: | February 17, 2025 | | March 4, 2025 | |
|--------------------|-------------------|----|---------------|----|
| READING: | 1ST | | 2ND | |
| | YES | NO | YES | NO |
| DAVIS | | | | |
| LAMPE | | | | |
| BOARD | | | | |
| BARTZ | | | | |
| BLANKE | | | | |
| SMITH | | | | |
| SCHMID | | | | |
| WETZEL | | | | |
| MOLDENHAUER | | | | |
| MAYOR MCFARLAND | | | | |
| TOTAL | | | | |

ADOPTED March 4, 2025

CITY CLERK

APPROVED March 4, 2025

MAYOR