

Chapter 453, Articles 1 2: Proposed Revisions  
2023

Code Section	Issue	Problem	Specific Code	Existing Language	Proposed Language	Notes/ Comments/To-Do's
453-8	Land uses	Inconsistent with current billing procedures; revised in 2019-2020 rate study	453-8 B	<a href="#">(1) For purposes of imposing the service charges, all lots and parcels in the City shall be classified into the following seven customer classifications: (a) Single-family Residential. (b) Condominium residential. (c) Duplex and multifamily residential. (d) Industrial. (e) Commercial. (f) Institutional. (g) Undeveloped.</a>	(1) For purposes of imposing the service charges, all lots and parcels in the City shall be classified into the following seven customer classifications: (a) Single-family and duplex residential. (b) Public Authority (c) Multifamily residential. (d) Commercial. (e) Industrial. (f) Institutional.	See list of land use types associated with 2020 adopted rates; should match 453-6 B. 1.
453-8	Pollutant ERUs include factoring	Inconsistent with current billing procedures; revised rates in 2019/2020 already included the factoring in the baseline rates	453-8 B. (3)	(3) Pollutant ERUs shall be calculated for each classification as follows:	(No change)	Factoring of pollutants for different land uses was incorporated into rate calculations in 2019 study; adopted in 2020. See 453-6 B. (1) for current pollutant rates.
453-8	Pollutant ERUs include factoring	Inconsistent with current billing procedures; revised rates in 2019/2020 already included the factoring in the baseline rates	453-8 B. (3) (a)	(a) Single-family and duplex residential: one ERU per dwelling unit.	(No change)	N/A
453-8	Pollutant ERUs include factoring	Inconsistent with current billing procedures; revised rates in 2019/2020 already included the factoring in the baseline rates	453-8 B. (3) (b)	(b) Condominium residential. The number of volume ERUs shall be multiplied by a factor of 1.0 to determine the number of pollutant ERUs.	(No change)	N/A
453-8	Pollutant ERUs include factoring	Inconsistent with current billing procedures; revised rates in 2019/2020 already included the factoring in the baseline rates	453-8 B. (3) (c)	(c) Multifamily residential. The number of volume ERUs shall be multiplied by a factor of 0.80 to determine the number of pollutant ERUs.	(c) Multifamily residential. The number of volume ERUs shall be multiplied by a factor of 1.0 to determine the number of pollutant ERUs.	Pollutant and Volume ERUs should be the same.
453-8	Pollutant ERUs include factoring	Inconsistent with current billing procedures; revised rates in 2019/2020 already included the factoring in the baseline rates	453-8 B. (3) (d)	(d) Industrial. The number of volume ERUs shall be multiplied by a factor of 0.90 to determine the number of pollutant ERUs.	(d) Industrial. The number of volume ERUs shall be multiplied by a factor of 1.0 to determine the number of pollutant ERUs.	Pollutant and Volume ERUs should be the same.
453-8	Pollutant ERUs include factoring	Inconsistent with current billing procedures; revised rates in 2019/2020 already included the factoring in the baseline rates	453-8 B. (3) (e)	(e) Commercial. The number of volume ERUs shall be multiplied by a factor of 1.10 to determine the number of pollutant ERUs.	(e) Commercial. The number of volume ERUs shall be multiplied by a factor of 1.0 to determine the number of pollutant ERUs.	Pollutant and Volume ERUs should be the same.
453-8	Pollutant ERUs include factoring	Inconsistent with current billing procedures; revised rates in 2019/2020 already included the factoring in the baseline rates	453-8 B. (3) (f)	(f) Institutional. The number of volume ERUs shall be multiplied by a factor of 0.50 to determine the number of pollutant ERUs.	(f) Institutional. The number of volume ERUs shall be multiplied by a factor of 1.0 to determine the number of pollutant ERUs.	Pollutant and Volume ERUs should be the same.
453-8	Pollutant ERUs include factoring	Inconsistent with current billing procedures; revised rates in 2019/2020 already included the factoring in the baseline rates	453-8 B. (3) (g)	(g) Undeveloped property. For any lot or parcel that has no impervious surface area, no pollutant ERUs shall be assigned for purposes of imposing service charges under this article.	(No change)	N/A

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453-8	New Construction impervious areas	Clarify that City will "confirm" new impervious area based on submitted documents from owner.	453-8 B (4)	<u>(4) New construction. For all classifications other than single-family, duplex and multifamily residential, the construction of new or expanded buildings, driveways or other structures or improvements that add impervious surface area to the lot or parcel shall be subject to an increase in the number of ERUs assigned to a lot or parcel. The City shall recalculate the number of ERUs upon completion of new construction.</u>	(4) New construction. For all classifications other than single-family, duplex and multifamily residential, the construction of new or expanded buildings, driveways or other structures or improvements that add impervious surface area to the lot or parcel shall be subject to an increase in the number of ERUs assigned to a lot or parcel. The City shall <u>confirm the recalculation of</u> <del>recalculate</del> the number of ERUs upon completion of new construction.	Ch. 288 revision requires total new/revised impervious area to be submitted with stormwater management plan.
453-8	Residential credit rate set at \$15	Too low to incentivise anyone to make improvements at residential properties	453-8 C. (2)	(2) ...shall be eligible for a one-time rebate of \$15.	...shall be eligible for a one-time rebate of \$40.	
453-8	Residential credit available for rain barrels and rain gardens only	Limits options for residential stormwater improvements; does not include newer technologies; should include permeable paver systems (driveways)	453-8 C. (2)	<u>(2) Rebates to residential properties for the provision of stormwater mitigation facilities. Residential properties that provide a rain barrel or construct a rain garden...</u>	(2) Rebates to residential properties for the provision of stormwater mitigation facilities. Residential properties that provide a rain barrel, <del>or</del> construct a rain garden, <u>install permeable pavement or other stormwater mitigation practice</u> ...	Allows for rebates on permeable pavers, rainwater harvesting, and other new technologies.
453-8	Residential rebates currently only 1 per property.	Properties get sold to new owners, some owners have multiple rain barrels or stormwater features	453-8 C. (2)	Rebates to residential properties for the provision of stormwater mitigation facilities. Residential properties that provide a rain barrel or construct a rain garden to mitigate the volume of stormwater and/or pollutant loadings discharged from the property shall be eligible for a one-time rebate...	Rebates to residential properties for the provision of stormwater mitigation facilities. Residential properties that provide a rain barrel, construct a rain garden, <u>install permeable pavement or other stormwater mitigation practice</u> to mitigate the volume of stormwater and/or pollutant loadings discharged from the property shall be eligible for a <del>one-time</del> rebate...	Allows rebates for individual BMPs, not just per property.
453-8	"City Engineer"	S/B "Director of Public Works/City Engineer"	453-8 C. (1) d.	(d) Appeals. The stormwater service charge, a determination of ERUs or ERU credits may be appealed by filing a written appeal with the Street Superintendent prior to the due date, if not paid, or within 30 days of payment.	(d) Appeals. The stormwater service charge, a determination of ERUs or ERU credits may be appealed by filing a written appeal with the <u>Director of Public Works/City Engineer</u> <del>Street Superintendent</del> prior to the due date, if not paid, or within 30 days of payment.	
453	IDDE - how to address single-event discharges?	Ordinance is good at tracking long-term discharges from industrial sources, etc., but not very clear on the one-off discharges into storm drain, spills, etc.	453-15	<u>A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows...</u>	(Provided examples of single-instance discharges in 453-15A.) Examples of illegal discharges include but are not limited to: vehicle fluids, lawn fertilizers, grass clippings, concrete washouts, sanitary sewage and hazardous wastes.	(R/M)

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453	(Consider mini storm sewer permit)	Need to track additions of non-precipitation clean water to storm sewer system for MS4 mapping, IDDE evaluations, etc.	453-15 A (1) a. & b.	(currently not in code)	or sump discharge shall be connected to the municipal storm sewer system without a permit issued by the Engineering Division. (1)b. If a storm sewer system is not available for connection in proximity to the source of the sump discharge, a seasonal (Nov. 1 – April 1) permit may be issued by the Water/Wastewater Division to connect to the sanitary sewer system to minimize the amount of potential icing on surfaces in cold weather per Ch. 508-8,	Refer to 508.8 for temporary winter connections where no storm sewer exists.
453	IDDE - how to address single-event discharges?	Ordinance is good at tracking long-term discharges from industrial sources, etc., but not very clear on the one-off discharges into storm drain, spills, etc.	453-21	<a href="#">§ 453-21 Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the administering authority in person or by phone or facsimile within 24 hours of becoming aware of the release. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the administering authority within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.</a>	453-21 Notification of Spills. Notwithstanding other requirements of law, as soon as the property owner, agent, lessee, person in possession of any premises or any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the administering authority in person or by phone or electronic mail within 24 hours of becoming aware of the release.	(R/M)
453	IDDE - how to address single-event discharges?	Are fines or citations an option?	453-22	<a href="#">(5) Payment of a fine to cover administrative and remediation costs</a>	What about spills that are generated from non-business activities?	(R/M)
453	IDDE - need citation authority	Enforcement of single-event violations is not clearly described (existing enforcement actions are more suited to long-term discharges).	453-22 D.	(currently not in code)	I think the current language likely covered this, but we added some text to clarify.	(R/M)

453	IDDE - how to address single-event discharges?	The responsible party is not clear for different situations with one-off discharges into storm drain, spills, etc.	453-24	<u>§ 453-24Enforcement measures after appeal. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within 10 days of the decision of the City of Watertown Public Works Commission upholding the decision of the administering authority, then representatives of the administering authority shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.</u>	If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within 10 days of the decision of the City of Watertown Public Works Commission upholding the decision of the administering authority, then representatives of the administering authority shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, <b>lessee</b> or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.	(R/M)
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