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Chapter 453

Stormwater Management

[HISTORY: Adopted by the Common Council of the City of Watertown by Ord. No. 05-12 (Ch. 33 of the former City Code); amended by Ord. No. 09-36. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 253.

Erosion and sediment control — See Ch. 288.

Subdivision of land — See Ch. 545.

Zoning — See Ch. 550.

Article I

Stormwater Management Utility

§ 453-1 Scope.

This article shall apply to the City of Watertown Stormwater Management Utility, as hereinafter defined in § 453-4, and all appurtenances thereof.

§ 453-2 Findings.

- A. The management of stormwater and other surface water discharges within and beyond its border is a matter that affects the public health, safety and welfare of the City of Watertown, its citizens and businesses and others in the surrounding area.
- B. Failure to effectively manage stormwater and other surface water discharge from already developed and vacant property may create, among other things, erosion of lands, threaten businesses and residences with water damage and create sedimentation and other environmental damage.
- C. The City's Stormwater Management System, which provides for the regulation, collection and disposal of stormwater and surface water discharge, is of benefit and provides services to all real property within the incorporated City limits.
- D. The costs of operating and maintaining the City's Stormwater Management System, ensuring regulatory compliance and financing necessary plans, studies, repairs, replacement, improvements, and extension thereof should, to the extent practicable, be allocated among properties in proportion to the contribution to the system from each property.
- E. The final report entitled "Report of the Stormwater Management Committee on the Feasibility of a Stormwater Utility," prepared by Ruekert & Mielke, Inc. and dated February 2005, is hereby declared to constitute the study and description of the analytical determinations that demonstrate a rational basis for the enactment of this article.

§ 453-3 Establishment of Stormwater Management Utility.

In order to protect the health, safety and welfare of the public, there is hereby established the City of Watertown Stormwater Management Utility.

§ 453-4 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADMINISTRATIVE COSTS

The costs of general management and administration of the Utility, development plan and erosion control plan review, and compliance with the requirements of Wisconsin Administrative Code Chapter NR 216 include, but are not limited to, the following:

- A. Wages, salaries and related employee expenses for management and administration of the Utility together with fringe benefits and premiums paid on such wages and salaries for the state workers' compensation coverage.
- B. Utility billing and accounting expenses.
- C. Office supplies.
- D. Permit fees.
- E. Consultant and legal fees.

ADMINISTERING AUTHORITY

The City of Watertown.

CAPITAL COST

The cost of acquiring, purchasing, leasing, planning, designing, constructing, extending and improving all or any part of the stormwater management system and any principal, interest or premiums on any indebtedness incurred for these purposes.

COUNCIL

The Common Council of the City of Watertown.

DEBT SERVICE

All annual principal and interest requirements and obligations of the City, including debt service reserves and coverage requirements, that relate to Stormwater Management System improvements.

EQUIVALENT RUNOFF UNIT (ERU)

An amount of impervious surface area on a lot or parcel that is equivalent to the amount of impervious surface on a typical developed single-family residential lot. The square feet of impervious surface area per ERU shall be as established by the Council from time to time by resolution and set forth in a Stormwater Service Charge Rate Table.

IMPERVIOUS AREA or IMPERVIOUS SURFACE

A horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes but is not limited to asphalt, concrete, streets, roofs, sidewalks, parking lots, and other similar surfaces.

OPERATION AND MAINTENANCE COSTS (O&M)

All direct and indirect costs, excluding capital costs, necessary to ensure adequate drainage and control of stormwater and surface waters on a continuing basis and assure optimal long-term function of Stormwater Management System facilities. O&M costs may include expenses for, but not limited to, the following purposes:

- A. Wages and salaries and related employee expenses for operating and maintenance of the stormwater

management system and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the state workers' compensation coverage.

- B. Fuel and other operating supplies.
- C. Repairs to and maintenance of the equipment associated therewith.
- D. Premiums for hazard insurance.
- E. Premiums for insurance providing coverage against liability for injury to persons and/or property.
- F. Rents and leasing costs.
- G. Operation, licensing and maintenance costs for trucks and heavy equipment.
- H. Consultant and legal fees.
- I. Replacement costs.

REPLACEMENT FUND

Expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the stormwater management system to maintain the performance for which such system was designed and constructed.

STORM SEWER

A sewer that carries storm and surface drainage but excludes domestic wastewater and industrial wastes.

STORMWATER MANAGEMENT FUND

A fund established by the City for the deposit of Utility revenues and the payment of Utility expenses.

STORMWATER MANAGEMENT PROGRAM

Any activities undertaken by the City of Watertown for the collection, transportation, storage, treatment, and disposal of stormwater and surface water and for the reduction or elimination of pollutants in stormwater and surface water, including, but not limited to administration, operation and maintenance of the stormwater management system and Utility, constructing stormwater sewerage facilities, and complying with the requirements of the Wisconsin Statutes and Administrative Code.

STORMWATER MANAGEMENT SYSTEM

Any plant, facilities, fixtures or equipment owned or leased by the City for the collection, transportation, storage, treatment, and disposal of stormwater and surface water. Such facilities may include, without limitation by enumeration, surface and underground drainage conduits of any type, storm sewers, watercourses, retaining walls and ponds, and such other facilities as will support a stormwater management system.

STORMWATER SERVICE CHARGES

Charges imposed on properties in the City to recover the administrative costs, operations & maintenance costs, and capital costs relating to a stormwater management program benefiting properties in the City. Stormwater service charges may include user charges or any other special fees and charges that may be required to provide for an equitable sharing of Utility costs by properties in the City.

UTILITY

The Stormwater Management Utility of the City of Watertown.

§ 453-5 Applicability.

This article, its rules, regulations and rates shall apply to all real property within the incorporated limits of the City of Watertown.

§ 453-6 Acquisition of facilities; rates and charges.

- A. Facilities. The City through the Utility may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities as are deemed by the City to be proper and reasonably necessary for a system of stormwater and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, storm sewers, watercourses, retaining walls and ponds, and such other facilities that will support a stormwater management system.
- B. Rates and charges. Rates and charges for the City of Watertown Stormwater Management Utility are as follows: **[Amended by Ord. No. 12-01; 12-1-2015 by Ord. No. 15-44]**
- (1) ERU definition. One volume equivalent runoff unit (ERU) shall be equal to 2,900 square feet of impervious surface area. The number of ERUs assigned to each parcel shall be rounded to the nearest 0.50 ERU. **[Amended 7-21-2020 by Ord. No. 20-18]**

Service Charge Rates

Customer Class	Monthly Administrative Charge per Customer	Monthly Volume Charge per ERU	Monthly Pollutant Charge per ERU
Single-family, condominium and duplex residential	\$2.13	\$5.61	\$4.78
Public authority	\$2.13	\$5.61	\$2.64
Multifamily residential	\$2.13	\$5.61	\$3.63
Commercial	\$2.13	\$5.61	\$5.14
Industrial	\$2.13	\$5.61	\$4.24
Institutional	\$2.13	\$5.61	\$2.64

- C. Budgeting. The City through the Utility shall prepare an annual budget, which is to include all administrative, regulatory compliance, operation and maintenance costs, debt service, and other costs related to the operation of the Utility. All costs shall be allocated amongst users of the stormwater management system as recommended by the Finance Committee and determined by the Council.
- D. Authority. The City may utilize the full authority provided in § 66.0821, Wis. Stats., with respect to financing methods, stormwater service charges, and other matters therein dealt with, and shall have all

legal authority permitted for municipal utilities to impose reasonable charges for services.

§ 453-7 **Management of Utility.**

- A. Oversight by Common Council. The oversight of the Utility is hereby vested in the Common Council. The Council shall direct and delegate the management and operation of the Utility to City staff and shall prescribe the functions thereof as may be necessary to operate and manage the Utility.
- B. Public Works Commission. The Public Works Commission, appointed in accordance with Chapter **136**, Article **I**, of the City of Watertown Municipal Code, shall make recommendations to the Common Council concerning the operation of the Utility.
- C. Finance Committee. The Finance Committee of the Council, in consultation with the Public Works Commission, shall make recommendations to the Council concerning the Utility budget, service charge rates and expenditures.
- D. Street Superintendent. The Street Superintendent shall be responsible for the day-to-day management of the Stormwater Management Utility. These day-to-day responsibilities include, but are not limited to, budget preparation, recommending utility rates, coordinating compliance with all relevant permitting requirements, approval of expenditures, directing daily activities of personnel and making reports to the Public Works Commission, Finance Committee, Mayor and Common Council. **[Amended by Ord. No. 10-01]**
- E. Stormwater Management Fund. The City shall establish a Stormwater Management Fund, which shall be used for collection of revenues and payment of expenses relating to the Utility. Any excess of revenues over expenditures in a year shall be retained by the fund for subsequent years' needs.
- F. Utility receipts. All Utility receipts shall be collected and accounted for by the City Clerk/Treasurer.
- G. Annual audit. The Council shall cause an annual audit of the books of the Utility to be made and shall make the books and records relating to the Utility available for inspection during regular business hours.

§ 453-8 **Stormwater service charges.**

- A. General.
 - (1) Charges established. There is hereby established a uniform system of stormwater service charges that shall apply to each and every lot or parcel with impervious surface area within the City. It shall be the policy to establish stormwater service charges in such amount in order to pay for all or a part of the following costs relating to the Utility: operations and maintenance costs; administrative costs; contributions to a replacement fund; capital costs and debt service. The Council may establish and modify stormwater service charges as necessary so as to assure that the charges generate adequate revenues to pay the costs of the stormwater management program and that costs are allocated fairly and proportionately to all parcels in the City.
 - (2) Service charge categories.
 - (a) Volumetric service charge. A volumetric service charge shall be imposed on all property that has impervious surface area. This charge shall be related to the costs of managing stormwater runoff volume. The charge for each parcel shall be equal to the product of the service charge rate in terms of dollars per ERU and the number of volume ERUs assigned to the parcel. The number of volume ERUs assigned to each lot or parcel shall be determined based on the amount of impervious surface area.
 - (b) Pollutant loading service charge. A pollutant loading service charge shall be imposed on all property that has impervious surface area. This charge shall be related to the costs of managing pollutants in stormwater runoff. The charge for each parcel shall be equal to the product of the service charge rate in

terms of dollars per ERU and the number of pollutant ERUs assigned to the parcel. The number of pollutant ERUs assigned to each lot or parcel shall be determined based on the amount of impervious surface area and the land use.

- (c) Special charge. A special charge may be imposed on property that is in an area specially benefited by a particular stormwater management facility. This charge will be developed to reflect the benefits in a particular area that may not be appropriate to allocate to property throughout the City.
- (d) Administrative charge. An administrative charge shall be imposed upon each property that has impervious surface area. The administrative charge shall recover a portion of costs related to stormwater flow not directly attributable to users (i.e., stormwater runoff from streets and roads) and customer costs (including accounting and billing). The administrative charge shall be imposed on each user subject to stormwater service charges and will consist of a flat fee per customer account. **[Added by Ord. No. 11-28]**

(3) Billing and payment.

- (a) Billing. The City shall compute the amounts due the City for stormwater service charges and shall render a statement thereof, at periodic intervals, to the owner or occupant of any premises subject to such charge.
- (b) Payment. Property owner is held responsible for all stormwater service charges on real property owned. All stormwater bills and notices of any nature relative to the stormwater management program will be addressed to the owner and delivered to the addressee by first class mail. All amounts due hereunder shall be payable at the office of the City Clerk/Treasurer. Failure to receive a bill does not relieve a party of his/her obligation, nor relieve him/her of payment of the penalty if not paid before the due date. Claims or complaints must be made within five days from due date of bill. **[Amended by Ord. No. 10-28]**
- (c) Late charges. If stormwater service charges are not paid in full on the due date, a charge shall be made on the balance as set forth in the fee schedule set by Common Council. **[Amended 4-6-2020 by Ord. No. 20-12]**
- (d) Failure to receive bills. Reasonable care will be taken in the delivery of stormwater service charge bills. Failure of any person to receive bills for stormwater service charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill should have been paid.
- (e) Lien on property. Unpaid stormwater service charges shall be a lien upon the property served and shall be enforced as provided in § 66.0809(3), Wis. Stats.
- (4) Rates set by resolution. All stormwater service charge rates shall be established from time to time by written resolution of the Common Council. The rates shall be reviewed by the Common Council on an annual basis and adjusted as necessary.

B. Determination of ERUs.

- (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.
- (h) Public Authority.

(2) Volume ERUs shall be calculated for each classification as follows:

- (a) Single-family residential: one ERU per dwelling unit.
- (b) Condominium residential. The City Engineer shall be responsible for determining the total impervious area of each condominium parcel based on the best available information, including but not limited to data supplied by the City Assessor, Building Inspector or Zoning Administrator; aerial photography; the property owner, tenant or developer; or actual on-site measurement. The total impervious area of the parcel shall be divided equally among the condominium units to determine the square feet of impervious area per unit. This amount shall be divided by the number of square feet per ERU as established by the Common Council and set forth in the Stormwater Service Charge Rate Table in § **453-6B(1)** to determine the number of ERUs to assign to each unit, except that in no case shall a condominium unit be assigned less than 0.5 ERU. The number of ERUs per unit shall be rounded to the nearest 0.5 ERU.
- (c) Duplex and multifamily residential: 0.50 ERU per dwelling unit.
- (d) Industrial, commercial, public authority and institutional property. The City Engineer shall be responsible for determining the impervious area of each nonresidential parcel based on the best available information, including but not limited to data supplied by the City Assessor, Building Inspector or Zoning Administrator; aerial photography; the property owner, tenant or developer; or actual on-site measurement. The total impervious area of the parcel shall be divided by the number of square feet per ERU as established by the Common Council and set forth in a Stormwater Service Charge Rate Table in § **453-6B(1)** to determine the number of ERUs to assign to the parcel. The number of ERUs per parcel shall be rounded to the nearest 0.5 ERU.
- (e) Undeveloped property. For any lot or parcel that has no impervious surface area, no volume ERUs shall be assigned for purposes of imposing service charges under this article.

(3) Pollutant ERUs shall be calculated for each classification as follows:

- (a) Single-family and duplex residential: one ERU per dwelling unit.
- (b) Condominium residential. The number of volume ERUs shall be multiplied by a factor of 1.0 to determine the number of pollutant ERUs.
- (c) Multifamily residential. The number of volume ERUs shall be multiplied by a factor of ~~0.80~~ 1.0 to determine the number of pollutant ERUs.
- (d) Industrial. The number of volume ERUs shall be multiplied by a factor of ~~0.90~~ 1.0 to determine the number of pollutant ERUs.
- (e) Commercial. The number of volume ERUs shall be multiplied by a factor of ~~1.10~~ 1.0 to determine the number of pollutant ERUs.
- (f) Institutional. The number of volume ERUs shall be multiplied by a factor of ~~0.50~~ 1.0 to determine the

number of pollutant ERUs.

- (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.
- (h) **Public Authority. The number of volume ERUs shall be multiplied by a factor of 1.0 to determine the number of pollutant ERUs.**
- (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 **confirm the recalculation of** ~~recalculate~~ the number of ERUs upon completion of new construction.

C. Appeals and credits. **[Amended by Ord. No. 10-01; Ord. No. 11-28]**

- (1) Nonresidential credits for the provision of stormwater mitigation facilities and/or activities. Owners of nonresidential properties that have facilities for on-site detention and runoff control or pollutant loading reduction, that undertake activities designed to reduce the quantity of or pollutant loadings in stormwater runoff from the lot or parcel, or that conduct a public education and information program designed to increase public awareness regarding the water quality impacts of stormwater runoff may be eligible for a reduction in the volumetric and/or pollutant loading service charges for their lot or parcel. In order to be eligible for a credit, the facilities or practices must exceed the City stormwater discharge standards that were in effect at the time that the lot or parcel was developed for its current use. Such property owners may apply for a review of the service charges for the lot or parcel. The amount of the credit or adjustment will be determined based on the amount of reduction in the peak rate or total annual volume of stormwater runoff or the percentage reduction in pollutant loadings that the facilities or activities are designed to achieve. No credits will be provided for the administrative charges.
 - (a) Application for credit. Any property owner desiring to apply for a reduction in the stormwater service charge shall submit an application to the Director of Public Works/City Engineer on forms supplied by the City. By submitting an application, the applicant is authorizing the Street Superintendent to enter the property to obtain information required for the review of the credit request. The application shall be accompanied by the following:
 - [1] Plans and studies. The applicant shall provide, as applicable, a written description of the proposed practices or public education program, hydrologic and/or hydraulic studies, plans, computations, etc., that demonstrate, to the satisfaction of the City, that the practices, programs or facilities meet the requirements for the credit requested.
 - [2] Maintenance agreement. The applicant shall provide a plan for maintenance of the facilities or practices.
 - [3] Ongoing documentation. For as long as the credit is in effect, the property owner or occupant shall supply to the City copies of any documentation required to demonstrate that the proposed practices or public education program is being carried out in accordance with the plans submitted to the City or that the facilities are being properly maintained in accordance with the maintenance agreement.
 - (b) Determination of credit. Within 30 days of receipt of a complete application and supporting documentation, the Director of Public Works/City Engineer shall review the application and supporting documentation and shall make a recommendation to the Public Works Commission regarding the credit request. The Public Works Commission shall review said application along with the Director of Public Works/City Engineer's recommendation and shall determine whether a reduction in the stormwater service charge is due the applicant. The applicant shall be provided five business days' prior written notice of the time and place of the Commission's consideration of the credit at the address listed in the

application. The Commission shall base its decision on the record submitted to it at its meeting. The Director of Public Works/City Engineer shall notify the applicant in writing of the Commission's determination by first class mail addressed to the applicant using the address listed in the application. The credit shall be applied to the next practicable billing for stormwater service charges and all subsequent billings for as long as the facilities or practices are operated or carried out in accordance with the plans submitted with the application for the credit.

- (c) Amount of credit. Any credit to the stormwater service charge shall be in the form of a reduction in the volume ERUs, a reduction in the pollutant ERUs, or both. The percentage reduction in the number of ERUs shall be equal to the percentage reduction in the peak rate or total annual volume of stormwater runoff or pollutant loadings beyond what is required by the City's stormwater discharge standards, up to a maximum reduction of 75% in the number of volume and/or pollutant ERUs assigned to the parcel.
 - [1] Parcels developed under current stormwater discharge standards. Parcels developed under the stormwater discharge standards in effect at the time of a credit application shall not be eligible for a reduction in stormwater service charges unless the facilities or practices exceed the City's stormwater discharge standards.
 - [2] Parcels developed prior to current stormwater discharge standards. Parcels that were developed prior to the stormwater discharge standards in effect at the time of a credit application may be eligible for a reduction in stormwater service charges if the facilities or practices exceed the City's stormwater discharge standards that were in effect when the parcel was developed. The credit shall be a percentage reduction in the number of volume and/or pollutant ERUs assigned to the parcel equal to the percentage reduction in the peak rate or total annual volume of stormwater runoff or pollutant loadings beyond what was required by the City's stormwater discharge standards in effect at the time the parcel was developed, up to a maximum reduction of 75% in the number of volume and/or pollutant ERUs assigned to the parcel.
- (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~~ Director of Public Works/City Engineer prior to the due date, if not paid, or within 30 days of payment. The appeal shall specify all bases for the challenge and the amount of the stormwater service charge the appellant asserts is appropriate. Failure to timely file an appeal waives all right to contest such charge.
 - [1] The administrative review board shall review said written appeal and shall determine whether the stormwater service charge, the ERU determination or the ERU credit is fair and reasonable or whether an adjustment or refund is due the appellant. The applicant shall be provided five business days' prior written notice of the time and place of the administrative review board's consideration of the appeal to the owner at the address listed in the appeal. The administrative review board shall base its decision on the record submitted to it at its meeting. The Director of Public Works/City Engineer shall notify the appellant in writing of the administrative review board's determination by first class mail addressed to the owner using the address listed in the appeal.
 - [2] If as a result of any appeal a refund is due the owner, such refund shall be applied as a credit on the owner's next practicable stormwater charge bill.
- (2) Rebates to residential properties for the provision of stormwater mitigation facilities. Residential properties that provide a rain barrel, ~~or~~ construct a rain garden, ~~install permeable pavement or other stormwater mitigation practice~~ to mitigate the volume of stormwater and/or pollutant loadings discharged from the property shall be eligible for a one-time rebate of ~~\$15~~ \$40. Property owners may apply for the rebate by completing an application supplied by the Street Superintendent and supplying a receipt or other appropriate documentation of the purchase or installation of the rain barrel or rain garden.

§ 453-9 Amendments.

The City reserves the right to amend this article in part or in whole whenever it may deem necessary, but only after due notice and hearing, as provided by law.