

Code Section	Issue	Problem	Specific Code	Existing Language	Proposed Language	Notes/ Comments/To-Do's
453	Maintenance	Currently no defined stormwater maintenance requirements in code; need to define long term responsibilities, etc.	Article III	(currently not in code)	(See Article III)	Use example ordinances, templates, summarize permit requirements & draft language.
453	Definitions	Need to define terms.	453-34	(currently not in code)	(See definitions for Drainage and Stormwater Utility Easements, Maintenance Agreement, Maintenance Plan, Municipal Separate Storm Sewer System (MS4) Permit, Privately-owned BMPs, Owner, Stormwater, Stormwater Best Management Practice (BMP), and Technical Standard.	
453	HOAs?	Need to include something re: HOAs & condos assoc., current contacts, responsibilities, etc.	Article III 453-35 A	(currently not in code)	A.Stormwater BMP Owners on property owned by multiple owners, including but not limited to homeowners associations, stormwater associations and condominium associations shall maintain the current owner or agent contact information on file with the City of Watertown Engineering Division.	HOAs listed under Owner definition in 453-34
453	Responsibility for private stormwater BMP maintenance	When properties are sold, it is not always clear who is responsible for BMP maintenance.	Article III 453-37 A	(currently not in code)	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.	Clarity is good.
453	City ability to charge for stormwater BMP maintenance on previously-privately-owned BMPs	Privately-owned BMPs that go into foreclosure end up as property of the County or City.	Article III 453-37 B	(currently not in code)	In 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.	For BMPs that default to the City.

453	Private storm system/BMP maintenance	Previously approved stormwater BMPs require maintenance	Article III 453-37 C	(currently not in code)	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(s) such that the system is functioning in accord with the approved design. 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 453.39(D).	Applies to all BMPs that were approved by the City.
453	Sites without maintenance agreements?	How to address sites that did not complete permit process (implement \$\$ retainage or other final inspection, check-off procedures at end of construction?)	Article III 453-37 C	(currently not in code)	(see 453-37 C, above)	A couple BMPs that were installed in the early 1990's before the City had requirements for maintenance in the ordinance might not fall under this language; all other BMPs designed and constructed under latter ordinances should be captured under this clarification.
453	Maintenance & Drainage Easements	Who is responsible for maintenance?	Article III 453-40 C	(currently not in code)	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.	Clarifies maintenance and storage questions.
453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C	(currently not in code)	Items that are prohibited from being stored within the stormwater utility / drainage swale or easement include:	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.

453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C 1)	(currently not in code)	1) Brush and compost bins and piles, fertilizers	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.
453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C 2)	(currently not in code)	2) Wood piles	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.
453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C 3)	(currently not in code)	3) Permanent structural landscaping features including but not limited to fences, retaining walls, raised garden beds, trees, shrubs, and filling or grading or land.	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.
453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C 4)	(currently not in code)	4) Recreational furniture and equipment including but not limited to swingsets, sandboxes, firepits, and above ground pools.	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.
453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C 5)	(currently not in code)	5) Grills	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.
453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C 6)	(currently not in code)	6) Vehicles, trailers, boats or campers.	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.
453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C 7)	(currently not in code)	7) Sheds and other storage structures.	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.

453	Maintenance & Drainage Easements	What is allowed and not in easements?	Article III 453-40 C 8)	(currently not in code)	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.	Provides examples of items that should not be stored in drainage or stormwater easements due to potential flooding and pollution concerns.
453	Maintenance of Effort	Include maintenance of effort language in Article III to ensure stormwater control doesn't get lost through redevelopment, but can be accommodated in alternative BMPs that will be maintained.	Article III 453-41	(currently not in code)	Maintenance of effort. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of Ch. NR 151, Wis. Adm. Code, in effect on or after October 1, 2004, the owner(s) shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this article, whichever is more stringent. Routine and occasional maintenance of these facilities is required by the property owner.	Revised policy to require easements and maintenance agreements for residential developments, but only maintenance agreements for non-residential properties. Future redevelopment properties can modify stormwater BMPs as long as they maintain the originally approved water quality and quantity controls. Current Ch. 288 language is sufficient.