

## CHAPTER 21

### STORMWATER

#### STORMWATER MANAGEMENT SERVICES

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
21.01	Purpose and Necessity; Authorization		
21.02	Creation of Stormwater Committee	2008-11	08/05/08
21.03	Separate Fund	2008-11	08/05/08
21.04	Budget		
21.05	Accountability		
21.06	Extensions and Emergency Expenditures		
21.07	Authority		
21.08	Definitions		
21.09	Rates and Charges		
21.10	Classifications of Customers		
21.11	Storm Sewers	2008-11 2009-02	08/05/08 04/08/09
21.12	Payment; Lien; Penalty	2005-02 2008-11	04/05/05 08/05/08
21.13	Customer Classifications		
21.14	New Construction		
21.15	Complaints		
21.16	Illicit Discharges and Connections	2005-02 2009-01	04/05/05 02/03/09
21.17	Penalty		

**21.01 PURPOSE AND NECESSITY; AUTHORIZATION.**

The Village Board of the Village of Sturtevant finds that the management of stormwater and other surface water discharges within and beyond the Village is a matter that affects the health, safety and welfare of the Village, its citizens and businesses and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the Village by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, streams and other bodies of water within and adjacent to the Village. A system for the collection and disposal of stormwater provides services to all properties within the Village of Sturtevant and surrounding areas, including those properties not currently served by the system. The cost of operating and maintaining the Village stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Village Board hereby exercises its authority to manage stormwater and surface water discharges and establish the rates for stormwater management services.

**21.02 CREATION OF STORMWATER COMMITTEE.**

There is hereby established a stormwater committee in the Village of Sturtevant, consisting of three (3) members of the Village Board of Trustees. The operation of the stormwater committee shall be under the supervision of the Village Board.

**21.03 SEPARATE FUND.**

The Village Treasurer, under the direction of the stormwater committee, shall keep a separate account of money or income received from all stormwater management charges collected relating to the stormwater management system and the fund thereby created shall be devoted to the expense of maintaining and operating such system. A monthly financial report shall be made to the Village Board by the Village Treasurer.

**21.04 BUDGET.**

Annually, on or before November 15 of each year, the stormwater committee shall prepare and submit to the Village Board a proposed budget for the operation of the stormwater management services for the ensuing year. Upon approval of the Village Board, the budget shall constitute the budget for such stormwater management services for such year. This budget shall also be submitted to the residents of the Village in conjunction with the Village's annual budget hearing.

**21.05 ACCOUNTABILITY.**

Annually, the stormwater committee shall cause an audit to be made of the stormwater management services and shall submit a report thereof to the Village Board.

**21.06 EXTENSIONS AND EMERGENCY EXPENDITURES.**

All extensions to the stormwater management system shall be made by and under the direction of the Village Board. The stormwater committee shall have the power to authorize emergency repairs subject to ratification by the Village Board.

**21.07 AUTHORITY.**

The Village, acting through the stormwater committee, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the Village to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other facilities as will support a stormwater management system.

**21.08 DEFINITIONS.**

- (1) “Charge” means the fee imposed under this chapter for the rendering of stormwater management services by the Village.
- (2) “Equivalent runoff unit” or “ERU” is the basic unit by which a storm sewer charge is calculated under this chapter and is based upon the typical runoff volume of stormwater from one residential property during a 10 year, 24 hour rainfall event pursuant to the methodology developed by the National Resources Conservation Service (NRCS) as set forth in Technical Release – 55 publication (TR-55), and any amendments thereto.
- (3) “Impervious area” means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, loading docks and sidewalks, and semi-impervious surfaces such as compacted gravel, all as measured on a horizontal plane.
- (4) “Dwelling unit” means a room or group of rooms including cooking accommodations, occupied by one family, and in which not more than two

persons, other than members of the family, are lodged or boarded for compensation at any one time.

- (5) “Single family unit” means any residential property, including manufactured homes, consisting of one dwelling unit.
- (6) “Stormwater committee” means the committee established under this chapter for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.
- (7) “Undeveloped property” means property that is not developed by the addition of an improvement such as a building, structure, grading or substantial landscaping. A property shall be considered to be developed if:
  - (a) A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or
  - (b) Construction of an improvement on the property is at least 50 per cent completed and such construction has ceased for a period of at least 3 months, whether consecutive or not.

## **21.09 RATES AND CHARGES.**

- (1) The basis for computation of the charge for stormwater services to lots and parcels of land within the Village is established under this section. The amount of charge to be imposed, the establishment of formulas for the calculation of charges, the creation of customer classifications for the imposition of charges, and changes in such charges, formulas and customer may be made by resolution. All charges established pursuant to this chapter shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the office of the Village Clerk.
- (2) Charges shall be imposed to recover all or a portion of the costs of the stormwater management. Such charges may include the following components:
  - (a) Base Charge. A base charge may be imposed on all property in the Village. The base charge is established in recognition of the fact that all properties in the Village receive services from the stormwater management activities of the Village and that all properties contribute to some degree to the stormwater discharge that must be managed by the Village. The base charge shall be assessed to collect the administrative costs of the stormwater committee and may include capital, operating and maintenance costs of the stormwater committee which are not recovered by other means.

- (b) Equivalent runoff unit charge (ERU). An equivalent runoff unit charge may be imposed on all property that contributes to stormwater run-off. The ERU charge shall be assessed based upon the property's zoning classification, or, at the discretion of the Village Engineer, based upon the principal use of the property regardless of zoning classification.

## **21.10 CLASSIFICATIONS OF CUSTOMERS.**

The Village Board may establish classifications other than the customer classifications under section 21.13 as will be likely to provide a reasonable and fair distribution of the costs of the stormwater management.

## **21.11 STORM SEWERS.**

Stormwater, other than that exempted in 13.07 (1), and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Storm and Wastewater Committee ("Approving Authority") and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer, combined sewer or natural outlet.

### **(1) Discharge of Unpolluted Waters**

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage, which is not contaminated, into any sanitary sewer. Stormwater and all uncontaminated drainage shall be discharged into storm sewers or to a natural outlet or watercourse in accordance with applicable laws, ordinances and regulations. Roof down spouts shall not be connected to the Village's storm sewer laterals or mains but shall drain to porous surfaces, rain barrels or rain gardens unless the Village specifically gives permission to connect to the Village's storm sewer laterals or mains.
- (b) Removal of water from the footing drains may be effected by means of a sump pump or other equally suitable method. Except as otherwise provided herein, the outlet or discharge point of any sump or other authorized discharge method shall be toward the front of the lot and shall not be nearer than 20' from the side yard line nor shall any person construct or cause or permit to be constructed any ditch or line from such discharge point toward the side yard line of such lot so as to cause the same to be discharged closer to the side yard line than is authorized herein. Where a lot is on a corner

the water may discharge toward a side yard which abuts on a public street.  
(Rn. #97-15)

- (2) Connection of Sump Pump to Storm Sewer System. (Cr. #97-15)
- (a) Upon securing the necessary permit from the Village of Sturtevant, a property owner may connect his/her sump pump so that it discharges directly into the Village's storm sewer system. The cost of accomplishing such connection shall be borne by the property owner. The property owner shall also be responsible for restoring any areas disturbed by said work.
- (b) At the written request of the property owner, the Village, in its discretion, may agree to accomplish connection of a property owner's sump pump to the Village's storm sewer system. Such request shall constitute a waiver to a hearing on and consent to the imposition of a special assessment against the property for the cost of such connection, which shall be borne by the property owner. At the discretion of the Village, such amount may be repaid to the Village in installments over a 5-year period, plus interest, all as more specifically agreed to by and between the parties.
- (c) 1. Installation of Storm Drain Pipe After Enactment of Ordinance.  
If, subsequent to the enactment of this ordinance, the Village installs, or requires a third party to install, a storm drain pipe to serve a parcel in the Village, the property owner shall obtain the necessary permit and connect his/her sump pump discharge to the storm drain pipe. The property owner shall be responsible for the cost of extending a lateral to the edge of the Village's right-of-way. In the case of new building construction, the connection shall be made by the property owner prior to receiving an occupancy permit. If a building currently exists on a parcel and the storm drain pipe is installed to serve said parcel, the property owner shall have six months from the date that the property owner is sent written notice from the Village that a storm drain pipe has been installed, to make the connection. If a storm drain pipe is 8 inches or smaller in diameter, it is presumed that said storm drain pipe is solely for the purpose of channeling sump pump water discharges and the Village shall not assess the property owners for the cost of installation of the storm drain pipe or the laterals within the Village's right-of way.
2. Installation of Storm Drain Pipe Prior to Enactment of Ordinance.  
If, prior to the enactment of the ordinance, the Village has installed, or has required a third party to install, a storm drain pipe to serve a parcel in the Village, an owner of a parcel with an existing building

shall have no obligation to connect to said pipe. Owners of vacant parcels shall be required to connect in accordance with Section 21(2)(c)1, prior to receiving an occupancy permit for new building construction.

3. Exemptions. Upon a showing of good cause, the Village Board may grant the property owner an exemption from the connection requirements of the ordinance. An exemption issued by the Village is valid for the specific property owner only and is subject to any conditions placed upon the exemption granted. Upon change of the property's ownership, the exemption shall expire and the new property owner must reapply for a new exemption or make connection to the storm drain pipe within six months of the change in ownership. Good cause for not connecting to the storm drain pipe shall include: the property has an effective functioning rain garden, the sump pump discharges into a natural waterway, or where it is demonstrated, to the satisfaction of the Village, that there is no adverse impact as a result of the discharge of sump pump water.
- (d) Where a property owner establishes to the satisfaction of the Village Board or its authorized representative that discharging to the front of the lot shall be unduly burdensome, the Village may grant a permit to discharge at some other location. As a condition of the issuance of such permit, the property owner and occupant shall and hereby do grant permission for Village officials, employees and agents to enter upon the property at all reasonable times to inspect the sump discharge, and in the event of a refusal of access for any such inspection, the permit may be revoked after a hearing before the Village Board or its authorized committee or representative.
1. During the annual "Winter Season" from December 1<sup>st</sup> through March 31<sup>st</sup> all "Sump Pump" connections not connected to the Village's storm sewer system shall be directed in a manner to not cause the flowing of discharged water to cross into side yards or to cross sidewalks where icing conditions can form.
- (e) Any person who shall violate any provision of this section shall upon conviction thereof forfeit not less than \$100 nor more than \$1,000, together with the costs of prosecution.

## **21.12 PAYMENT; LIEN; PENALTY.**

- (1) **Billing and Payment.** Storm water management fees, at the rate set annually by the Village Board, shall be billed to the owners of each parcel within the Village at the same time and in the same manner as the Village tax bill, as an additional fee

for storm water services. The full storm water management fee shall be due with the first tax installment. Alternatively, storm water management fees may be levied and collected as a special charge against property in the Village, under Wis. Stat. § 66.0627 and as provided in this section. The mailing of the bill containing the storm water management fee shall serve as notice to the property owner that failure to pay the storm water management fee when due may result in the fee being levied, imposed and collected as a special charge, pursuant to the procedures set forth in Wis. Stat. § 66.0627.

- (2) **Lien.** All storm water management fees shall be a lien upon the property, as provided in Wis. Stat. § 66.0809.

**21.13 CUSTOMER CLASSIFICATIONS.**

- (1) For the purpose of imposing the charges imposed under this chapter, all lots and parcels of land in the Village shall be classified into the following customer classifications:

<u>CLASSIFICATIONS</u>	<u>ERU</u>
(a) Properties Zoned in One and Two Family Residence District, Mobile Home District, and Properties Located in Other Zoning Districts Where the Principal Use is Residential (one or two family).	1 ERU
(b) Properties Zoned in Multiple Family Residence District	.5 ERU per each dwelling unit
(c) Properties Zoned in Business District A and Business District B	6.1 ERUs per acre
(d) Properties Zoned in Industrial District	5.1 ERUs per acre
(e) Properties Zoned in Institutional District	4.8 ERUs per acre
(f) Undeveloped Properties or Parkland Regardless of Zoning	2.7 ERUs per acre

- (2) Exceptions to ERU Charges.
- (a) Properties in which the principal use is agricultural, as determined by the Village Engineer, are exempt from ERU charges.
  - (b) A reduced ERU charge of 3.1 ERUs per acre may be extended as to any property where adequate stormwater facilities have already been constructed by the owner or developer as required by the Village.

#### **21.14 NEW CONSTRUCTION.**

- (1) Except for one or two family units, a property owner shall be responsible for submitting a stormwater management service application at the time a building permit is issued or a site plan review is conducted. The application shall be made on a form prescribed by the Village and provided with each application for a building permit or application for site plan review. Failure to submit such stormwater utility service application or providing false information on such form shall be a violation of this chapter.

#### **21.15 COMPLAINTS.**

Complaints pertaining to whether the stormwater committee's rates, rules or practices are unreasonable or unjustly discriminatory are to be made to the Public Service Commission in accordance with Chapters 66 and 196 of the Wisconsin Statutes.

#### **21.16 ILLICIT DISCHARGES AND CONNECTIONS**

- (1) DEFINITIONS.

The following definitions shall be applicable in this Section:

- (a) **Illicit Connection:** Any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the Municipal Separate Storm Sewer System and any connections to a Municipal Separate Storm Sewer from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this ordinance.
- (b) **Illicit Discharge.** Any discharge to a Municipal Separate Storm Sewer or the Waters of the State that is not composed entirely of storm water, unless exempted below. Any such Illicit Discharge is a public nuisance.
- (c) **Municipal Separate Storm Sewer System:** A conveyance or system of conveyances including roads with drainage systems, municipal streets,

catch basins, curbs, gutters, piped storm drains, pumping facilities, ditches, retention or detention basins, reservoirs, constructed channels or storm drains, which meets the following criteria:

1. Owned or operated by a municipality.
  2. Designed or used for collecting or conveying storm water.
  3. Which is not a combined sewer conveying both sanitary or storm water.
  4. Which is not part of a publicly owned wastewater treatment works which provides secondary or more stringent treatment.
- (d) **Person:** Any owner, operator, individual, association, organization, partnership, firm, corporation, municipality, interstate agency, state agency, federal agency or other entity recognized by law and acting as either the owner or as the owner's agent.
- (e) **Storm Water:** Storm water runoff, snow or ice melt runoff, and surface runoff and drainage.
- (f) **WPDES:** Wisconsin pollutant discharge elimination system.
- (g) **Waters of the State:** Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.
- (2) **DISCHARGES PROHIBITED.** No person shall cause an Illicit Discharge to a Municipal Separate Storm Sewer or the Waters of the State.
- (3) **CONNECTIONS PROHIBITED.** The construction, use, maintenance or continued existence of an Illicit Connection to the Municipal Separate Storm Sewer is prohibited. This prohibition expressly includes, without limitation, an Illicit Connection made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.
- (4) **EXEMPTIONS.** The following discharges and flows are not considered Illicit Discharges:
- (a) Discharges authorized by a WPDES permit issued by the Wisconsin Department of Natural Resources.

- (b) Discharges resulting from fire fighting activities.
  - (c) Water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, roof drains, sump pumps, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool water and street wash water.
- (5) ENFORCEMENT. Whenever the Department of Public Works finds a person has violated a prohibition or failed to meet a requirement of this Section, the Department of Public Works Director or his designee may order compliance by written notice of violation to the responsible person. Enforcement action under this subsection may be in addition to prosecution under subsection (6) below. Such notice shall set forth a deadline and may require without limitation:
- (a) The performance of monitoring, analyses, and reporting;
  - (b) The elimination of an Illicit Connection or Discharge;
  - (c) That violating discharges, practices, or operations shall cease and desist;
  - (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (6) PENALTY. In the event the person fails to perform monitoring, analyses and reporting, fails to eliminate an Illicit Connection or Discharge, fails to cease and desist in discharges, practices or operations in violation of this Section, or fails to abate or remediate the storm water pollution or contamination hazards, as required by the Department of Public Works Director or his designee that person may be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense, together with the cost of prosecution. Each day that the violation exists shall constitute a separate offense.
- (7) In the event that an Illicit Discharge is identified, and emergency clean up action is undertaken by the Village, WDNR, or other authority having jurisdiction, the persons may be responsible for payment or reimbursement of all associated clean up costs incurred.
- (8) If the violator fails to remediate or restore within the established deadline, the work may be done by the Village of Sturtevant or by a contractor chosen by the Village of Sturtevant and the expense thereof shall be charged to the violator. It shall be unlawful for any person, owner, agent or person in possession of any

premises to refuse to allow the Department of Public Works or designated contractor to enter upon the premises for the purposes set forth above.

- (9) **VIOLATIONS DEEMED A PUBLIC NUISANCE.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed to be a public nuisance, and may be summarily abated or restored at the violator's expense in accordance with Chapter 10 of the Village's Code of Ordinances, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.

**21.17 PENALTY.**

- (1) A person violating section 21.14 shall, upon conviction, pay a forfeiture not to exceed \$500 for each offense, in addition to the costs of prosecution which are allowed by law. Each day during which a violation exists shall constitute a separate offense.