



Legislation Text

File #: 16734, Version: 1

**Fiscal Note**

No fiscal impact is anticipated.

**Title**

Amending Sections 37.05(7)(b), 37.08(6)(a) & (b), and 37.09(7), and creating Sections 37.09(3)(d)7. and 37.09(3)(i) of the Madison General Ordinances to update stormwater and erosion control requirements.

**Body**

DRAFTER'S ANALYSIS: This ordinance creates Paragraph 37.09(3)(d)7 and amends Subdivision 37.05(7)(b) of the Madison General Ordinances by creating a new Paragraph 4 and renumbering former Paragraphs 4-6 to create new stormwater drainage and discharge requirements in situations where stormwater is proposed to be discharged onto adjoining, non-City owned property. This ordinance also amends Subdivisions 37.08(6)(a) & (b) to give the City more flexibility in the erosion control plan requirements regarding the reporting of the preconstruction meeting and the initial installation and implementation of the erosion control plan. This ordinance also creates Subdivision 37.09(3)(i) to require compliance with additional stormwater management requirements set forth by the Capital Area Regional Plan Commission (CARPC). Finally, this ordinance amends Subsection 37.09(7) by changing the annual stormwater management reporting deadline to September 1, easing the requirements that a Professional Engineer certify the annual stormwater management report in certain situations, and setting forth procedures following the City's receipt of the report.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (b) entitled "Charges, Specifications and Maintenance of the Connection" of Subsection (7) entitled "Connection to the Public Stormwater System" of Section 37.05 entitled "The Public Stormwater System" of the Madison General Ordinances is amended to read as follows:

"(b) Charges, Specifications and Maintenance of the Connection. The Administrative Authority shall review all parking facility permit applications and applications for "commercial sites" as defined by Sec. 10.08 of the Madison General Ordinances, hereinafter termed the "site". Single and two family detached dwellings shall be reviewed by the Director of the Building Inspection Division.

1. All sites, which include ten thousand (10,000) square feet or less of impervious surface, may be permitted to drain over the sidewalk with the provision that the site shall be graded so that the resultant flow shall be distributed over at least ten (10) linear feet of sidewalk.
2. All sites, which include over ten thousand (10,000) square feet of impervious surface, shall be designed to convey stormwater drainage to the public stormwater system by means of a private storm sewer or storm building sewer. Where the existing topography is such that the stormwater cannot practically be conveyed to the storm sewer facility or over the sidewalk by means of gravity, and where the stormwater has drained historically onto another parcel of land, the Administrative Authority may grant site drainage approval conditioned on the fact that the City is properly relieved of responsibility for any costs of damage to other lands attributed to said stormwater flow.
3. When the Administrative Authority deems that the existing storm sewer is unavailable, or that connection to the storm sewer is not in the public interest, he/she may permit drainage across the sidewalk on a temporary or permanent basis.
4. When a site being reviewed by the Administrative Authority proposes to continue existing drainage patters and discharge stormwater runoff onto property neither under the applicants control (via ownership, easement or agreement) nor onto publicly owned property, the Administrative Authority shall require the applicant to provide documentation that they have made significant efforts to obtain the right to discharge this stormwater onto this property. If no

right can be obtained, the applicant shall be required to mitigate the increased volume of discharge on their property prior to making this discharge. Mitigation shall consist of implementation of a stormwater practice that shall match the existing volumetric discharges from the applicant's property to other lands not under their control in storm events including the 1, 2, 5 & 10-year storm events.

45. The Administrative Authority shall review and approve the location, direction of flow, depth, size and type of material to be used in the private storm sewer or storm building sewer. No storm sewer lateral shall be less than six (6) inches in diameter.
56. The property owner shall be responsible for the cost of installation of the private storm sewer or storm building sewer from his/her property line to the public stormwater system. The cost of installation shall include excavation, pipe laying, backfilling, and street restoration where required under the supervision of the Administrative Authority and in accordance with the City of Madison Street and Sewer Specifications.
67. The maintenance of the private storm sewer or building storm sewer, and/or best management practices shall be the responsibility of the property owner. Every private storm sewer, building storm sewer, and best management practice shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions, and in accord with the maintenance agreement recorded against the property, if applicable.
  - a. Where existing private storm sewer, building storm sewer, and/or best management practices are in a state of disrepair 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 Administrative Authority is authorized to resolve the drainage obstruction. Authorized actions include but are not limited to: removal of any drainage obstructions, at existing inlets, at existing ditch lines and the like; regrading of existing ditch lines; and repairing best management practices to allow for positive drainage. The Administrative Authority may proceed as follows to complete the work:
    - i. Where, in the opinion of the Administrative Authority, a situation exists that could adversely affect the health and safety of the public or cause significant damage to public or private property, the Administrative Authority is authorized to resolve the situation and the City will special charge the completed work in accord with Sec. 4.09(13) of the Madison General Ordinances.
    - ii. Where, in the opinion of the Administrative Authority, the situation affects only the property on which the problem exists, and the needed repair is not to a best management practice that is part of the approved stormwater management plan, the Administrative Authority may proceed to complete the work provided the owner of the affected property signs a completed waiver of Notice and Hearing for imposition of a special charge to pay for the cost of the work.
    - iii. Where, in the opinion of the Administrative Authority, the situation on one (1) property affects the drainage on other properties but does not threaten the health and safety of the public or threaten to cause significant damage to public or private property, or where the required maintenance is on a best management practice that is part of the approved stormwater management plan, the Administrative Authority may proceed in accord with Sec. 27.05 of the Madison General Ordinances, and order the owner of the property causing the problem to correct the situation.
  - b. Any property owner required to have a Best Management Practice or a maintenance agreement on the property shall submit to the City Engineer an annual report reviewing the condition of that practice and the maintenance performed during the past calendar year. This report shall be submitted and sealed by a Professional Engineer currently licensed in the State of Wisconsin.  
Where a recorded maintenance agreement exists, which specifies the annual inspection requirements, that agreement shall be the minimum information required. Where a

maintenance agreement does not exist, the City Engineer shall make available forms for the most common types of BMP's that may be used to provide the required information. These forms will be accepted for those properties with maintenance agreements as well."

2. Subdivision (a) of Subsection (6) entitled "Additional Requirements" of Section 37.08 entitled "Erosion Control Plan Requirements" of the Madison General Ordinances is amended to read as follows:

"(a) Hold a preconstruction meeting prior to the start of construction. This preconstruction meeting shall be attended by a Professional Engineer licensed in the State of Wisconsin responsible for the initial implementation of the erosion control plan. The erosion control permitting and reporting requirements shall be discussed at this meeting. The Professional Engineer in attendance shall document the meeting and submit minutes of the meeting to the Administrative Authority within one (1) week of this meeting. The Administrative Authority, at their discretion, may allow other appropriately credentialed professionals to complete this requirement."

3. Subdivision (b) of Subsection (6) entitled "Additional Requirements" of Section 37.08 entitled "Erosion Control Plan Requirements" of the Madison General Ordinances is amended to read as follows:

"(b) Provide documentation to the Administrative Authority, on forms available from the City Engineer, from a Professional Engineer licensed in the State of Wisconsin showing the initial installation and implementation of the erosion control plan. These forms shall be submitted to the Administrative Authority within one (1) week of the completion of the initial installation and implementation of the erosion control plan. The Administrative Authority, at their discretion, may allow other appropriately credentialed professionals to complete this inspection."

4. Paragraph 7. entitled "Discharge off-site to other private lands" of Subdivision (d) entitled "Runoff Rate Control - Design Standards" of Subsection (3) entitled "Stormwater Management Performance Standards" of Section 37.09 entitled "Stormwater Management Report Requirements" of the Madison General Ordinances is created to read as follows:

"7. Discharge off-site to other private lands - When a site being reviewed by the Administrative Authority proposes to continue existing drainage patterns and discharge storm water runoff onto property neither under the applicant's control (via ownership, easement or agreement) nor onto publicly owned property, the Administrative Authority shall require the applicant to provide documentation that they have made significant efforts to obtain the right to discharge this storm water onto this property. If no right can be obtained, the applicant shall be required to mitigate the increased volume of discharge on their property prior to making this discharge. Mitigation shall consist of implementation of a storm water practice that shall match the existing volumetric discharges from the applicant's property to other lands not under their control in storm events including the 1,2,5 & 10-year storm events."

5. Subdivision (i) entitled "CARPC Requirements" of Subsection (3) entitled "Stormwater Management Performance Standards" of Section 37.09 entitled "Stormwater Management Report Requirements" of the Madison General Ordinances is created to read as follows:

"(i) CARPC Requirements. Where, as a condition of approval of an urban service area extension, the Capital Area Regional Plan Commission (CARPC) requires compliance with additional stormwater management standards, the applicant shall comply with the resolution of approval for this urban service area as issued by CARPC and approved by the Wisconsin Department of Natural Resources (WDNR) and/or the Madison Metropolitan Sewerage District (MMSD)."

6. Subsection (7) entitled "Annual Stormwater Management Report" of Section 37.09 entitled "Stormwater Management Report Requirements" of the Madison General Ordinances is amended to read as follows:

"(7) Annual Stormwater Management Report. Each applicant who is granted a stormwater management permit, and who has signed and recorded the required maintenance agreement, shall submit to the City Engineer an annual report on the condition of the site's stormwater management devices. This report shall be submitted by ~~December 31~~ September 1 of each year following closure of the Stormwater Management Permit required under Sec. 37.09(6). The annual report shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin, on forms provided by the City Engineer. The requirement that the annual report be sealed by a Professional Engineer

may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catchbasin sumps, provided that the applicant can provide the appropriate documentation and dated photos as outlined in 37.09(7)(a)&(b). For sites with more extensive stormwater management systems, the Administrative Authority may allow other appropriately credentialed professionals to complete this work at their discretion.

Upon receipt of the annual report, City Engineering staff shall provide an email response to the contact listed on the reporting forms stating that the report was received. After that response, the City shall have fifteen (15) working days to review the annual report for completeness. If at the end of that time no additional comments are received by the applicant the annual report shall be deemed to be completed and accepted by City Engineering. The annual report and shall include the following:

- (a) Documentation of the completion of the required annual maintenance, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed;
- (b) Photos of the management device at the time of inspection. This shall include photos of existing conditions and photos after the completion of the any required maintenance.