

ORDINANCE O2023-10-03

**AN ORDINANCE TO CREATE SECTION 167-18(G) OF THE VILLAGE OF RICHFIELD
MUNICIPAL CODE**

WHEREAS, the Village of Richfield is a part of the State Department of Natural Resources Municipal Separate Storm Sewer System (MS4) Permit program; and

WHEREAS, the Village of Richfield is required by the DNR to adopt Ordinances relating to improving the quality of stormwater that ultimately returns to the shallow aquifer; and

WHEREAS, under the MS4 Permit program the Village is required to implement a range of stormwater management practices, from public education and outreach to pollution prevention measures and monitoring; and

WHEREAS, this Ordinance pertains to the requirement for established subdivisions with stormwater management agreements that once every five years, a report must be prepared by a licensed Professional Engineer that reviews the maintenance work performed and prepares an inspection report for submission to the Village. The Ordinance also describes a process by which subdivisions who do not have these types of agreements will work cooperatively with the Village Staff to get one enacted.

NOW, THEREFORE BE IT RESOLVED, the Village of Richfield Village Board, Washington County, Wisconsin DO HEREBY ORDAIN AS FOLLOWS to Amend Section 167-18(G) of the Village of Richfield Municipal Code entitled "Maintenance and Stormwater Management Facilities" as follows:

Section 1. Intent

The intent of this ordinance is to amend section 167-18(G) of the Village Code entitled Maintenance and Stormwater Management Facilities to insert Subsection G. to read as follows:

G. Each applicant who was granted a stormwater management permit for a best management practice and storm water conveyance system, shall submit the following to the Village:

A maintenance and inspection report assessing the condition of the best management practice and storm water conveyance system as compared to storm water management plan shall be submitted once every five years. The inspection report shall be submitted and sealed by a professional engineer currently licensed in the State of Wisconsin.

- a. Where a recorded maintenance agreement exists, the report shall provide documentation that maintenance was performed in accordance with the inspection requirements of the recorded maintenance agreement.
- b. If a stormwater management permit was granted but no maintenance agreement has been recorded, the property owner shall work with a professional engineer currently licensed in the State of Wisconsin to create a maintenance plan and agreement. The maintenance plan and agreement are to be reviewed by the Village for concurrence and following concurrence shall be recorded at the County Register of Deeds.

- c. The recorded maintenance agreement if not on file with the Village is to be submitted with the annual report.
- (2) The Village of Richfield or an authorized agent will provide written notice to each applicant to provide a maintenance and inspection report. The notice will include if the Village has a Maintenance Agreement on file. The maintenance and inspection report is due to the Village within 3 months of the written notice. The Village of Richfield's Maintenance Report template and Inspection Report template will be used to document the maintenance report. The Village of Richfield's Maintenance Agreement template will be used if a Maintenance Agreement is not on file.

Section 2. Effective Date


This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

Section 3. Severability. Several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 4. Effective Date. This ordinance shall become effective upon passage and publication/posting.

Adopted this 19th day of October, 2023.

Attest:



Jim Healy, Village Clerk/Administrator



John Jeffords, Village President