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10-20-14  
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## ORDINANCE

An ordinance to create Section 21.080 of the Manitowoc Municipal Code, providing for City takeover of stormwater ponds constructed after January 1, 2015.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 21.080 is created to read as follows:

**“21.080. New Subdivision Stormwater Quality (Wet) Ponds Constructed After January 1, 2015.** The City of Manitowoc shall assume the legal ownership of the pond property and the pond maintenance responsibilities for any new stormwater quality (wet) ponds constructed after January 1, 2015 provided that the following requirements are satisfied and approved by the Director of Public Infrastructure:

1. The Final Subdivision Plat shall be recorded prior to the City of Manitowoc taking over any ownership and/or any maintenance responsibilities for the stormwater pond.
2. The stormwater pond must be located on a property with a single or separate parcel ID number.
3. The owner/developer shall quit claim deed the parcel of property with the stormwater pond to the City of Manitowoc at no cost. The owner/developer shall provide a CSM and/or legal description of the pond property and shall include any access or maintenance easements in and around the pond for future maintenance accessibility. The owner/developer shall be responsible for paying all recording fees.
4. The stormwater pond must be a regional pond serving multiple parcels/properties and the City's Right-of-Way (ROW).
5. The regional stormwater pond shall be constructed in accordance with the current DNR Technical Standards for Wet Detention Ponds (#1001), NR 151 requirements and in accordance with Manitowoc Municipal Code Chapter 28.
6. The owner/developer shall provide as-built plans of the stormwater pond to the City of Manitowoc at no cost. The as-built plans shall be in accordance with the requirements of Manitowoc Municipal Code Chapter 28. The as-built plans shall be certified, stamped and signed by a registered Professional Engineer in the State of Wisconsin. The as-built plans shall show the elevation of the pond bottom at a maximum interval spacing of every 25 feet. The as-built plans shall be provided to the Engineering Department on a compact disk or other medium specifically approved by the Department,

and in an ESRI geodatabase format. If the plans cannot be prepared in the ESRI format, then the Department will accept a Microstation DGN format, or a standard DXF file format.

7. The owner/developer shall provide the following documentation regarding the existing condition of the pond:

- a) All slopes/embankments shall be properly vegetated with stable grasses or native prairie, and shall be well established and adequately maintained, stable and free of any erosion, clean and debris-free.
- b) All inlet and outlet structures shall be clean and in good working condition and any required safety grating, etc. shall be in place.

8. The developer shall provide an Irrevocable Letter of Credit (LOC) to the City of Manitowoc for up to one year after the Final Plat Approval for the Subdivision by the City of Manitowoc. This serves as a one year warranty to assure that the pond functions as intended and that all vegetation has stabilized. The amount of the LOC shall be determined by the size of the permanent pool of the stormwater pond. The rate for establishing the LOC amount shall be \$.75/SF of the permanent pool area. However, the minimum amount for the LOC shall not be less than \$5,000.

If a problem occurs within the one year warranty period that needs to be resolved, the City shall notify the developer/owner in writing via certified mail. The developer/owner shall have 60 days to correct the problem(s). If the problems are not corrected within the 60 days, the City of Manitowoc shall have the right to utilize the LOC money to have the work completed.”

**Section 2.** This Ordinance shall take effect on the day after its publication.

Introduced           OCT 20 2014            
Adopted \_\_\_\_\_  
Approved \_\_\_\_\_

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Justin M. Nickels, Mayor

This Ordinance was drafted by Kathleen M. McDaniel, City Attorney  
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