

TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN

RESOLUTION AMENDING THE CODE OF ORDINANCES BY ADOPTING AN ORDINANCE FOR
THE MAINTENANCE OF NATURAL AND MAN-MADE SURFACE DRAINAGE WAYS

The Town Board of the Town of Taycheedah does hereby ordain as follows:

Section 1. Those portions of the Town's Code of Ordinances be amended in accordance with the addition of the following ordinance:

**ORDINANCE FOR THE MAINTENANCE OF NATURAL AND MAN-MADE SURFACE
DRAINAGE WAYS
"DITCHES AND WATERWAYS"**

- A. Findings of fact:** The Town Board finds that unmaintained streams, ditches, and waterways, whether natural or man-made, have a significant impact upon the health, safety, and general welfare of the community.
Specifically, unmaintained waterways can:
1. Degrade physical stream habitat by increasing bank erosion, increase bed scour, diminish groundwater recharge, and diminish stream base flows.
 2. Increase loading of nutrients and other pollutants into our streams and lakes.
 3. Alter wetlands by changing wetland hydrology because of increasing pollutant loads.
 4. Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- B. Maintenance:** It is the duty of every owner or user of land on which any natural or man-made waterway, channel, or ditch exists to provide and maintain a sufficient drainage system to protect a downstream flow of surface water so as to protect connecting lands from damage caused by flooding.
- C. Maintenance requirement:** provisions shall contain the following information:
1. Identification of the drainage area.
 2. Identification of the landowner(s), organization, or municipality responsible for maintenance of the drainage system.
 - a. After receiving a verbal or written complaint from a resident citing and identifying such drainage problems, the Town Clerk will provide the resident with a "Drainage Evaluation Form." The resident should complete Parts A, B, and C of the form and return it to the Town Hall addressed to the Town Clerk.
 - b. Within 21 calendar days of receiving this completed form, a Town Representative, appointed by the Town Board or Chairman, will inspect the location and review the information submitted by the resident. The Town Representative will complete Part D of the form based upon his/her review.
 - c. The Town Representative will make a recommendation in Part E of the form regarding action to be taken (if any) to alleviate the problem. The Representative may, at his/her discretion, schedule a meeting with the landowner(s) to discuss the violations and recommend appropriate corrective actions so as to avoid further action by the Town Board.
 - d. A copy of the completed Drainage Evaluation Form will be returned to the resident. Additional copies will be maintained in the Town's files.
- D. Authority**
1. The Town Board is authorized to conduct inspections of drainage systems as necessary to ascertain that the systems are being maintained. The Town's authority in addressing individual drainage issues should be determined on a case by case basis.
 2. The Town Board shall maintain public records of the results of these inspections, shall inform the landowner(s) or authority responsible for maintenance of these inspections

results, and shall specifically indicate any corrective action required to bring the drainage system into proper working condition as well as specify a reasonable time frame in which these corrective measures must commence.

3. The Town Board is authorized to perform the corrected actions identified in the inspection report if the landowner(s) or “responsible party” does not make the required corrections in the specified time period. The Town Board shall record all costs incurred and enter this as an amount due on the tax rolls and collect this money as a special charge against the property pursuant to S.66.60(16) Wis.Stats.
4. As part of the annual budget process, the Town Board shall budget money to correct drainage problems that are Town responsibility.
5. All corrective work must comply with DNR regulations, Fond du Lac County Land Conservation, and Shoreland Zoning (if applicable).

E. Enforcement and Penalties

1. The Town Board shall notify the “responsible party” by certified mail. This notice shall describe the nature of the violation, remedial actions needed, a reasonable time frame for corrective action to be taken, and any enforcement action which may be taken should the required remedial actions not be followed as set forth in the notice.
2. Upon receipt of this written notification from the Town Board detailing the noncompliance, the “responsible party” shall make arrangements to make necessary corrections to comply with the specifications set forth in the notice and report these arrangements to the Town Clerk so as to avoid possible further action.
3. If violations to this ordinance are likely to result in damage to property, farm crops, public facilities, or lake waters, the Town Board may enter upon the land and take emergency actions necessary to prevent such damage. The costs incurred by the Town Board plus interest and legal costs shall be billed to the property owner(s) as a special tax assessment.
4. If the Town Board determines that a landowner(s) or “responsible party” has failed to comply with the provisions of this ordinance, the Town Board, or party designated to them, may enter upon the land and perform the necessary work or other operations necessary to bring the condition of the drainage area into conformance with approved requirement. The Town Board will keep a detailed accounting of all expenses accrued in performing this work including interest and any legal costs. These expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied for the year in which the work was completed.

F. Appeals

1. Board of Appeals. The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any decision or determination made by the Town Board in administering this ordinance.

G. Definitions: unless the context requires otherwise:

2. Drainage system – any waterway, ditch, or culvert designed for the movement of water.
3. Negligence – failure to maintain ordinary care.
4. Costs incurred – includes damage to land, crops, or other property, and what is deemed fair compensation for these damages, as well as, contractor fees, legal fees, and material and handling fees.
5. Responsible party – refers to landowner(s), organization, or municipality responsible for the drainage system.

Section 2. The Town Clerk is authorized and directed to revise the text of the Code of Ordinances in accordance with the ordinance adopted in Section 1, above.

Section 3. The amendment authorized by this resolution shall take effect upon adoption and publication in the Town's official newspaper.

Section 4. The remaining provisions of the Town's Code of Ordinances shall remain in full force and effect, except as amended by this resolution.

Adopted this 12th day of November, 2002.

TOWN OF TAYCHEEDAH

Attest:

By: _____
Brenda A. Schneider, Town Clerk

By: _____
Jerome Guelig, Town Chairman