

# 2022 Policy for Storm Water Work on Private Property

DRAFT May 19, 2022

## **INTRODUCTION:**

The City of Hudson has implemented significant improvements to the public storm water system over the last 20 years. Over the last few years, the City of Hudson, like other local communities, is experiencing increased frequency and intensity of rain events that are exceeding the capacity of both the City's public storm water systems as well as private storm water systems. In addition, costs to maintain infrastructure, including storm systems, continue to rise. Due to increased frequency and intensity of rain events, and increased cost for maintenance of storm water systems, the City has identified that assistance with critical, residential private property drainage issues is necessary.

## **OBJECTIVES:**

The new "Policy on Storm Water Work for Private Property" will replace Resolution 2015-15 (attached) and provides a set of criteria and procedures to guide the City on the on-going maintenance and capital improvements of storm water systems on residential private property within the City limits. Specifically, this document summarizes:

- Criteria for Storm Water Studies and Capital Improvements for City work on private property
- Scoring Criteria to prioritize potential, private property storm water improvements

## **CRITERIA FOR STUDIES AND IMPROVEMENTS ON PRIVATE PROPERTY:**

The criteria to be applied if the City chooses to perform drainage and storm sewer related studies or public improvements are as follows:

**1A. Public Nuisance & Public Benefit:** The City Manager (or a designee thereof) identifies and deems that the private property drainage issue is a public nuisance due to potentially unhealthy or unsafe conditions and by implementing private property improvements, there is a benefit to the storm water system and to the health, safety, and/or welfare of the City and/or its residents; and

**1B. Reduces Flood Risk:** An improvement would create measurable flood reduction and/or flood protection to residential houses, accessory buildings and/or other flood reduction; and

**1C. Drainage Area:** The private property's drainage situation contributes to a watershed drainage area that consists of between 5 acres and 300 acres (as determined by the City Engineer); and

One or more of the following additional conditions exist:

- 2. Emergency Services are Impacted:** The City's emergency services' access to the primary structure on the property during wet weather events is negatively impacted; and/or
- 3. Exceeds Resident Capacity to Resolve:** The pipe size flowing to the property is larger than 18" in diameter or there are other conditions that exceed the property owner's ability to resolve the situation, as determined by the City Engineer; and/or

4. **Infrastructure Impacts:** When flooding occurs, it adversely affects existing infrastructure potentially causing structural or system failures to the property's principal buildings or accessory structures and/or there is long-term septic system inundation, electric vault flooding, sanitary sewer system backups, and water well contamination; and/or
5. **Outdated Design/Condition of Storm System:** The drainage system is negatively impacted due to a previously approved design that causes or contributes the problem as determined by the City Engineer; and/or
6. **Public Health:** In dry weather, the drainage system poses a threat to public health, as identified by the Summit County Public Health Department.

#### **EXCLUSIONS TO POLICY:**

The following exclusions identify the conditions in which **City may not contribute** to the study or pay for work associated with improvements on any private property:

- a. **Federal Emergency Management Agency Designated Area (FEMA):** The property lies within a FEMA Special Flood Hazard Area (SFHA) or Flood Zone or Flood Way;
- b. **Excessive Drainage Area:** The drainage area to which the private property contributes exceeds 300 acres, unless otherwise approved by the City Manager or City Engineer within their complete discretion;
- c. **Property Contains or is Adjacent to a Primary Water Way:** The property contains any named stream or named tributary including Brandywine Creek, Brandywine Creek Tributary, Fish Creek, Mud Brook, Powers Brook or Tinkers Creek;
- d. **Recorded Designee Responsible for Maintenance:** The property maintenance requirements have been identified in a previously recorded document whereby a non-residential property owner, owners' association or other designee has accepted and is responsible for the maintenance and repair of the property; or
- e. **Lack of Owner Participation:** The property owner(s) refuses to grant permission to the City, or its designee, to enter onto the property through a work agreement, temporary easement, or other such document, as approved by the City, in order to investigate, collect data and/or implement improvements, which document provides for a waiver of claims against the City related to such activities and which indemnifies and holds the City harmless from any claims associated with the City's or its designee's entry upon and work related to the private property.

#### **PRIORITIZATION FOR PRIVATE PROPERTY IMPROVEMENTS:**

In order to aid in the prioritization of the City's available budget and staffing time, the scoring criteria identified on the attached "City Storm Water Policy Scoring Sheet" will be utilized. The higher the score identified, the higher the prioritization of implementing the study or improvement based upon the presentation by the City Engineer and the approval by Hudson City Council.

Note that all storm water improvement projects and/or studies to be performed on private property shall be submitted by the City Manager for the review and approval by Hudson City Council prior to commencement of the work.

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