

Construction Site and Stormwater Runoff Management

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Article A: Construction Site Erosion Control

Sec. 15-2-1 Authority.

This Article is adopted pursuant to the guidelines in Sec. 61.354, Wis. Stats.

Sec. 15-2-2 Findings and Purpose.

- (a) **Findings.** The Village Board of the Village of Elmwood finds that soil erosion from land disturbing activities and subsequent development can disturb natural cover and land surfaces resulting in a change of run-off patterns that may have a detrimental effect on water quality and downstream uses. Land disturbing activities and subsequent development need to be strictly regulated to avoid damage to other properties and sensitive areas. Further, effective sediment and storm water management depends upon proper planning, design and timely installation of conservation practices, as well as continuing maintenance practices.
- (b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the state and Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment, soil loss, and other pollutants carried by runoff or discharge from land disturbing activities and subsequent development of the property to lakes, streams and wetlands.

Sec. 15-2-3 Applicability of Regulations.

This Article applies to any land disturbing activity occurring anywhere within the territorial limits of the Village and publicly- or privately-owned lands within the extraterritorial plat review jurisdiction of the Village which involve an area in excess of four thousand (4,000) square feet or involve activity on a slope of greater than ten percent (10%) grade which may have off-site impacts, excluding agricultural activities. This Article shall not apply to construction sites regulated by the Wisconsin Uniform Dwelling Code ("UDC"), although the Village shall regulate these sites during the period that residential building permits are in effect under the provisions of Section 15-1-3 of this Municipal Code consistent with then-existing UDC regulations. In addition, this Article applies to activities unrelated to actual building construction such as, but not limited to, land disturbing activity prior to excavation for foundation work, landscaping, installation of driveways, parking areas and sidewalks, extensive earth work on sites not directly related to structural concerns, developments of ponds and channelized water courses, commercial parks and landing strips or airport runways. The Village may enter into intergovernmental cooperative agreements pursuant to Sec. 66.30, Wis. Stats., with other governmental entities to enhance enforcement of these requirements.

Sec. 15-2-4 Definitions.

- (a) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
- (b) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (c) **Erosion Control Measure.** A control measure used to meet the requirements of Section 15-2-7 of this Code of Ordinances.
- (d) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
- (e) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Article submitted by the applicant for review and approval by the Building Inspector and/or Village Engineer.
- (f) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (g) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (h) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- (i) **Landowner.** Any person holding title to or having any interest in land.
- (j) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
- (k) **Plan.** The erosion control plan required by Section 15-2-7 of this Code of Ordinances.
- (l) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (m) **Sensitive Area.** Lakes, perennially flowing and intermittent streams or wetlands.
- (n) **Set of One (1) Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin:

Storm Duration (Hours)	Rain Intensity (Inches/Hour)	Average Total Rain (Inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (o) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.
- (p) **Soil Loss Rate.** The rate, measured in tons per acre per year, at which soil movement occurs as a result of sheet and rill erosion and does not apply to ditches or areas of concentrated flows.

Sec. 15-2-5 Design Criteria, Standards and Specifications for Control Measures.

All control measures required to comply with this Article shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and/or Village Engineer.

Sec. 15-2-6 Maintenance of Control Measures.

All sedimentation basins and other control measures necessary to meet the requirements of this Article shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

Sec. 15-2-7 Requirement for Specific Erosion Control Plans.

- (a) **Applicability.** Activities on public lands and on all private lands shall be subject to this Article if:
 - (1) There is a subdivision of land or a land division, as those terms are defined in Chapter 236, Wis. Stats., and Title 14 of this Code of Ordinances.
 - (2) An area of four thousand (4,000) square feet or greater will be disturbed by grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activities, or activities on a slope of ten percent (10%) or more.
 - (3) Excavation, filling or a combination thereof exceeds four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
 - (4) Any public street, highway, road or bridge is to be constructed, enlarged, relocated or substantially reconstructed.
 - (5) Any public or private utility laying, repairing, replacing or enlarging an underground pipe or facility for a distance of three hundred (300) feet or more.
- (b) **General Plan Requirements.**
 - (1) **Generally.** Erosion control plans required under Section 15-2-7(a) may include consideration of adjoining landowners' cooperative efforts to control transport of

sediment, and shall include the items required in Section 15-2-7(c) or Section 15-5-7(b)(3) as applicable.

- (2) **Plan Elements.** All erosion control plans shall include the following elements:
- a. Site boundaries superimposed on a USGS 7.5 minute topographical map;
 - b. Cross sections of road and drainage ditches;
 - c. Profiles within road and drainage ditches;
 - d. Culvert sizes;
 - e. Direction of flow of run-off;
 - f. Watershed size for each drainage area;
 - g. Design discharges for ditches and structural measures;
 - h. Run-off velocities for particular projects:
 1. The standard design shall include run-off velocities for the two (2) year twenty-four (24) hour storm event;
 2. Designs of detention basins shall include, in addition to the two (2) year twenty-four (24) storm, run-off velocities for the ten (10) year twenty-four (24) hour storm event;
 - i. Fertilizer, mulching and seeding rates and recommendations;
 - j. Time schedules for stabilization of ditches and slopes;
 - k. Plans shall adhere to the following minimum standards:
 1. Prevent gully erosion and limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative rate not to exceed fifteen (15) tons per acre per year for construction commencing between May 1 and October 31 each year and not to exceed seven and one-half (7.5) tons per acre per year for construction commencing between November 1 and April 30 each year. Where sites are located adjacent to or directly drain into sensitive areas, the annual, cumulative rate shall not exceed seven and one-half (7.5) tons per acre per year regardless of the starting date for the project;
 2. Plan compliance under Subsection (b)(2)k.1. shall be determined using the Soil Conservation Service technical guide or other commonly accepted soil erosion control methodology approved by the Village Engineer, which includes the following considerations: season of year; site characteristics; soil erodibility and slope; and
 3. For internally drained sites, erosion control measures for plan approval need not attempt to regulate soil transportation within the limits of the disturbed area;
 - l. Description of methods by which sites are to be developed, indicating how the project will be phased to minimize the extent of area disturbed throughout the construction period;
 - m. A proposed timetable of steps to mitigate the erosion caused by land disturbing activity, in a manner consistent with accepted erosion control methods suitable to the specific site, including a timetable for prompt revegetation;

- n. Provisions to ensure no increase in surface water drainage from sites during or after construction, unless water is discharged into existing, adequate drainage areas, specifying all storm water management controls such as outlet control structures or basins necessary to comply with maximum permitted discharges;
 - o. Provisions to prevent mud-tracking off-site onto public thoroughfares during the construction period;
 - p. Special provisions for erosion control practices and maintenance on sites with disturbed slopes greater than ten percent (10%); and
 - q. Special provisions for erosion control practices and maintenance on sites adjacent to wetlands or surface water bodies; and any proposed modifications to approved plans or alterations to accepted sequencing of land disturbing activities at the site shall be approved by the Village Engineer prior to implementation of said changes.
- (3) **Content of Standard Erosion Control Plan for Land Disturbing Activity.** Applicants submitting erosion control proposals not meeting the criteria for a simplified plan checklist under Section 15-2-7(c) shall submit the following:
- a. Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:
 - 1. Site boundaries of adjacent lands which accurately identify site location;
 - 2. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site;
 - 3. One hundred (100) year floodplains, flood fringes and floodways;
 - 4. Location of the predominant soil types;
 - 5. Vegetative cover;
 - 6. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - 7. Locations and dimensions of utilities, structures, roads, highways and paving; and
 - 8. Site topography at a contour interval not to exceed two (2) feet.
 - b. Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
 - c. Site Construction Plan. A site construction plan including:
 - 1. Locations and dimensions of all proposed land disturbing activities;
 - 2. Locations and dimensions of all temporary soil or dirt stock piles;
 - 3. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Article;
 - 4. Schedule of anticipated starting and completion date of each land disturbing or land developing activity, including the installation of erosion control measures needed to meet the requirements of this Article; and

5. Provisions of maintenance of the erosion control measures during construction and until permanent cover is well established.
- (c) **Simplified Plan Checklist.** Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices to be installed on sites, on a standard form approved by the Village, wherever the following conditions exist:
- (1) The site is not more than twenty thousand (20,000) square feet in area;
 - (2) The site is not adjacent to and does not directly drain into any sensitive areas nearby;
and
 - (3) There is a slope of less than ten percent (10%) throughout the site.

Sec. 15-2-8 Administration.

- (a) **Application.** No person may begin a land disturbing or a land development activity subject to this Article, and no person shall receive a zoning permit without having received prior approval of an erosion control plan pursuant to Section 15-2-7. The applicant shall submit an application for an erosion control plan along with a proposed erosion control plan and pay an application fee. By submitting an application, the applicant authorizes Village enforcement officials to enter the site to obtain specific information required for an informed review of the erosion control plan.
- (b) **Review.** Within twenty (20) days of receipt of the application, the Village shall review the application. A simplified plan checklist pursuant to Section 15-2-7(c) may be reviewed by the Zoning Administrator, other staff or a Building Inspector certified by the Wisconsin Department of Commerce to review such plans. In all other cases, erosion control plans shall be reviewed by the Village Engineer. If the application and proposed plan are deficient, the approving official shall inform the applicant, in writing, of any deficiency and may either ask for additional information or disapprove the plan, giving written reasons for the disapproval. All deficiencies in the application and in the erosion control plan shall be corrected before an erosion control permit or a zoning permit is issued.
- (c) **Duration of Erosion Control Permit.** Any erosion control permit issued shall be valid for a period of one hundred eighty (180) days. Upon application, the Village Engineer may extend the period for an additional one hundred eighty (180) days, and may require additional erosion control measures as a condition for the extension if necessary to meet the requirements of this Article. The applicant shall not be required to pay any additional fee for any extension granted.
- (d) **Surety.** As a condition of approval and issuance of an erosion control permit, the Village Engineer may require the applicant to deposit a surety bond, irrevocable letter of credit or other form of surety satisfactory in form and amount to the Village Attorney to assure execution of the approved erosion control plan and any conditions upon the erosion control permit.

- (e) **Conditions of Permit.** All erosion control permits shall require the permittee to:
- (1) Notify the Building Inspector at least forty-eight (48) hours prior to commencing any land disturbing activity;
 - (2) Notify the Building Inspector of completion of any erosion control measures within ten (10) days after their installation;
 - (3) Obtain written permission from the Building Inspector and/or Village Engineer prior to modifying the erosion control plan;
 - (4) Install all erosion control measures identified in the approved erosion control plan;
 - (5) Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the erosion control plan;
 - (6) Promptly repair any situation or erosion damage to adjoining services and drainageways resulting from the land disturbing or land developing activities regulated under the terms of the erosion control plan, initiating the repair within twenty-four (24) hours of notice of the situation or erosion damage;
 - (7) Inspect the erosion control measures after each rain of one-half (1/2) inch or more and at least once per week, and to initiate repairs within twenty-four (24) hours;
 - (8) Allow the Building Inspector and/or Village Engineer to enter the site for the purpose of inspecting compliance with the erosion control plan and for performing any work necessary to bring the site into compliance with the erosion control plan;
 - (9) Keep a copy of the erosion control plan on the site.

NOTE: These standards conditions shall be stated on the face of any permit issued by the Village.

- (f) **Implementation of Plan.** The erosion control plan shall be implemented prior to the start of any land disturbing or land developing activity, and shall be maintained throughout the entire term of such activity. The applicant is responsible for successful completion of the erosion control plan as approved. Upon issuance of the permit, the permittee shall be liable for any and all costs incurred resulting from noncompliance with the permittee's approved plan. When a permittee seeks to transfer an interest in property subject to an approved erosion control plan prior to completion of the steps necessary to attain soil stabilization, the permittee must secure approval from the Village to transfer any portion of the permittee's responsibility for implementing the approved plan to another party.

Sec. 15-2-9 Enforcement.

- (a) **Inspections.** As part of the plan approval process, the Building Inspector shall establish a minimum number of inspections to be conducted consistent with the land disturbing or land developing activity proposed to be undertaken.
- (b) **Verification.** Within ten (10) days after completion of installation of all required erosion control measures in an approved plan, and when soil stabilization has been achieved, the permittee shall notify the Village to arrange a final inspection to verify plan compliance.

This inspection shall not relieve the permittee from the responsibility to maintain erosion control measures or uphold plan requirements as set forth in Section 15-2-7(b).

(c) **Noncompliance.**

- (1) If an inspection reveals any noncompliance with an approved erosion control plan, the Building Inspector shall notify the permittee by certified or registered mail of all specific instances of noncompliance. The notice shall describe the nature of the violation, remedial actions needed, a schedule of remedial action and additional enforcement action which may be taken.
- (2) Upon receipt of written notification from the Building Inspector, the permittee shall bring the work into compliance with the erosion control plan as necessary to meet the specifications and schedule set forth by the Building Inspector in the notice. The permittee shall initiate such corrective action within twenty-four (24) hours of notification by the Village.
- (3) If violations of this Article are likely to result in damage to properties, public facilities or waters of the Village and/or state, the Building Inspector or designee may enter the land and take emergency actions necessary to prevent such damage. The cost incurred by the Village, plus interest and legal costs, shall be billed to the owner of record title of the property and, if not paid, shall be entered on the tax rolls and collected as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

(d) **Stop Work Orders.**

- (1) The Building Inspector shall issue and post a stop work order under either of the following circumstances:
 - a. Any land disturbing or land developing activity regulated under this Article is being undertaken without a permit;
 - b. Any noncompliance with an approved erosion control plan in which the permittee has failed to initiate corrective action within twenty-four (24) hours or to follow the specifications and schedule set forth by the Building Inspector under Section 15-2-9(c), above.
 - c. The Building Inspector may revoke approval of the plan issued under this Article for noncompliance with the provisions of this Article.
 - d. Any erosion plan revocation, stop work order or cease and desist order shall remain in effect unless retracted by the Building Inspector or of a Court of competent jurisdiction.
 - e. The Building Inspector is authorized to refer any violation of this Article, or of a stop work order or cease and desist order issued pursuant to this Article, to the Village Attorney for the commencement of further legal proceedings.
- (2) Upon issuance of a stop work order, the only permissible activity on the project shall be actions to bring the project into compliance with the approved plan following the specifications and schedule set forth by the Building Inspector, or actions to assure issuance of an approved erosion control plan until such time as the Building Inspector certifies compliance.

- (e) **Injunction.** Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by an action for an injunction by the Village pursuant to Sec. 62.23(8), Wis. Stats. It shall not be necessary for the Village to prosecute for forfeiture pursuant to Section 15-2-9(f) before resorting to injunctive proceedings.
- (f) **Forfeitures.** Any person violating any of the provisions of this Article shall also be subject to a forfeiture, with penalties as provided in Section 1-1-6.
- (g) **Transfers of Ownership.**
 - (1) When a permittee transfers ownership, possession or control of property subject to an uncompleted erosion control plan, the party who is successor in interest to any portion of said real estate shall bear responsibility to control soil erosion on that portion of the real estate under the successor's ownership, possession or control, and shall comply with the standards provided in this Article.
 - (2) When ownership, possession or control of property subject to an uncompleted erosion control plan is transferred from one (1) party to another, the former owner shall notify the party taking possession as to the current status of compliance with the approved erosion control plan, also providing a copy of said notice to the Building Inspector, and shall provide a copy of the approved erosion control plan to the purchaser if the soil on the property being transferred has not been stabilized prior to the date of transfer.
 - (3) Transfers of interest in real estate subject to an approved, uncompleted erosion control plan may be completed consistent with this Article under any of the following circumstances:
 - a. The transferee shall file a new, approved erosion control plan;
 - b. The transferee shall obtain an approved assignment from the Village as sub-permittee to complete that portion of the approved erosion control plan for the transferred property; or
 - c. The permittee shall provide the Village with a surety or a cash deposit in an amount sufficient to complete the work proposed in the approved plan. At the time of transfer, the permittee may seek to reduce any prior surety to the amount necessary to complete the remaining work. If the permittee enters into escrow agreements with transferees to complete an approved plan, such escrowed amounts shall be available to the Village to attain plan compliance. When an approved erosion control plan is not completed as proposed, the Building Inspector may obtain the surety to complete remaining work to achieve plan compliance.

Sec. 15-2-10 Appeals.

- (a) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector or Village Engineer in administering this Article. Upon appeal, the Board of Appeals may authorize

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variances from the provisions of this Article which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this Article will result in unnecessary hardship. The Board of Appeals shall use the rules, procedures, duties and powers authorized by statute for zoning boards of appeals in hearing and deciding appeals and authorizing variances.

- (b) **Who May Appeal.** Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Building Inspector and/or Village Engineer in administering this Article.

Sec. 15-2-11 through Sec. 15-2-19 Reserved for Future Use.

Article B: Stormwater Runoff Management

Sec. 15-2-20 Authority.

- (a) This Article is adopted by the Village Board under the authority granted by Sec. 61.354, Wis. Stats. This Article supersedes any conflicting and contradictory stormwater management regulations previously enacted under Sec. 61.35, Wis. Stats. Except as specifically provided for in Sec. 61.354, Wis. Stats., Sec. 61.35, Wis. Stats., applies to this Article and to any amendments to this Article.
- (b) The provisions of this Article shall not limit any other lawful regulatory powers of the Village Board.
- (c) The Village Board hereby designates the Building Inspector to administer and enforce the provisions of this Article.
- (d) The requirements of this Article do not limit any additional stormwater management requirements that may be imposed by WPDES Storm Water Permits issued by the Wisconsin Department of Natural Resources under Sec. 147.021, Wis. Stats.

Sec. 15-2-21 Findings and Purpose.

- (a) **Findings of Fact.** The Village Board finds that uncontrolled stormwater runoff from land development activity has a significant impact upon water resources and the health, safety, general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled stormwater runoff can:
 - (1) Degrade physical stream habitat by increasing bank erosion, increasing stream bed scour, diminishing groundwater recharge, and diminishing stream base flows;
 - (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing loadings of nutrients and other urban pollutants;
 - (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
 - (4) Reduce the quality of groundwater by increasing pollutant loading;
 - (5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities;
 - (6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes;
 - (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- (b) **Purpose.** The general purpose of this Article is to set forth stormwater requirements and criteria which will diminish the threats to public health, safety, welfare, and the aquatic environment due to runoff of stormwater from land development activity. Specific purposes are to:

- (1) Further the maintenance of safe and healthful conditions;
 - (2) Prevent and control the adverse effects of stormwater, prevent and control soil erosion, prevent and control water pollution, protect spawning grounds, fish and aquatic life;
 - (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; prevent conditions that endanger downstream property;
 - (4) Control building sites, placement of structures, and land uses, and promote sound economic growth.
- (c) **Intent.** It is intent of the Village Board that this Article manage the long-term post-construction stormwater discharges from land development activities. The Village Board recognizes that the preferred method of addressing stormwater management problems is through the preparation of comprehensive stormwater management system plans for subwatershed areas which are designed to meet the purpose and intent of this Article. Where such system plans have been developed and approved by the Village Board, it is the intent that all land development activities, as defined in Section 15-2-23(e), will include stormwater management measures that meet performance standards set forth in those approved plans. Where such stormwater management system plans have not been developed or approved by the Village Board, it is the intent of the Village Board that the generic stormwater management standards set forth in Sections 15-2-26(a) and 15-2-26(b) be applied unless otherwise excepted by the Village Board. This Article shall not apply to lands on which the only structures are buildings existing on the effective date of this Article which are not redeveloped in a manner that increases discharge volume after the effective date of this Article.

Sec. 15-2-22 General Applicability of Regulations.

This Article applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Village and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats.

Cross-Reference: Section 15-2-24.

Sec. 15-2-23 Definitions.

- (a) The following definitions are applicable in this Article:
- (1) **Agricultural Land Activity.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption; pasturing or yarding of livestock; growing and tending of gardens and trees; harvesting of trees.

- (2) **Business Day.** A day on which the Village offices are routinely and customarily open for business.
- (3) **Cease and Desist Order.** An order issued by the Building Inspector or by a Court to halt land developing activity that is being conducted without the required permit.
- (4) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (5) **Common Plan of Development on Sale.** All lands within the boundary of a certified survey or plat created for the purpose of development or sale of property where multiple, separate and distinct land developing activity may take place at different times and on different schedules.
- (6) **Control Plan.** Plan containing the necessary calculations and design implementation procedures to assure the requirements of this Article will be met.
- (7) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total rainfall depth.
- (8) **Discharge Volume.** The quantity of runoff discharged from the land surface as the result of a rainfall event.
- (9) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (10) **Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantee submitted to the Village by the permit holder to assure that requirements of this Article are carried out in compliance with the stormwater management plan.
- (11) **Gross Aggregate Area.** The total area, in acres, of all land located within the property boundary containing the land development activity.
- (12) **Groundwater Enforcement Standard.** A numerical value expressing the concentration of a substance in groundwater which is adopted under Sec. 160.07, Wis. Stats., and NR 140.10, Wis. Adm. Code, or Sec. 160.09, Wis. Stats., NR 140.12, Wis. Adm. Code.
- (13) **Groundwater Preventive Action Limit.** A numerical value expressing the concentration of a substance in groundwater which is adopted under Sec. 160.15, Wis. Stats., and NR 140.10, 140.12 or 140.20, Wis. Adm. Code.
- (14) **Impervious Surface.** A surface that releases the rainfall as surface runoff during a large portion of the design rainfall event. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surfaces.
- (15) **Infiltration.** The process by which rainfall or surface runoff percolates or penetrates into the underlying soil.
- (16) **Land Developing Activity.** The construction or re-development of buildings, roads, parking lots, paved and unpaved areas and similar facilities, but not including agricultural activity.
- (17) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including

- agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- (18) **Landowner.** Any person holding title to or having any interest in land.
 - (19) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
 - (20) **Maintenance Agreement.** A legal document that is filed with the County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
 - (21) **Non-Storm Discharge.** A discharge to the storm sewer system created by some process other than stormwater runoff.
 - (22) **Non-Structural Measure.** A practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities.
 - (23) **Off-Site.** Located outside the property boundary described in the permit application for land development activity.
 - (24) **On-Site.** Located within the property boundary described in the permit application for the land development activity.
 - (25) **Other Than Residential Development.** Development of the following land uses: commercial; industrial; government and institutional; recreation; transportation, communication and utilities.
 - (26) **Peak Flow Discharge Rate.** The maximum rate of flow or surface water at which a unit volume of stormwater is discharged resulting from a storm event.
 - (27) **Pervious Surface.** A surface that infiltrates rainfall during a large portion of the design rainfall event. Well managed lawns, fields and woodlands are examples of pervious surfaces.
 - (28) **Post-Construction Stormwater Discharge.** Any stormwater discharged from a site following the completion of land disturbing construction activity and final site stabilization.
 - (29) **Post-Development Condition.** The extent and distribution and land cover types, anticipated to occur under conditions of full development, that will influence stormwater runoff and infiltration.
 - (30) **Pre-Development Condition.** The extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
 - (31) **Pre-Treatment.** The treatment of stormwater prior to its discharge to the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.
 - (32) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
 - (33) **Site Restriction.** Any physical characteristic which limits the use of a stormwater best management practice as prescribed in the *Wisconsin Storm Water Manual*.

- (34) **Storm Frequency.** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded. [The ten (10) year storm is a storm with a frequency of ten (10) years and would be equaled or exceeded, on the average, once every ten (10) years. A ten (10) year storm would have a ten percent (10%) probability of being equaled or exceeded in any given year.]
- (35) **Stormwater Drainage System.** All facilities used for the conducting of runoff to, through or from a drainage area to the point of final outlet including, but not limited to, the following: conduits, canals, channels, ditches, streams, culverts, reservoirs, detention ponds, storm sewers and pumping stations.
- (36) **Stormwater Management Plan.** A document that identifies what actions will be taken to reduce stormwater quantity and pollutant loads from land development activity to levels meeting the purpose and intent of this Article.
- (37) **Stormwater Management System Plan.** A comprehensive plan developed to address stormwater drainage and nonpoint source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this Article.
- (38) **Stormwater Runoff.** That portion of the precipitation falling during a rainfall event, or that portion of snow-melt, that runs off the surface of the land and into the natural or artificial conveyance or drainage network.
- (39) **Structural Measure.** Source area practices, conveyance measures, and end-of-pipe treatment that are designed to control stormwater runoff pollutant loads, discharge volumes, and peak flow discharge rates.
- (40) **Wetlands.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include natural, mitigated and restored wetlands.
- (41) **Wetland Functional Value.** The type, quality and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation and education.
- (42) **WPDES Stormwater Permit.** A permit issued by the Wisconsin Department of Natural Resources under Sec. 147.021, Wis. Stats., that authorizes the point source discharge of stormwater to waters of the state.

Sec. 15-2-24 Applicability and Jurisdiction.

- (a) **Applicability.** This Article applies to land development activities which meet the applicability criteria specified in this Section. The Article also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale that meets any of the following applicability criteria, even though multiple, separate and distinct land development activities may take place at different times on different schedules:

- (1) Residential land development with a gross aggregate area of five (5) acres or more;
 - (2) Residential land development with a gross aggregate area of at least three (3) acres, but less than five (5) acres, if there are at least one and one-half (1.5) acres of impervious surfaces;
 - (3) Land development, other than a residential land development, with a gross aggregate area of one and one-half (1.5) acres or more, or any nonresidential land development which creates an impervious area of one-half (.5) acres or more;
 - (4) Land development activity of any size that, in the opinion of the Village Engineer, is likely to result in stormwater runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which causes undue channel erosion, which increases water pollution by scouring or the transportation of particulate matter or which endangers property or public safety.
 - (5) Land development activity with a gross aggregate area of one-half (.5) acres or more, but less than the area of Subsection (a)(1), (2) or (3) above is subject to payment of fees in lieu of on-site stormwater management practice pursuant to Section 15-2-26(d).
- (b) **Jurisdiction.** This Article applies to land development activities within the boundaries of the Village. This Article also applies to all lands located within the extraterritorial plat approval jurisdiction of the Village, even if plat approval or land division is not involved.

Sec. 15-2-25 Design Criteria, Standards and Specifications.

Unless prior authorization is given by the Building Inspector, the following methods shall be used in meeting the requirements of this Article:

- (a) **Water Quality Components.** The following methods shall be used in designing components of stormwater structures needed to meet the water quality standards of this Article:
 - (1) Practices shall be designed in accordance with the methods set forth in the latest edition of the *Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BMP's* as published and amended by the State of Wisconsin Department of Natural Resources.
 - (2) Runoff volumes and peak flow rates used in designing the water quality components of stormwater structures shall be calculated using the "Small Storm Hydrology" method set forth in the latest edition of the *Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BMP's* as published and amended by the State of Wisconsin Department of Natural Resources.
- (b) **Water Quantity Components.** The following methods shall be used in designing components of stormwater structures needed to meet the water quantity standards of this Article:
 - (1) Peak flow reducing components and all other stormwater management structures shall be designed in accordance with standard engineering practice.

- (2) Runoff volumes and peak flow rates used in designing the water quantity components of storm water structures shall be based on the principles of the document entitled "Urban Hydrology for Small Watersheds" (Technical Release 55: Engineering Division, Soil Conservation Service, United States Department of Agriculture, June 1992)."

Sec. 15-2-26 Stormwater Management Standards.

- (a) **Stormwater Discharge Quantity.** Unless otherwise provided for in this Article, all land development activities subject to this Article shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site. Infiltration of stormwater runoff from driveways, sidewalks, rooftops, and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows. On-site management practices shall be used to meet the following minimum performance standards:
- (1) The peak flow discharge rates of stormwater runoff from the development shall not exceed those calculated for the series of design storms specified in Section 15-2-26(a)(2) and pre-development conditions specified in Section 15-2-26(a)(3). Discharge velocities must be non-erosive to discharge locations, outfall channels and receiving streams.
 - (2) At a minimum, the two (2) year/twenty-four (24) hour, the ten (10) year/twenty-four (24) hour and twenty-five (25) year/twenty-four (24) hour design storms shall be used in comparing peak flow discharge rates for pre-development and post-development conditions.
 - (3) Pre-development conditions for land developing activities shall assume a "good" level of land management. The Natural Resource Conservation Service TR-55 Method shall be used to calculate peak flow discharge rates and runoff volumes for the pre-development condition, for the Village of Elmwood area. NRCS curve numbers shall not exceed the following:

NRCS Curve Number for Meadow	58
NRCS Curve Number for Woodland	55
NRCS Curve Number for Pasture/Grain	61
NRCS Curve Number for Paved Roadways with Open Ditches*	89
NRCS Curve Number for Commercial/Business Districts*	92
NRCS Curve Number for Industrial Districts*	88
NRCS Curve Number for Residential Districts	75

*For use with re-development projects only.

- (4) Increases or decreases in the hydrology of wetlands shall be minimized to the extent practical. Where such changes are proposed, the impact of the proposal on wetland functional values shall be assessed using a methodology acceptable to the Village Engineer and in conformity with NR 103, Wis. Adm. Code. Significant degradation of wetland functional values shall be avoided.
- (b) **Stormwater Discharge Quality.** Unless otherwise provided for in this Article, all land development activities subject to this Article shall establish on-site management practices to control the quality of stormwater discharged from the site. On-site management practices shall be used to meet the following minimum standard:
- (1) Stormwater discharges shall be treated to remove, on an average annual basis, a minimum of eighty percent (80%) of the total suspended solids load. To achieve this level of control, stormwater practices shall be designed to accommodate, at a minimum, the runoff volume resulting from one and one-half (1.5) inches of rainfall.
 - (2) Discharge of urban stormwater pollutants to wetlands shall be minimized. Where such discharges are proposed, the impact of the proposed discharge on wetland functional values shall be assessed using a method acceptable to the Village Engineer and in conformity with NR 103, Wis. Adm. Code. At a minimum, stormwater discharges shall be pre-treated prior to discharge to wetlands. Significant degradation of wetland functional values due to stormwater pollutant loads shall be avoided.
 - (3) Stormwater discharges shall be pre-treated prior to infiltration where necessary to prolong maintenance of the infiltration practice and to prevent discharge of stormwater pollutants at concentrations that will result in exceedances of groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in NR 140, Wis. Adm. Code. Stormwater shall not be injected underground through excavations or openings that would violate NR 812.05, Wis. Adm. Code.
 - (4) Stormwater ponds and infiltration devices shall not be located closer to water supply wells than indicated below without first notifying the Building Inspector:
 - a. One hundred (100) feet from a well serving a private water system or a transient, non-community public water system;
 - b. One thousand two hundred (1,200) feet from a well serving a municipal public water system, an other-than municipal water system, or a non-transient non-community public water system;
 - c. The boundary of a recharge area to a wellhead identified in a wellhead area protection plan.
- (c) **Exceptions.** The Building Inspector may establish stormwater management requirements either more stringent or less stringent than those set forth in Sections 15-2-26(a) and (b), provided that at least one (1) of the following conditions applies:
- (1) The Village Engineer determines that an added level of protection is needed to protect sensitive resources.

- (2) The Village Engineer determines that the land development activity is covered by an approved stormwater management system plan that contains management requirements consistent with the purpose and intent of this Article.
 - (3) Provisions are made to manage stormwater by an off-site facility, provided that all of the following conditions for the off-site facility are met:
 - a. The facility is in place,
 - b. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the requirements of this Article.
 - c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
 - (4) The Village Engineer finds that meeting the minimum on-site management requirements of this Article is infeasible due to space or site restrictions.
- (d) **Fee in Lieu of On-Site Stormwater Management Practice.**
- (1) Where the site meets the size criteria of Section 15-2-24(a)(5), or the Building Inspector otherwise determines that it would be inappropriate to require a site to meet the minimum stormwater management requirements on site pursuant to Section 15-2-26(c), the applicant shall pay a fee to the Village, to be used by the Village exclusively for the cost of land, engineering design, construction and maintenance of stormwater management practices.
 - (2) The fee shall be based upon the differing costs and requirements for managing stormwater arising from residential, commercial or industrial development. Based upon a study by the Village Engineer, the following fees in lieu of on site stormwater management practices are hereby established:

Land Use	Construction Cost Per Acre (\$)	Land Cost Per Acre (\$)	Total Cost Per Acre (\$)
Residential	890	400	1,290
Commercial & Industrial	1,640	1,010	2,650

- (3) The fee shall be adjusted annually as of January 1 of each year by the Building Inspector, utilizing the Consumer Price Index — All Urban Consumers for Small Metro Areas prepared by the United States Department of Labor.
 - (4) All such fees collected shall be placed in a designated fund to be used exclusively for the regional stormwater management practices to be constructed.
- (e) **General Consideration for On-Site and Off-Site Stormwater Management Measures.**
The following considerations shall be observed in managing stormwater runoff:
- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas

shall be preserved and used, to the extent possible, to meet the requirements of this Section.

- (2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

Sec. 15-2-27 Permitting Requirements; Procedures and Fees.

- (a) **Permit Required.** No landowner or operator may undertake a land development activity subject to this Article without receiving a permit from the Building Inspector prior to commencing the proposed activity.
- (b) **Permit Application and Fee.**
 - (1) Unless specifically excluded by this Article, any landowner or operator desiring a permit shall submit to the Building Inspector a permit application made on a form provided by the Building Inspector for that purpose.
 - (2) Unless otherwise excepted by this Article, a permit application must be accompanied by the following in order that the permit application be considered by the Building Inspector: a stormwater management plan, a maintenance agreement, and a non-refundable permit administration fee.
 - (3) The stormwater management plan shall be prepared to meet the requirements of Section 15-2-28, the maintenance agreement shall be prepared to meet the requirements of Section 15-2-29, and the financial guarantee shall meet the intent of Section 15-2-30.
- (c) **Review and Approval of Permit Application.** The Building Inspector shall review any permit application that is submitted with a stormwater management plan, maintenance agreement and the required fee. The following approval procedure shall be used:
 - (1) Within five (5) business days, the Building Inspector shall determine whether the applicant has submitted a complete permit application, including all items required by Section 15-2-27(b)(1). If the materials are incomplete, the Building Inspector shall inform the applicant regarding what additional materials are required.
 - (2) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by Section 15-2-27(b)(1), the Building Inspector shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The Building Inspector shall base the decision on requirements set forth in Sections 15-2-26, 15-2-28 and 15-2-29.
 - (3) If the stormwater permit application, plan and maintenance agreement are approved, or if payment of fees in lieu of stormwater management practices is made when allowed, the Building Inspector shall issue the permit.
 - (4) If the stormwater permit application, plan or maintenance agreement are disapproved, the Building Inspector shall detail in writing the reasons for disapproval.

- (d) **Permit Conditions.** All permits issued under this Article shall be subject to the following conditions, and holders of permits issued under this Article shall be deemed to have accepted these conditions. The Building Inspector may suspend or revoke a permit for violation of a permit condition, following written notification of the permittee. An action by the Building Inspector to suspend or revoke this permit may be appealed in accordance with Section 15-2-33.
- (1) Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state and local laws and regulations.
 - (2) The permit holder shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (3) The permit holder shall notify the Building Inspector at least two (2) business days before commencing any work in conjunction with the stormwater management plan, and within ten (10) days upon completion of the stormwater management practices. If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the Building Inspector so that practice installations can be inspected during construction.
 - (4) Stormwater management practice installations required as part of this Article shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and this Article. The administering authority shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (5) The permit holder shall notify the Building Inspector of any significant modifications it intends to make to an approved stormwater management plan. The Building Inspector may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution.
 - (6) The permit holder shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Village, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (7) The permit holder authorizes the Village to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special charge against the property as authorized under Sec. 66.0627, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-2-30.
 - (8) If so directed by the Building Inspector, the permit holder shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by stormwater runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

- (9) The permit holder shall permit property access to the Building Inspector or designee for the purpose of inspecting the property for compliance or for performing work to bring the property into compliance with the approved stormwater management plan and this permit.
 - (10) Where a stormwater management plan involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Building Inspector may require the permittee to make appropriate legal arrangements with adjacent property owners concerning the prevention of endangerment to property or public safety.
 - (11) The permit holder is subject to the enforcement actions detailed in Section 15-2-31 if the permit holder fails to comply with the terms of this permit.
- (e) **Permit Duration.** Permits issued under this Section shall be valid from the date of issuance through the date the Building Inspector notifies the permit holder that all stormwater management practices have passed the required final inspection. If work is not commenced within one hundred eighty (180) days, the permit shall expire. The Building Inspector may attach additional conditions before reissuing a permit.

Sec. 15-2-28 Stormwater Management Plans.

- (a) **Plan Requirements.** The stormwater management plan required under Section 15-2-27(b) shall contain any information the Village may need to evaluate the environmental characteristics of the area affected by land development activity, the potential impacts of the proposed development upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this Article. Unless specified otherwise by this Article, stormwater management plans shall contain at a minimum the following information:
- (1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (2) A proper legal description of the property proposed to be developed referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat. Include a USGS seven and one-half (7.5) minute topographical map showing the property boundaries of the proposed development.
 - (3) Pre-development site conditions, including:
 - a. One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at the scale not

- to exceed two (2) feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes from the site; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the one hundred (100) year floodplain; location of wells located within one thousand two hundred (1,200) feet of stormwater detention ponds, infiltration basins, or infiltration trenches; delineation of wellhead protection areas delineated pursuant to NR 811.16, Wis. Adm. Code.
- b. Computations of peak flow discharge rates and discharge volumes for the two- (2) year/twenty-four (24) hour, ten- (10) year/twenty-four (24) hour, and twenty-five- (25) year/twenty-four (24) hour design storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- (4) Post-development site conditions, including:
- a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and Village ordinances.
 - c. One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing: revised pervious land use including vegetative cover type and condition; impervious land use including all buildings, structures, and pavement; revised topographic contours of the site at a scale not to exceed two (2) feet; revised drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes; any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

- d. Computation of the runoff volume resulting from the one and one-half (1.5) inch rainfall, and computations of peak flow discharge rates and discharge volumes for the two- (2) year/twenty-four (24) hours, ten- (10) year/twenty-four (24) hours and twenty-five- (25) year/twenty-four (24) hours storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - e. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures.
 - f. Results of impact assessments on wetland functional values.
 - g. Design computations and all applicable assumptions for the stormwater conveyance (open channel, closed pipe) system.
 - h. Design computations and all applicable assumptions for stormwater quality practices (sedimentation type, filtration-type, infiltration-type) as needed to show that practices are appropriately sized to accommodate runoff from the one and one-half (1.5) inch rainfall. For practice designs that depart from those specified in the "Wisconsin Storm Water Manual, Part 2," the results of continuous simulation modeling, conducted according to the guidelines established in this manual, shall be presented in such a way as to show the reduction in average annual total suspended solids loading from the developed site.
 - i. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.
- (5) A stormwater practice installation schedule.
 - (6) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.
 - (7) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.
 - (8) Other information as needed by the Building Inspector to determine compliance of the proposed stormwater management measures with the provisions of this Article.
 - (9) All site investigations, plans, designs, computations, and drawings shall be certified by a competent engineer, to be prepared in accordance with accepted engineering practice and in accordance with *The Wisconsin Storm Water Manual, Part Two: Technical Design Guidelines for Storm Water BMP's* (latest edition).
- (b) **Exceptions.** The Building Inspector may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-2-26(c).

Sec. 15-2-29 Maintenance Agreement.

- (a) **Maintenance Agreement Required.** The maintenance agreement required for stormwater management practices under Section 15-2-27(b) shall be an agreement between the Village and the permittee to provide for maintenance of stormwater practices beyond the duration

period of this permit. The agreement shall be recorded with the County Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices.

- (b) **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions:
- (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan.
 - (3) Identification of the landowner(s), organization or municipality responsible for long-term maintenance of the stormwater management practices.
 - (4) The landowner(s), organization, or municipality shall maintain stormwater management practices in accordance with the schedule included in the agreement.
 - (5) The Village is authorized to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) The Village shall maintain public records of the results of the site inspections, shall inform the party responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (7) That if the Village notifies the party responsible for maintenance of the stormwater management system of maintenance problems which require correction, the specified corrective actions shall be taken within a reasonable time frame as set by the Building Inspector.
 - (8) The Village is authorized to perform the corrected actions identified in the inspection report if the party responsible for maintenance does not make the required corrections in the specified time period. The Village Clerk-Treasurer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Sec. 66.0627, Wis. Stats.

Sec. 15-2-30 Financial Guarantee.

- (a) **Establishment of the Guarantee.** The Village may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Attorney. The financial guarantee shall be in an amount determined by the Building Inspector, to be the estimated cost of construction and the estimated cost of maintenance during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village the authorization to use the funds to complete the project if the landowner defaults or does not properly implement the approved stormwater management plan.

- (b) **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:
- (1) The Building Inspector shall release the portion of the financial guarantee established to assure installation of stormwater practices, minus any costs incurred by the Village to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Building Inspector may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (2) The Building Inspector shall release the portion of the financial security established to assure maintenance of stormwater practices, minus any costs incurred by the Village, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Sec. 15-2-31 Enforcement and Penalties.

- (a) Any land development activity initiated after the effective date of this Article by any person, firm, association, or corporation subject to the Article provisions shall be deemed a violation unless conducted in accordance with said provisions.
- (b) The Building Inspector shall notify the responsible owner or operator by certified or registered mail of any non-complying land development activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (c) Upon receipt of written notification from the Building Inspector, the permit holder shall correct work which does not comply with the stormwater management plan or other provisions of this permit. The permit holder shall make corrections as necessary to meet the specifications and schedule set forth by the Building Inspector in the notice. The permit holder shall initiate such corrective action within twenty-four (24) hours of notification by the Village.
- (d) If the violations to this Article are likely to result in damage to properties, public facilities or waters of the state, the Building Inspector or designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village, plus interest and legal costs, shall be billed to the owner of title of the property, and if not paid, shall be entered on the tax rolls and collected as a special charge pursuant to Sec. 66.0627, Wis. Stats.
- (e) The Building Inspector is authorized to post a stop work order on all land development activity in violation of this Article, or to request the Village Attorney to obtain a cease and desist order.
- (f) The Building Inspector may revoke a permit issued under this Article for non-compliance with Article provisions.

- (g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Building Inspector or by a Court of competent jurisdiction.
- (h) The Building Inspector is authorized to refer any violation of this Article, or of a stop work order or cease and desist order issued pursuant to this Article, to the Village Attorney for the commencement of further legal proceedings.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this Article shall be subject to a forfeiture as specified in Section 1-1-6.
- (j) Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by injunctive order at the suit of the Village pursuant to Sec. 62.23(8), Wis. Stats. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.
- (k) When the Building Inspector determines that the holder of a permit issued pursuant to this Article has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Building Inspector or a party designated by the Building Inspector may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Building Inspector shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial guarantee posted pursuant to Section 15-2-30. Where such a guarantee has not been established, or where such a guarantee is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property pursuant to Sec. 66.0627, Wis. Stats., and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 15-2-32 Appeals.

- (a) **Board of Appeals.** The Board of Appeals, created under Section 13-1-260, pursuant to Sec. 62.23(7)(e), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Engineer in administering this Article. The Board of Appeals shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals.
- (b) **Variations.** The Board of Appeals may authorize variations from the provisions of this Article which are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Article will result in unnecessary hardship.

Sec. 15-2-33 Severability.

If any section, clause, provision or portion of this Article is judged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Article shall remain in force and not be affected by such judgment.

Sec. 15-2-34 through Sec. 15-2-39 Reserved for Future Use.

Article C: Fees

Sec. 15-2-40 Fees.

- (a) **Fees for Erosion Control Plans.** Each applicant desiring to undertake a regulated activity subject to this Chapter shall submit to the Building Inspector a fee required by the following fee schedule:
- (1) ***Simplified Plan Checklists.*** One Hundred Dollars (\$100.00).
 - (2) ***Sites Larger Than Twenty Thousand (20,000) Square Feet in Area and Two (2) Acres or Less in Area.*** One Hundred Fifty Dollars (\$150.00).
 - (3) ***Sites Larger Than Two (2) Acres in Area and Five (5) Acres or Less in Area.*** Two Hundred Fifty Dollars (\$250.00).
 - (4) ***Sites Larger Than Five (5) Acres in Area.*** The applicant shall be responsible for paying a fee equal to the actual cost to the Village for all engineering work and inspections incurred by the Village in connection with review of the erosion control plan and inspections of the implementation of the plan. At the time the application is submitted, the applicant shall prepay an estimated fee of Five Hundred Dollars (\$500.00). Following review of the plan, the Village Engineer shall estimate the total cost of the Engineer's review and inspections in connection with the review and implementation of the plan. If the amount is estimated to be more than the Five Hundred Dollars (\$500.00) deposited with the application, the Building Inspector shall require the applicant to deposit with the Village Clerk-Treasurer, in escrow, the remaining sum required by the Village Engineer's estimate.
- (b) **Fees for Stormwater Management Plans.** Each applicant desiring an activity regulated by Title 15, Chapter 5, Article B, shall submit to the Building Inspector a fee required by the following schedule:
- (1) Stormwater Management Plan without detention plan. Twenty-five Dollars (\$25.00).
 - (2) Stormwater Management Plan with detention plan. Fifty Dollars (\$50.00).
- (c) **Payment; Accountability.** The Village Clerk-Treasurer shall pay bills submitted for engineering and inspection out of the funds escrowed under Section 15-2-40(a)(4). In the event the amount deposited with the Village Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Building Inspector shall require the permittee to replenish the escrow to the original amount required hereunder. Upon final acceptance of implementation of the erosion control plans, the amounts remaining in the escrow shall be refunded to the applicant. An accounting of all fees paid by the Village and the status of the escrow shall be provided to the permittee at least quarterly. In the event the applicant or permittee defaults in establishing or replenishing the escrow, the Village may take enforcement action as contemplated under Section 15-2-9.