

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; arid 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, of 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:

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- (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 Shiocton 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 consentsto. a special charge against the property as authorized under Sec. 66.60(16), 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 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 longterm 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 Mik-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. 66.60(16), 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.