

**17.31 WINNEBAGO COUNTY CONSTRUCTION SITE EROSION CONTROL AND
STORMWATER MANAGEMENT ORDINANCE**

AN ORDINANCE TO CREATE CHAPTER 17.31, SECTION A, OF THE GENERAL CODE OF THE COUNTY OF WINNEBAGO RELATING TO THE CONTROL OF CONSTRUCTION SITE EROSION AND SECTION B OF THE GENERAL CODE OF THE COUNTY OF WINNEBAGO RELATING TO THE CONTROL OF STORM WATER RUNOFF FROM LAND DEVELOPMENT AND LAND REDEVELOPMENT

The Winnebago County Board does hereby ordain that Chapter 17.31, Section A and Section B are created to read as follows:

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S.ii GENERAL SECTION PROVISIONS

1. Although Section 17.31 may be printed, and/or used as a separate ordinance, it is part of the Winnebago County Town/County Zoning Ordinance and provisions of other sections not in conflict with this section remain applicable.
2. This Ordinance shall be in force and effect upon the date following its date of publication

3. Where a permit may be required under either Section A, or Section B, or both, the administering authority shall determine whether a separate or combined permit shall be required.
4. Any permit required by this section shall be issued prior to the issuance of any other zoning permit, building permit, or sanitary permit.
5. Intergovernmental agreements pursuant to State Statutes regarding the administration of this ordinance may be approved by the Winnebago County Board of Supervisors provided (a) that the prospective administering body has an ordinance at least as restrictive as this ordinance as determined by Winnebago County, and/or (b) that the prospective administering body provides satisfactory evidence, as determined by Winnebago County, to Winnebago County of an ability to administer this ordinance, or an equally restrictive ordinance. Evidence of “an ability to administer” may include contractual arrangements, and shall also provide that a contractual or employment arrangement prohibits a contractor or employee from reviewing their own work.

S. 01 AUTHORITY

This ordinance is adopted by the Winnebago County Board under the authority granted by S. 59.693, S 101.65(1)(a) and S. 101.651(3m), and S. 101.653, Wisconsin Statutes. This ordinance supersedes all conflicting and contradictory storm water management regulations previously enacted under S. 59.69 and S. 236 Wisconsin Statutes. Except as specifically provided for in S. 59.693, Wisconsin Statutes, S. 59.69 and 59.99, Wisconsin Statutes applies to this ordinance and to any amendments to this ordinance.

- (1) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the Winnebago County Board of Supervisors.
- (2) The Winnebago County Board hereby designates the Planning & Zoning Committee, in cooperation with the Land Conservation Committee, to administer and enforce the provisions of this ordinance.
- (3) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
 - (a) Department of Natural Resources administrative rules, permits or approvals including, but not limited to, those authorized under S. 283.33 Wisconsin Statutes.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Department of Natural Resources under Chapter NR 151.003, Wisconsin Admin. Code.
 - (c) Technical standards for implementing non-agricultural performance standards developed by the Department of Natural Resources under Subchapter IV of Chapter NR 151, Wisconsin Admin. Code.

S. 02 FINDINGS, PURPOSE and INTENT

FINDINGS.

The Winnebago County Board of Supervisors finds that runoff from land-disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State and Winnebago County; and,

Further finds that uncontrolled storm water runoff from land development and land redevelopment activity has a significant impact upon water resources and the health, safety and general welfare of the community, and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled storm water runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed

- scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens 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, watercourses, and other minor drainage facilities;
 - (6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes; and,
 - (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

PURPOSE.

- (1) It is the purpose of Section A of the ordinance to preserve natural resources; to protect the quality of the waters of the State and the County; and to protect and promote the health, safety and welfare of the people, to the extent practical, by minimizing the amount of sediment and other pollutants carried by runoff or discharge from land disturbing construction activity to lakes, streams and wetlands; and,
- (2) It is the purpose of section B of the ordinance is to set forth long-term, post-construction storm water requirements and criteria which will diminish the threats to public health, safety, welfare, and the aquatic environment due to runoff of storm water from land development and land redevelopment activity. The specific purposes of this section of the ordinance are to:
 - (a) Further the maintenance of safe and healthful conditions of the land and water resources of the County;
 - (b) Prevent and control the adverse effects of storm water, prevent and control soil erosion, prevent and control water pollution, and protect spawning grounds, fish, and aquatic life;
 - (c) 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;
 - (d) Control building sites, placement of structures, and land uses, and promote sound economic growth.

INTENT. It is the intent of the Winnebago County Board of Supervisors that this ordinance manages the long-term, post-construction storm water discharges from land development and land redevelopment activities.

S. 03 APPLICABILITY OF ORDINANCE

This ordinance applies to land-disturbing construction activity, new land development, and all land redevelopment activity located within the boundaries and jurisdiction of the unincorporated portion of Winnebago County. The provisions of Section B do not apply to agricultural activity as defined herein. Any area affected by the provisions of this ordinance shall not be exempt from applicability by reason of annexation or incorporation unless the annexing or incorporating municipality maintains and enforces an ordinance that is equally restrictive as this ordinance in accordance with the provisions of S. 59.693(10), Wisconsin Statutes.

MAPS. Where any map is referred to in this ordinance and said map is a digital compilation within the Winnebago County Geographic Information System (WINGS), said digital map shall be the regulatory map for purposes of enforcement of this ordinance.

S. 04 FEE SCHEDULE / FINANCIAL GUARANTEE

- (a) The fees referred to in other sections of this ordinance shall be established by Winnebago County Board of Supervisors and may from time to time be modified by resolution. All “after the fact” fees shall be doubled.
- (b) Where more than one permit is required, the permittee shall be required to pay the amount required for each permit.
- (c) The financial guarantees referred to in other sections of the ordinance are in addition to permit fees and required escrow amounts and shall be as determined within the applicable section. If a financial guarantee is required in more than one section, the administering authority shall determine the total amount of the required guarantee, whether as a single or combined amount.

S. 05 ENFORCEMENT

- (1) Any land-disturbing construction activity, land development, or land redevelopment activity, hereinafter activity, initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance. The term violation includes without limitation due to enumeration such things as failure to obtain a permit where required, failure to implement approved plans in a good faith manner, failure to comply with conditions of a permit issued, or failure to cease activity as required in a stop-work order posted under this ordinance.
- (2) The administering authority shall notify the responsible owner or operator by certified mail of any non-complying activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.
- (3) Upon receipt of written notification from the administering authority under subsection (2), the permit holder, or landowner, shall obtain a permit where required, and/or correct work which does not comply with an approved plan or other provisions of a permit. The permit holder, or landowner, shall make corrections as necessary to meet the specifications and schedules set forth by the administering authority in the notice.
- (4)
 - (a) The administering authority is authorized to post a stop work order on all activity in violation of this ordinance. When such a stop work order has been posted, it shall have the effect of causing the original permit to be revoked and in all cases, it shall be unlawful for any further work to proceed until the permit is either issued or reinstated. . It shall further be unlawful to remove such stop work order without the direct authorization of the administering authority.
 - (b) After posting a stop-work order, the administering authority may issue a notice of intent to the permittee or landowner or land user of its intent to perform work necessary to comply with this ordinance. The administering authority may then go on the land and commence the work. The costs of the work performed by the administering authority, plus interest at the rate authorized by administering authority shall be billed to the permittee or the landowner. Where the violation of the ordinance is likely to result in damage to properties, public facilities, or waters of the state, and after issuing the notice of intent, the administering authority may enter the land and take emergency actions

necessary to prevent such damage, and bill such work in the manner previously described.

- (c) In the event a permittee or landowner fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect the amount plus any interest thereupon as a special charge against the property pursuant to Section 66.60(16), Wisconsin Statutes.
- (5) The administering authority may revoke a permit issued under this ordinance for noncompliance with ordinance provisions.
- (6) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the administering authority or by a court with jurisdiction.
- (7) If the landowner or land user where no permit has been issued does not cease the activity within 10 days of being notified by the administering authority or if a landowner violates a stop-work order posed under sub. (1), the administering authority is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance to the Corporation Counsel to obtain a cease and desist order or to commence further legal proceedings in any court with jurisdiction.
- (8) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance, or fails to cease activity as required in a stop-work order posted under this section, or fails to comply with any approved plan or permit, shall be subject to a forfeiture of not less than [500] dollars nor more than [1,000] dollars per offense, together with the costs of prosecution. Every violation of this ordinance is a public nuisance and each day that the violation exists shall constitute a separate offense.
- (9) Compliance with this ordinance may be enforced by injunctive order by Winnebago County pursuant to S. 59.69(11), Wisconsin Statutes. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

S.06 APPEALS

An appeal to the provisions of Section 17.31 shall be done in accordance with the provisions of Section 17.32, Winnebago County Town/County Zoning Ordinance.

S. 07 DEFINITIONS

- (1) “Administering authority” means the governmental employees or their designees empowered under S. 59.693, Wisconsin Statutes to administer this ordinance. For the purpose of this ordinance the administering authority is the Planning and Zoning Department under guidance from the Planning and Zoning Committee.
- (2) “Agricultural activity” means planting, growing, cultivating and harvesting of crops for human or livestock consumption, the pasturing or yarding of livestock, sod farms and tree nurseries. For the purposes of Section A, Erosion Control, the term also includes tiling, and construction or expansion of facilities related to normal activities performed as part of a farming operation, i.e., only those facilities for which erosion control is addressed by Chapter 13, County Code.
- (3) “Best management practice” or “BMP” means a practice, technique or measure which is determined to be an effective means by the Planning & Zoning Department of preventing or reducing runoff pollutants to waters of the state, to a level compatible with the performance standards in S. 15 and the pollution control requirements in S. 10(2) of this ordinance.

- (4) "Business day" means a day the office of the Planning & Zoning Department is routinely and customarily open for business.
- (5) "Cease and desist order" means a court-issued order to halt land development and land redevelopment activity that is being conducted without the required permit.
- (6) "COMM" means the Wisconsin Department of Commerce.
- (7) "Common plan of development or sale" means an area where multiple separate and distinct land developing activities may be taking place at different times on different schedules but under one plan.
- (8) "Construction site" means an area upon which one or more land-disturbing construction activities are occurring, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land-disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (9) "Design storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total rainfall depth.
- (10) "Detention Pond" means a depression in the land surface designed to temporarily detain or hold back storm water and release the water at a specified flow rate or rates. A detention pond may also be designed to reduce nonpoint source pollution.
- (11) "De-watering" means any process, including pumping or ditching, by which excess water is removed from a site as part of the construction process.
- (12) "Discharge volume" means the quantity of runoff discharged from the land surface as the result of a rainfall event.
- (13) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- (14) "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by soil erosion and sedimentation during construction.
- (15) "Extent practical" means a level of implementing best management practices in order to achieve a performance standard, which takes into account the best available technology, cost effectiveness and the degree, or extent to which best management practices can be implemented. Extent practical allows flexibility in the means to meet the performance standards and will vary based upon the performance standard and site conditions.
- (16) "Extra-territorial" means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1½ miles of a fourth class city or village.
- (17) "Final stabilization" means the completion of all land disturbing construction activities at a construction site and that a perennial vegetative cover has been established with a density of 70% of the cover for the unpaved areas and areas not covered by permanent structures. If a perennial vegetative cover has not been used, an equivalent permanent stabilization measure must have been approved for use by the administering authority and installed as required.
- (18) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted by the permit holder to the administering authority, in an amount and format approved by the administering authority, to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (19) "Impervious surface" means a land cover that releases as runoff all or a large portion of the precipitation that falls on it. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious.

- (20) "Infiltration" means the process by which rainfall or surface runoff passes into or through the underlying soil.
- (21) "Land development activity" means the act or process of changing land through the construction of buildings, parking lots, roads, landscaping, etc. which causes a change in the amount, rate, or quality of storm water runoff from the land.
- (22) "Land disturbing construction activity" means any man-made disturbance of the land surface resulting in a change in the topography, existing vegetative and non-vegetative soil cover or the existing soil topography which may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land-disturbing construction activity includes, but is not limited to clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, but does not include agricultural or silviculture activities. Specific applicability is noted at S.10(1).
- (23) "Landowner" means any person holding title to land.
- (24) "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- (25) "Maintenance agreement" means 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 storm water management practices.
- (26) "Municipal storm sewerage facility" means catch basins, storm sewer pipes, pumps, and lift stations.
- (27) "Municipality" means a town, county, village, or city.
- (28) "Non-domestic agricultural structure" means a building or impervious surface designed to store machinery and/or harvested crops in any form, including machine sheds, grain bins, and silage pads. This definition does not include vertical silos, dairy barns, or any other building categorized as an "animal lot" as defined in the Livestock Waste Management Ordinance, Chapter 13, Winnebago County General Code.
- (29) "Non-storm discharge" means a discharge to the storm sewer system created by some process other than storm water runoff.
- (30) "Non-structural measure" means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in storm water that does not require the design or installation of fixed storm water management facilities.
- (31) "Off-site" means located outside the property boundary described in the permit application for land development or land redevelopment activity.
- (32) "Other than residential development" means development that is not one or two family residential. This includes the following land uses: multi-family residential (more than 2 dwelling units on a single property) commercial, industrial, government and institutional, recreation, transportation, communication, and utilities, and the construction or expansion of facilities related to normal activities performed as part of a farming operation including but not limited to buildings, paved areas, etc.
- (33) "On-site" means located within the property boundary described in the permit application for the land development or land redevelopment activity including the entire area of the tax parcel wherein the activity will occur.
- (34) "P8" means a model for predicting the generation and transport of stormwater runoff pollutants in urban watersheds.
- (35) "Peak flow discharge rate" means the maximum unit volume of storm water discharged during a specified unit of time.

- (36) "Performance standard" means a measurable number or measurable narrative for a pollution source specifying the acceptable outcome for a facility or practice.
- (37) "Permit" means a written authorization made by the administering authority to the applicant to conduct land development or land redevelopment activities.
- (38) "Permit administration fee" means a sum of money paid to the administering authority by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit, including but not limited to application review, issuance where appropriate, and inspections.
- (39) "Pervious surface" means a surface that infiltrates rainfall. Lawns, fields and woodlands are examples of pervious surfaces.
- (40) "Post-construction storm water discharge" means any storm water discharged from a site following the completion of land disturbing construction activity and final site stabilization.
- (41) "Post-development condition" means the extent and distribution of land cover types anticipated to occur under conditions of full development, which will influence storm water runoff and infiltration.
- (42) "Pre-development condition" means the extent and distribution of land cover types present before the initiation of land development or land redevelopment activity.
- (43) "Redevelopment" means new development that is replacing older development. Redevelopment in this ordinance only applies when the activity will increase the impervious area.
- (44) "Runoff" means the rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (45) "Single lot activity: a stormwater plan for a land development activity on a single lot where a lesser degree of detail may be required for review. The plan will normally not require engineering data. Also known commonly as a single lot drainage plan.
- (46) "Site" means the entire area included in the legal description of the land upon which the land-disturbing construction activity is proposed in the permit application and further includes the entire tax parcel and deed area affected.
- (47) "Site restriction" means any physical characteristic, which limits the use of a storm water best management practice or management measure.
- (48) "SLAMM" means Source Loading and Management Model, a stormwater evaluation technique, developed for the Environmental Protection Agency(EPA), and used to evaluate the effectiveness of stormwater control.
- (49) "Stop work order" means an order issued by the administering authority that requires that all construction activity on the site be stopped.
- (50) "Storm water management plan" means a document that identifies what actions must be taken to reduce storm water quantity and pollutant loads from land development and land redevelopment activity to levels that meet the purpose and intent of this ordinance.
- (51) "Storm water management system plan" is a comprehensive plan developed to address storm water drainage and nonpoint source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this ordinance.
- (52) "Storm water runoff" means that portion of the precipitation falling during a rainfall event, or that portion of snowmelt, that runs off the surface of the land and into the natural or artificial conveyance or drainage network.
- (53) "Structure", as used in the context of construction or building, means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed

upon or set into the ground which includes but is not limited to such objects as roofed and/or walled buildings, non-domestic agricultural structures, storage tanks, bridges, culverts, etc. and may include such things as fences or signs. The term also includes fill or filling which is the act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting there from.

- (54) “Structural measure” means any physical practice or conveyance measures and end-of-pipe treatment that are designed to control storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- (55) “Storm sewer system” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains which is designed for collecting water or conveying storm water.
- (56) “TR-55” means the United States Department of Agriculture Natural Resources Conservation Service (formerly Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.
- (57) “Waters of the State” means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within Wisconsin or its jurisdiction.
- (58) “Watercourse” means a natural or artificial channel through which water flows and is identified on the official Winnebago County watercourse map, dated January 1, 2002 or subsequent revisions thereto and new channels that are created as part of a development that may not be on the existing map. The term watercourse includes waters of the state as herein defined. Additions or deletions to the map must be field verified by the administering authority. Additionally, when a watercourse is moved, any requirements related to the watercourse move with the water. The watercourse map is on file and maintained by Winnebago County Geographic Information System (WINGS).
- (59) “Watershed” means an area bounded by a divide in which water drains to a specific point on the land.
- (60) “Wetland functional value” means 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.
- (61) “Wetlands” means 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 but are not limited to natural, mitigated, and restored wetlands. Some wetlands are graphically shown on the DNR Wetland Inventory Maps dated July 5, 1986 or subsequent revisions.
- (62) “WPDES Storm Water Permit” means a permit issued by the Wisconsin Department of Natural Resources under S. 283.33 Wisconsin Statutes that authorizes the point source discharge of storm water to waters of the state.

17.31, Section A, CONSTRUCTION SITE EROSION CONTROL

S. 08 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR BEST MANAGEMENT PRACTICES (BMPs).

All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications for the BMPs based on accepted design criteria, standards and specifications identified in the following documents, or the most recently adopted version thereof, provided that where a provision of this ordinance requires a greater standard or degree of compliance, the provisions of this ordinance shall control:

- (1) Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision,
- (2) Section IV of the Field Office Technical Guide, published by the USDA-Natural Resources Conservation Service as adopted and maintained by the Winnebago County Land Conservation Committee and Land & Water Conservation Department,
- (3) Technical standards developed and disseminated by the Department of Natural Resources under subchapter V of Chapter NR 151, Wisconsin Admin. Code. and
- (4) Other technical standards published or adopted by the above noted agencies, the Wisconsin Standards Oversight Council or the Winnebago County Land Conservation Committee and Land & Water Conservation Department.

S. 09 MAINTENANCE OF BMPs

All BMP measures necessary to meet the requirements of this ordinance shall be maintained by the applicant for a permit issued under S. 11 or subsequent landowner throughout the duration of the construction activities until the site has undergone final stabilization.

S. 10 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBING CONSTRUCTION ACTIVITY

- (1) GENERAL APPLICABILITY. These general applicability provisions apply to the following land-disturbing construction activities, excluding that otherwise regulated under Chapter COMM 21.125 and COMM 60.115 Wisconsin Admin. Code.
 - (a) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other activity affecting a surface area of 4,000 square feet or more;
 - (b) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of soil, sand, or other excavation or fill material.
 - (c) Those involving public or private access drives, street, highway, road, or bridge construction, enlargement, relocation or reconstruction longer than 125 feet;
 - (d) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a continuous distance of 100 feet or more. The term pipe or facility includes, but is not limited to, utilities such as telephone, electric, gas, sanitary, storm water, etc.; NOTE: see S.11(5);
 - (e) Those involving the construction or reconstruction of a continuous distance of 100 lineal feet of road ditch, non-agricultural grass waterway, or other non-agricultural land area where drainage occurs in an open channel; NOTE: see S.11(5)
 - (f) Other land development activities, including access drives, that the administering authority determines have a significant impact.

(2) **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** An erosion control plan shall ensure, to the extent practical, that soil erosion, siltation, sedimentation, and other offsite impacts from land-disturbing activities are minimized through installation of BMPs pursuant to S. 05 of this ordinance. The BMPs may be located on or off the construction site. In addition, the erosion control plan shall:

- (a) **BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.**

Note to Users: Soil loss prediction tools that estimate the sediment load leaving the construction site under varying land and management conditions, or methodology identified in subch. V. of ch. NR 151, Wis. Adm. Code, may be used to calculate sediment reduction.

- (b) **Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.**
- (c) Minimize tracking of sediment from the site onto roads and other paved surfaces. Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by cleaning the street, by means other than by flushing, before the end of each workday. Sediment tracked by construction equipment from a site onto a public or private paved road or sidewalk shall be minimized by providing a non-tracking access roadway. The access roadway shall be installed as approved on the plan. The sediment cleanup provisions of (d) below are unaffected by the presence or absence of an access roadway.
- (d) Assure proper use, storage and disposal of chemicals, cement, and other compounds used on construction sites. All building material waste shall be properly managed and disposed of to prevent pollutants and debris from being carried off site by runoff.
- (e) Minimize the discharge of sediment as part of site de-watering. Discharge of sediment as a result of dewatering shall be treated using BMPs.
- (f) Provide for the clean up of sediments deposited on roadways. By the end of the next working day following the occurrence, clean up off-site sediment deposition occurring as a result of a storm event shall be completed. All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up at the end of the workday.
- (g) Provide storm sewer inlet protection from sedimentation. All downslope storm sewer inlets shall be protected from the intake of sedimentation by filter fabric, hay-type bales, or other suitable measures as may be approved.

S. 11 PERMIT - APPLICATION, EROSION AND SEDIMENT CONTROL PLAN, AND PERMIT ISSUANCE

No landowner or land user may commence a land-disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the administering authority. At least one landowner or land user controlling or using the site and desiring to undertake a land-disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan and pay an application fee. By submitting an application, the applicant is authorizing the administering authority to enter the site to obtain information required for the review of the erosion and sediment control plan, to inspect the property for permit compliance, and to authorize permanent on-site inspection authority for the duration of the permitted activity.

- (1) CONTENT OF THE EROSION AND SEDIMENT CONTROL PLAN FOR LAND DISTURBING CONSTRUCTION ACTIVITIES COVERING ONE OR MORE ACRES.
 - (a) The erosion and sediment control plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the *Wisconsin Construction Site Best Management Practice Handbook* (WDNR Pub. WR-222 November 1993 Revision).
 - (b) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items. Other information may be required as needed by the permitting authority:
 1. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a Winnebago County G.I.S. Map.
 2. Description of the intended sequence of major activities that disturb soils for major portions of the site, such as grubbing, excavation or grading.
 3. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 4. Existing data describing the surface soil as well as subsoils.
 5. Depth to groundwater, as indicated by natural resources conservation service soil information where available.
 - (c) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.
 1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and flood ways shall also be shown.
 2. Boundaries of the construction site.
 3. Drainage patterns and approximate slopes anticipated after major grading activities.
 4. Areas of soil disturbance.
 5. Location of structural and non-structural BMPs identified in the plan.
 6. Location of areas where stabilization practices will be employed.
 7. Areas that will be vegetated following construction.

8. Area extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.
 9. Locations of all surface waters and mapped wetlands within one mile of the construction site.
 10. Any other features required by the administering authority for a proper evaluation of the site.
- (d) Each erosion and sediment control plan shall include a plan view sheet and a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall be at the same scale as the existing site map and shall clearly show the site changes. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process when the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
1. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site.
 3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.
 5. Staging construction to limit bare areas subject to erosion.
 6. Protection of down slope drainage inlets where they occur.
 7. Minimization of tracking at all sites.
 8. Clean up of off-site sediment deposits.
 9. Proper disposal of building and waste materials at all sites.
 10. Stabilization of drainage ways.
 11. Control of erosion from soil stockpiles.
 12. Installation of permanent stabilization practices as soon as possible after final grading.
 13. Minimization of dust to the extent practical.
- (e) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

Note: The plan requirements of this subsection will meet the plan requirements of Chapter NR 216.46, Wisconsin Admin. Code, when prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the *Wisconsin Construction Site Best Management Practice Handbook* (WDNR Pub. WR-222 November 1993 Revision). This is important for municipalities seeking to develop a "Qualifying Local Program" under phase 2 of the federal storm water permit program. Qualifying local programs will also be required to impose, either through this ordinance or a storm water management ordinance, storm water management plan requirements consistent with Chapter NR 216.47, Wisconsin Admin. Code.

- (2) **CONTENT OF THE EROSION AND SEDIMENT CONTROL PLAN STATEMENT FOR LAND DISTURBING CONSTRUCTION ACTIVITIES COVERING LESS THAN ONE ACRE.** A control plan statement (with simple map) that briefly describes the site and best management practices (including the site development schedule) that will be used to meet the requirements of the ordinance shall be submitted to the administering authority.
- (3) **REVIEW OF ALL EROSION AND SEDIMENT CONTROL PLAN.** The administering authority shall review any permit application that is submitted with an erosion and sediment control plan or control plan statement, and the required fee. The following approval procedure shall be used:
- (a) Within 30 business days of receipt of the application, erosion and sediment control plan or control plan statement, and fee, the administering authority shall review the application and control plan and inform the applicant whether the application is approved, conditionally approved, or disapproved.
 - (b) If the requirements of this ordinance are met, the administering authority shall issue the permit.
 - (c) If the conditions are not met, the administering authority shall inform the applicant in writing and may either require additional information or disapprove the plan.
 - (d) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 10 working days from the date the additional information is received to inform the applicant that the application is approved, conditionally approved, or disapproved.
 - (e) Failure by the administering authority to inform the permit applicant of a decision within the specified number of business days of a required submittal shall be deemed to mean approval of the submittal, and the applicant may proceed as if a permit had been issued. In this instance the applicant shall comply with the plan as submitted.
- (4) **PERMITS.**
- (a) **Duration.** Permits issued under this section shall be valid for a period of 1 year, from the date of issuance. The administering authority may extend the permit one time for up to an additional 180 days. The administering authority may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
 - (b) **Financial Guarantee.** As a condition of approval and issuance of the permit, the administering authority may require the applicant to submit a financial guarantee, the form, and type of which shall be acceptable to the administering authority. The financial guarantee shall be in an amount determined by the administering authority to be the estimated cost of implementing the approved erosion control plan and any permit conditions for the duration of the construction activity and until final site stabilization.
 - (c) **Release of Financial Guarantee.** The administering authority shall release the portion of the financial guarantee established under this section, less any cost incurred by the administering authority to implement erosion control measures, following the final site stabilization and verification of said stabilization by the administering authority.
 - (d) **Permit conditions.** All permits shall require the permittee to:
 - 1. Notify the administering authority within 3 days of commencing any land disturbing construction activity.
 - 2. Notify the administering authority of completion of any BMPs within 3 days after their installation.
 - 3. Obtain permission in writing from the administering authority prior to modifying the erosion and sediment control plan

4. Install all BMPs as identified in the approved erosion and sediment control plan;
5. Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
7. Inspect the BMPs after each rain of 0.5 inches or more and at least once each week, make needed repairs and document the findings of the inspections in a siteerosion control log with the date of inspection and the name of the person conducting the inspection.
8. Allow the administering authority to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan;
9. Keep a copy of the erosion and sediment control plan at the construction site; and
10. Notify the administering authority upon completion of construction phase of a project and that the final site stabilization is in place.

(5) GENERAL PERMITS FOR MUNICIPAL MAINTENANCE OF PUBLIC ROAD DITCHES AND PRIVATE UTILITY WORK PROJECTS

General permits may be issued by the [administering authority] to a municipality for road ditch maintenance along public roads and to private utilities for utility maintenance and siting . The following conditions apply to the issuing of general permits for these purposes:

- (a) General permits may only be issued for a one year period. Road ditch maintenance and utility work shall only take place during the period between April 1 and September 1. After September 1, work must be approved on a case by case basis by the [administering authority]. Permit fees for utility work may differ from those charged per S.08 of this ordinance as determined by the administering authority. No permit fees shall be charged for road ditch maintenance.
- (b) A list of planned road ditch maintenance and utility work must be provided to the administering authority no less than 10 business days prior to work.
- (c) Listed sites must be accompanied with an erosion control plan. The erosion control plan may include generic erosion control practices that are applicable to the proposal.
- (d) The erosion control plan must incorporate erosion control measures for road ditch maintenance and utility work, and be designed using criteria defined in the Wisconsin Department of Transportation *Facilities Development Manual*.

S. 12 INSPECTION

- (1) The administering authority shall inspect any construction site that holds a permit under S. 11 at least once a month during the period starting March 1 and ending October 31 and at least twice during the period starting November 1 and ending February 28 to ensure compliance with the approved sediment and erosion control plan.
- (2) If land-disturbing construction activities are being carried out without a permit required by this ordinance, the administering authority may enter the land pursuant to the provisions of ss. 66.0119, Wisconsin Statutes.

17.31, Section B, STORM WATER MANAGEMENT

S. 13 TECHNICAL STANDARDS

The following methods shall be used in designing the water quantity, water quality, and peak flow shaving and infiltration components of storm water practices needed to meet the water quality standards of this ordinance, provided that where a provision of this ordinance requires a greater standard or degree of compliance, the provisions of this ordinance shall control:

- (1) Technical standards developed and disseminated by the Department of Natural Resources under subchapter V of Chapter NR 151, Wisconsin Admin. Code.
- (2) Section IV of the Field Office Technical Guide, published by the United States Dept. of Agriculture (USDA)-Natural Resources Conservation Service, as adopted and maintained by the Winnebago County Land Conservation Committee and Land & Water Conservation Department.
- (3) Where technical standards have not been developed and disseminated by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the administering authority.
- (4) Where the administering authority determines that more stringent standards are required than those listed in (1) of this section in order to meet the provisions of this ordinance, the more stringent standards may be required to be used.

S. 14 STORM WATER PERFORMANCE STANDARDS

- (1) **STORM WATER DISCHARGE QUANTITY.** Unless otherwise provided for in this ordinance, all new land development and land redevelopment activities subject to this ordinance shall establish on-site best management practices(BMP) to control the peak flow rates of storm water discharged from the site and to preserve base flow in streams. The BMPs shall be designed, installed or applied, and maintained to the maximum extent practicable in accordance with a storm water management plan submitted in accordance with Section S.08 of this ordinance. All of the following standards shall apply to the storm water management plan.
 - (a) By design, maintain or lower peak runoff discharge rates as compared to pre-settlement (meadow) conditions for the 2-, 10- and 100-year, 24-hour design storms applicable to the site, using the Runoff Curve Numbers designated on Table 1 for the appropriate site soil hydrologic group. If TR-55 methodology is not used for the hydrologic calculations, the local administering authority must approve an equivalent methodology.

Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	30	58	71	78

NOTE: Source of Table 1 is: "Urban Hydrology for Small Watersheds" USDA Technical Release 55; June, 1986

- (b) Discharge velocities must be non-erosive to discharge locations, outfall channels, and receiving streams.
- (c) Infiltration of storm water, to reduce the volume of runoff, will be encouraged where technically feasible. If storm water infiltration can be demonstrated, the reduced volume may be taken into account when designing practices to meet the peak flow control, and pollution control requirements of this ordinance.

- (d) If infiltration is employed on a site, groundwater quality shall be protected from pollutants in the storm water. Storm water runoff from industrial manufacturing and fueling and vehicle maintenance areas shall not be directed to infiltration structures.
- (2) **STORM WATER DISCHARGE QUALITY.** Unless otherwise provided for in this ordinance, all land development and land redevelopment activities subject to this ordinance shall establish on-site management practices to control the discharge of storm water pollutants. The BMPs shall be designed, installed or applied and maintained, in accordance with a storm water management plan for the long-term control of post-construction storm water discharges, to control total suspended solids and other pollutants carried in runoff. All of the following apply:
- (a) **Sediment Control:** By design, reduce the annual average total suspended solids load in runoff by 80% for new development and 40% for redevelopment as compared to no controls for the site. The sediment reduction shall be accomplished in one of the following ways:
 - (1) For new development, a wet detention basin/pond may be installed to receive storm water runoff from the entire site. The area shall be designed to meet standards contained in the Wisconsin DNR Wet Detention Standard Code 1001 (06/99) or a subsequently adopted version.
 - (2) By any other alternative method acceptable to the approving authority. If a discrepancy exists between the developer and approving authority regarding ability to reach the required sediment reduction using alternative methods, the developer shall use Source Loading and Management Model (SLAMM), P8, or an equivalent methodology to determine percentage of sediment removal. If the administrative authority finds that SLAMM shows that the required reduction will be met with the proposed design then the developer will have reached the sediment control requirements of this ordinance.

If 80% of the total suspended solids load for new development, or 40% of the total suspended solids load for redevelopment will not be controlled from the site by design, then the storm water management plan shall include a reasonable justification for not controlling 80% of the total suspended solids load for new development, or 40% of the total suspended solids load for redevelopment, from the site as compared to no sediment controls.

- (b) **Petroleum and Hydrocarbon Control:** Fueling and vehicle maintenance areas shall have BMP's designed, installed or applied, and maintained to reduce petroleum within runoff, in order that the runoff that enters the waters of the state contains no visible petroleum sheen after the point of treatment. Storm water management devices do not substitute for emergency action spill control plans if required under different regulations.
- (c) **Setback Areas:**
 - (1) A setback shall be provided along all watercourses. Permanent vegetative cover will provide for bank stability, maintenance of fish habitat, and filtering of pollutants from up slope overland flow areas (cover can be mowed lawn). The setback will keep the watercourse open to convey runoff and to provide some flood storage. No structures will be allowed in the buffer/setback area except road and utility crossings, boathouses where adjacent to navigable water, structures which are part of the storm water management plan, and structures allowed by S. 59.692(1v), i.e., the "Gazebo Rule", when adjacent to navigable water.

(2) Fill will not be allowed except where approved by the administering authority based on an engineering study of the watercourse that has assessed the impact of the fill on flood storage and flow conveyance. The above-mentioned study must show that the flow from a 100-year rain event is contained within the watercourse setback area.

(3) The buffer area shall be provided on each side of the watercourse and the minimum width on each side of the watercourse is as follows. Zoning provisions and Wis Admin Code Chapter NR 151 (if adopted) may require a greater setback from navigable water.

(a) For watercourses within watersheds less than 81 acres, 25 feet from the watercourse centerline.

(b) For watercourses within watersheds of between 81 and 350 acres, 35 feet from the watercourse centerline.

(c) For watercourses within watersheds over 350 acres, 50 feet from the Ordinary High Water Mark of navigable waters, or the centerline of a non-navigable watercourse.

(4) Setbacks from Wetlands

(a) For 1 and 2 family residential development, 25 feet from wetlands, except in cases when the administering authority deems a larger buffer is necessary.

(b) For other than residential development, 50 feet from wetlands except in cases when the administering authority deems a larger buffer is necessary.

(c) A larger buffer may be required if deemed necessary by the administering authority based on site characteristics.

(d) Existing wetlands shall not be used to meet any of the setback requirements of this ordinance unless permitted by the WDNR and/or Army Corp of Engineers.

(e) Storm water shall not be injected underground through excavations or openings in a manner that would violate Chapter NR 812.05 Wisconsin Admin. Code.

(f) Storm water ponds and infiltration devices shall not be located closer to water supply wells than as indicated below without first notifying and obtaining approval from the administering authority:

(1) 100 feet from a well serving a private water system or a transient, non-community public water system;

(2) 1,200 feet from a well serving a municipal public water system, an other-than municipal public water system, or a non-transient non-community public water system,

(3) within the boundary of a recharge area to a wellhead identified in a wellhead area protection plan.

(3) **ALTERNATE REQUIREMENTS.** The administering authority may establish storm water management requirements either more stringent or less stringent than those set forth in subs. (1) and (2) above provided that at least one of the following conditions applies.

(a) The administering authority determines that an added level of protection is needed to protect sensitive resources.

(b) The administering authority determines that the land development and land redevelopment activity is covered by an approved storm water management system plan or existing conditions allow for management consistent with the purpose and intent of this ordinance.

- (c) Provisions are made to manage storm water by an off-site facility, provided that all of the following conditions for the off-site facility are met:
 - (1) The facility is in place,
 - (2) The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance, and
 - (3) The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (d) The administering authority finds that meeting the minimum on-site management requirements of this ordinance is not feasible due to space or site restrictions, or other unique conditions, provided that where this section is deemed applicable the maximum possible requirements shall be met.
- (e) The application is for a non-domestic agricultural structure, or, a structure classified as an animal lot as defined in the Livestock Waste Management Ordinance, Chapter 13, Winnebago County General Code.
- (f) The permit application is for land development activity on a single lot and the administering authority determines that less stringent requirements are needed for review and approval.

S. 15 PERMITTING REQUIREMENTS, PROCEDURES AND FEES

- (1) **PERMIT REQUIRED.** No land owner or land operator may undertake a land development or land redevelopment activity subject to this ordinance without receiving a permit from the administering authority prior to commencing the proposed activity. Land development activities generally fall into the following categories: commercial, industrial, platted subdivisions, or single lot activities. Stormwater plans for commercial, industrial, subdivisions, will require more detailed information generally provided by an engineer whereas, single lot activities normally will require non-engineered plans. Minor land development activities such as the construction of a fence, minor landscaping, or construction of minor structures (10 x 10 or smaller) may be considered exempt from permit requirements if the administering authority determines that no, or very minimal, adverse impacts will result. The determination of impact shall be based, without limitation, upon criteria such as ponding of water, backing up of water, or a threat to neighboring property.
- (2) **PERMIT APPLICATION AND FEE.** Unless specifically excluded by this ordinance, any land owner or operator desiring a permit shall submit to the administering authority a permit application made on a form provided by the administering authority for that purpose.
 - (a) Unless otherwise exempted by this ordinance, a permit application must be accompanied by the following in order that the permit application may be considered for approval by the administering authority: a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee established in S. 04 of this ordinance.
 - (b) The storm water management plan shall be prepared to meet the requirements of S. 14 and 16 of this ordinance; the maintenance agreement shall be prepared to meet the requirements of S. 17 of this ordinance; the financial guarantee shall meet the requirements of S. 18 of this ordinance; and fees shall be those established by the Winnebago County Board of Supervisors as set forth in S. 04 of this ordinance.
- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The administering authority shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

- (a) Within 30 business days of the receipt of a complete permit application, including all items as required by S. 15(2)(a), the administering authority shall inform the applicant whether the application, plan and maintenance agreement are approved, approved conditionally, or disapproved. The administering authority shall base the decision on requirements set forth in S. 14, S. 15, and S. 17 of this ordinance.
 - (b) If the storm water permit application, plan and maintenance agreement are approved, the administering authority shall issue the permit.
 - (c) If the storm water permit application, plan or maintenance agreement are disapproved, the administering authority shall detail in writing of the reasons for disapproval.
 - (d) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved, approved conditionally, or disapproved.
 - (e) Failure by the administering authority to inform the permit applicant of a decision within the specified number of business days of a required submittal shall be deemed to constitute an approval of the submittal, and the applicant may proceed as if a permit had been issued. In this instance the applicant shall comply with the plan as submitted.
- (4) PERMIT CONDITIONS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification to the permittee
- (a) Compliance with the permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (b) The permit holder shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and the permit.
 - (c) The permit holder shall notify the administering authority at least three (3) business days before commencing any work in conjunction with the storm water management plan, and within three (3) business days upon completion of the storm water management practices. If required as a special condition under par. (d), the permit holder shall make additional notification according to a schedule set forth by the administering authority so that practice installations can be inspected during construction.
 - (d) Permits issued under this subsection may include any special conditions needed to meet the performance standards in S. 14 or a financial guarantee as provided for in S. 18 of this ordinance. Permits issued as a result of a violation notice may contain conditions necessary to correct the violation, including specifying a timeframe within which certain actions need to be taken.
 - (e) Storm water management practices that are constructed as part of this ordinance shall be certified, “as built” by a professional engineer licensed in Wisconsin. Completed storm water management practices must pass a final inspection by the administering authority or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The administering authority or its designee shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of the permit.
 - (f) The permit holder shall notify the administering authority of any modifications it intends to make to an approved storm water management plan. The administering authority may require that the proposed modifications be submitted for approval prior to incorporation into the storm water management plan and execution.

- (g) The permit holder shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of a municipality, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (h) If so directed by the administering authority the permit holder shall repair at the permit holder's own expense all damage to adjoining municipal facilities and watercourses caused by storm water runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
 - (i) The permit holder shall permit property access to the administering authority or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit. Permission so granted shall remain in place as specified in the recorded maintenance agreement.
 - (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the administering authority shall require the permittee to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The permit holder is subject to the enforceable actions detailed in S. 05 of the storm water management ordinance if the permit holder fails to comply with the terms of this permit.
- (5) **PERMIT DURATION.** Permits issued under this section shall be valid for one (1) year from the date of issuance. The administering authority may extend the period one time for up to an additional 180 days. Additional conditions may be imposed as a result of the extension as are necessary to achieve compliance with the originally approved plan.

S. 16 STORM WATER MANAGEMENT PLAN

- (1) **PLAN REQUIREMENTS.** The storm water management plan required under S. 15(2)(a) of this ordinance shall contain any information the administering authority requires to evaluate the environmental characteristics of the area affected by land development and land redevelopment activity, the potential impacts of the proposed development upon the quality and quantity of storm water discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed storm water management measures in meeting the performance standards set forth in this ordinance. Unless specified otherwise by this ordinance, storm water management plans shall contain at a minimum the following information:
- (a) 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 storm water management practices; person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (b) 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 as well as the correct tax parcel number, and where applicable, the correct address.
 - (c) Pre-development site conditions, including:
 - (1) One or more site maps at a scale of not less than 1 inch equals 100 feet unless otherwise required by the approving authority. 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; existing 2 foot contours;

proposed elevations; benchmark(s) as required by the approving authority; 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 storm water 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 100 year floodplain; location of wells located within 1,250 feet of storm water detention ponds, infiltration basins, or infiltration trenches; wellhead protection areas covering the project area and delineated pursuant to Chapter NR 811.16 Wisconsin Admin. Code.

- (2) Computations of peak flow discharge rates and discharge volumes for the 2-year, 10-year, and 100-year/24 hour 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).
- (d) Post-development site conditions, including:
- (1) 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.
 - (2) Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
 - (3) One or more site maps at a scale of not less than 1 inch equals 100 feet, or as otherwise required by the approving authority, showing the following: post-construction pervious land use including vegetative cover type and condition; impervious land use including all buildings, structures, and pavement; post-construction elevations; post-construction 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 storm water conveyance sections, including time of travel and time of concentration applicable to each; location and type of all storm water 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.
 - (4) Computation of the inches of initial runoff that will be infiltrated across the site if infiltration practices are employed.
 - (5) Computations of peak flow discharge rates for the 2-year, 10-year, and 100-year/24 hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations of peak flow discharge rates 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).

- (6) Results of investigations of soils and groundwater required for the placement and design of storm water management measures.
 - (7) Results of impact assessments on wetland functional values
 - (8) Design computations and all applicable assumptions for the storm sewer system.
 - (9) Design computations and all applicable assumptions for storm water quality practices as needed to show that practices are appropriately sized to meet the performance standards of this ordinance.
 - (10) Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.
- (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in S. 14.
 - (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
 - (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.
 - (h) Other information requested in writing by the administering authority to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
 - (i) All site investigations, plans, designs, computations, and drawings shall be certified by a Registered Professional Engineer, licensed to practice in the State of Wisconsin, to the effect that they have been prepared in accordance with accepted engineering practice and requirements of this ordinance.
- (2) **ALTERNATE REQUIREMENTS.** The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under S. 14(3) of this ordinance.

S. 17 MAINTENANCE AGREEMENT

- (1) **MAINTENANCE AGREEMENT REQUIRED.** The maintenance agreement required for storm water management practices under S. 15(2) of this ordinance shall be an agreement between the administering authority and the permittee to provide for on-site inspection of construction allowed by the permit both during and after construction, and to inspect and enforce maintenance of storm water practices beyond the duration period of this permit. The agreement or recordable document shall be recorded with the County Register of Deeds so that it is binding upon all subsequent owners of land served by the storm water management practices.
- (2) **AGREEMENT PROVISIONS.** The maintenance agreement shall contain the following information and provisions:
- (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under S. 15(2). An annual or more frequent schedule for maintenance and inspection shall be contained in the agreement.
 - (c) Identification of the landowner(s), organization or municipality responsible for long term maintenance of the storm water management practices identified in the storm water plan required under S. 15(2).
 - (d) Requirement that the landowner(s), organization, or municipality shall maintain storm water management practices in accordance with the schedule included in par. (b).

- (e) Authorization for the administering authority to access the property to conduct inspections of storm water practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- (f) Agreement that the administering authority notify the party designated under the maintenance agreement of maintenance problems that require correction and time frame for correction as determined by the administering authority.

S. 18 FINANCIAL GUARANTEE

- (1) **ESTABLISHMENT OF THE GUARANTEE.** The administering authority may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the administering authority. The financial guarantee shall be in an amount determined by the administering authority to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the administering authority the authorization to use the funds to complete the storm water management practices if the landowner defaults or does not properly implement the approved storm water management plan, upon written notice to the landowner by the administering authority that the requirements of this ordinance have not been met.
- (2) **CONDITIONS FOR RELEASE.** Conditions for the release of the financial guarantee are as follows:
 - (a) The administering authority shall release the portion of the financial guarantee established under this section, less any costs incurred by the administering authority to complete installation of practices, upon submission of “as built plans” by a licensed professional engineer licensed to practice in the State of Wisconsin. The administering authority may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.