

## Title 15 ► Chapter 11

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### Fair Housing

#### **15-11-1** Fair and Open Housing

#### **Sec. 15-11-1 Fair and Open Housing.**

- (a) The Village of Bristol, Kenosha County, Wisconsin, hereby adopts Sec. 101.22, Wis. Stats., and all subsequent amendments thereto.
- (b) The officials and employees of the Village of Bristol shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Bristol by implementing the authority and enforcement procedures set forth in Sec. 101.22, Wis. Stats.
- (c) The Village Clerk shall maintain forms for complaints to be filed under Sec. 101.22, Wis. Stats., and shall assist any person alleging a violation thereof in the Village of Bristol to file a complaint thereunder with the Wisconsin Department of Commerce for enforcement of Sec. 101.22, Wis. Stats.

*State Law Reference:* Sec. 101.22, Wis. Stats.

**Ordinance No. 2016-8**

**An Ordinance Adopting New Village of Bristol  
Post-Construction Stormwater Management Regulations**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

**SECTION I. RENUMBERING AND ADOPTION OF PROVISIONS.**

- (a) Title 15, Chapter 3 "Fair Housing" of the Village of Bristol Code of Ordinances is moved and renumbered to Title 15, Chapter 11 of the Village of Bristol Code of Ordinances.
- (b) Title 15, Chapter 3 "Post-Construction Stormwater Management" of the Village of Bristol Code of Ordinances is adopted to read as follows:

## Title 15 ► Chapter 3

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# Post-Construction Stormwater Management

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### **Sec. 15-3-1 Authority.**

- (a) **Statutory Authority.** This Chapter is adopted by the Village Board of the Village of Bristol under the authority granted by Section 61.354, Wis. Stats. This Chapter supersedes all provisions of ordinance(s) previously enacted under Sections 60.62 or 61.35, Wis. Stats., that relate to stormwater management regulations. Except as otherwise specified in Section 61.354, Wis. Stats., Sec. 61.354, Wis. Stats., applies to this Chapter and to any amendments to this Chapter.
- (b) **Other Regulations.** The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the Village Board.
- (c) **Administration.** The Village Board of the Village of Bristol hereby designates the Director of Public Works/Village Engineer to administer and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director of Public Works/Village

Engineer may be delegated in writing by the Director of Public Works/Village Engineer to persons or entities acting in the beneficial interest of or in the employ of the Village Board.

- (d) **Applicability of Requirements.** The requirements of this Chapter do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:
- (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sections 281.16 and 283.33, Wis. Stats.
  - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

### **Sec. 15-3-2 Findings of Fact.**

The Village Board of the Village of Bristol finds that uncontrolled, post-construction runoff 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 post-construction runoff can:

- (a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures.
- (b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (d) Reduce the quality of groundwater by increasing pollutant loading.
- (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (f) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

### **Sec. 15-3-3 Purpose and Intent.**

- (a) **Purpose.** The general purpose of this Chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. 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; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
- (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.
  - (4) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the State of Wisconsin.
- (b) **Intent.** It is the intent of the Village of Bristol that this Chapter regulates post-construction stormwater discharges to waters of the state. This Chapter may be applied on a site-by-site basis. The Village of Bristol recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this Chapter is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one (1) site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Section 281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Village Board of the Village of Bristol, it is the intent of this Chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

## **Sec. 15-3-4 Applicability and Jurisdiction.**

- (a) **Applicability.**
- (1) Except as provided under Subsection (b) below, this Chapter applies to all post-construction sites whereupon land disturbing construction activity occurs during construction.
  - (2) Any development within the Village-Supervised Drainage Area.
- (b) **Applicability Exemptions.** A site that meets any of the criteria in this Subsection is exempt from the requirements of this Chapter:
- a. A post-construction site with less than ten percent (10%) connected imperviousness based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one (1) acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this Chapter.
  - b. Routine maintenance for project sites under three (3) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
  - c. Agricultural facilities and practices.

- d. Underground utility construction such as but not including the construction of any above ground structures or lift stations associated with utility construction.
- (c) **Applicability Due To Determination By The Administering Authority.** Notwithstanding the applicability requirements in Subsection (a), this Chapter applies to post-construction sites of any size that, in the opinion of the Director of Public Works/Village Engineer or Building Inspector, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter.
- (d) **Jurisdiction.** This Chapter applies to post-construction sites within the boundaries and jurisdiction of the Village of Bristol.
- (e) **Exclusions.** This Chapter is not applicable to activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats.

## **Sec. 15-3-5 Definitions.**

- (a) **Definitions Established.** The following definitions shall be applicable in this Chapter:
  - (1) **Adequate Sod or Self-Sustaining Vegetative Cover.** Maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.
  - (2) **Administrative Authority.** A governmental employee, or a regional planning commission empowered under Section 61.354, Wis. Stats., that is designated by the Village Board to administer this Chapter.
  - (3) **Agricultural Activity Area.** The part of the farm where there is planning, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavations, filling and similar practices. The agricultural activity area does not include the agricultural production area.
  - (4) **Agricultural Facilities and Practices.** Has the meaning given in Sec. 281.16(1), Wis. Stats.
  - (5) **Agricultural Production Area.** The part of a farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the "agricultural activity area".
  - (6) **Atlas 14.** The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013, as updated.

- (7) **Average Annual Rainfall.** A typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a Department publication for the location closest to the Village of Bristol.
- (8) **Best Management Practice ("BMP").** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
- (9) **Business Day.** A day the Office of Director of Public Works/Village Engineer is routinely and customarily open for business.
- (10) **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village of Bristol.
- (11) **Combined Sewer System.** A system for conveying both sanitary and stormwater runoff.
- (12) **Common Plan of Development or Sale.** A 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. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.
- (13) **Connected Imperviousness.** An impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
- (14) **Construction Site.** An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.
- (15) **Design Storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (16) **Development.** Residential, commercial, industrial, or institutional land uses and associated roads.
- (17) **Direct Conduits to Groundwater.** Wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- (18) **Director of Public Works/Village Engineer.** The Village of Bristol Director of Public Works/Village Engineer or his/her designee.
- (19) **Division of Land.** Generally, the creation from one (1) parcel of additional parcels or building sites in an area where such creation occurs at one time or through the successive partition within a five (5) year period. For purposes of this Chapter, either a major subdivision or minor subdivision, as defined by the Village of Bristol Subdivision and Land Division Code.
- (20) **Effective Infiltration Area.** The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

- (21) **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (22) **Exceptional Resource Waters.** Waters listed in NR 102.11, Wis. Adm. Code.
- (23) **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city, or with one and one-half (1 1/2) miles of a fourth class city or village.
- (24) **Filtering Layer.** Soil that has at least a three (3) foot deep layer with at least twenty percent (20%) fines; or at least a five (5) foot deep layer with at least ten percent (10%) fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.
- (25) **Final Stabilization.** That all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (26) **Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Director of Public Works/Village Engineer by the responsible party to assure that requirements of the Chapter are carried out in compliance with the stormwater management plan.
- (27) **Governing Body.** The Village Board of the Village of Bristol, Kenosha County, Wisconsin.
- (28) **Highway.** Has the meaning given in Section 340.01(22), Wis. Stats.
- (29) **Highway Reconditioning.** Has the meaning given in Section 84.013(1)(b), Wis. Stats.
- (30) **Highway Reconstruction** Has the meaning given in Section 84.013(1)(c), Wis. Stats.
- (31) **Highway Resurfacing.** Has the meaning given in Section 84.013(1)(d), Wis. Stats.
- (32) **Impervious Surface.** An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, paved parking lots and streets are examples of areas that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.
- (33) **In-Fill Area.** An undeveloped area of land located within existing urban service areas, surrounded by already existing development or existing development and natural or man-made features where development cannot occur.
- (34) **Infiltration.** The entry of precipitation or runoff into or through the soil.
- (35) **Infiltration System.** A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (36) **Karst Feature.** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.



- (37) **Land Development Activity.** Any construction-related activity that results in the addition or replacement of impervious surfaces such as rooftops, roads, parking lots, and other structures. Measurement of areas impacted by land development activity includes 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.
- (38) **Land Disturbing Construction Activity (Disturbance).** Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (39) **Landowner.** Any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater BMPs on the property.
- (40) **Maintenance Agreement.** A legal document that provides for long-term maintenance of stormwater management and best management practices.
- (41) **Maximum Extent Practicable (MEP).** A level of implementing best management practices in order to achieve a performance standard specified in this Chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (42) **Minor Reconstruction of a Highway.** Reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed one hundred (100) feet in width of roadbed widening.
- (43) **New Development.** Development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (44) **NRCS MSE3 or MSE4 Distribution.** A specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.
- (45) **Off-Site.** Located outside the property boundary described in the permit application.
- (46) **On-Site.** Located within the property boundary described in the permit application.
- (47) **Ordinary High-Water Mark.** Has the meaning given in NR 115.03(6), Wis. Adm. Code.
- (48) **Outstanding Resource Waters.** Waters listed in NR 102.10, Wis. Adm. Code.
- (49) **Percent Fines.** The percentage of a given sample of soil, which passes through a #200 sieve.
- (50) **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (51) **Permit.** Written authorization made by the Director of Public Works/Village Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

- (52) **Permit Administration Fee.** A sum of money paid to the Village of Bristol by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (53) **Pervious Surface.** An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (54) **Pollutant.** Has the meaning given in Section 283.01(13), Wis. Stats.
- (55) **Pollution.** Has the meaning given in Section 281.01(10), Wis. Stats.
- (56) **Post-Construction Site.** A construction site following the completion of land disturbing construction activity and final site stabilization.
- (57) **Post-Development.** The extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.
- (58) **Pre-Development.** The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (59) **Preventive Action Limit.** Has the meaning given in NR 140.05(17), Wis. Adm. Code.
- (60) **Protective Area.** An area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.
- (61) **Redevelopment.** Areas where development is replacing older development.
- (62) **Responsible Party.** The landowner or any other entity performing services to meet the requirements of this Chapter through a contract or other agreement. .
- (63) **Routine Maintenance.** That portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower one-half (1/2) of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower one-half (1/2) of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed.
- (64) **Runoff.** Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (65) **Separate Storm Sewer.** A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
  - a. Is designed or used for collecting water or conveying runoff.
  - b. Is not part of a combined sewer system.
  - c. Is not part of a publicly-owned wastewater treatment works that provides secondary or more stringent treatment.
  - d. Discharges directly or indirectly to waters of the state.

- (66) **Silviculture Activity.** Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (67) **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (68) **Stop Work Order.** An order issued by the Director of Public Works/Village Engineer or his/her designee which requires that all construction activity on the site be stopped.
- (69) **Storm Water Management Plan.** A comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.
- (70) **Storm Water Management System Plan.** A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (71) **Technical Standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (72) **Top of the Channel.** An edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is twelve percent (12%) or less continually for the initial fifty (50) feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (73) **Total Maximum Daily Load (TMDL).** The amount of pollutants specified as a function of one (1) or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.
- (74) **TP-40.** Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.
- (75) **TR-55.** The "United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55", June, 1986, which is incorporated by reference in this Chapter.
- (76) **Transportation Facility.** A highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under Section 85.095(1)(b), Wis. Stats. This definition does not include building sites that are regulated by the Wisconsin Department of Natural Resources pursuant to Sec. 281.33, Wis. Stats.
- (77) **TSS.** Total suspended solids.
- (78) **Type II Distribution.** A rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149", published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

- (79) **Village Supervised Drainage Area.** The area of the Village of (formerly Town) of Bristol within the drainage basin's tributary to the Village of Pleasant Prairie, as defined on Attachment G of the 1997 Settlement and Cooperative Agreement between the then Town of Bristol and the Village of Pleasant Prairie, dated November 10, 1997.
- (80) **Waters of the State.** Includes those portions of Lake Michigan and Lake Superior within the boundaries of the State 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 this State or its jurisdiction.

### **Sec. 15-3-6 Applicability of Maximum Extent Practicable.**

Maximum extent practicable applies when a person who is subject to a performance standard of this Chapter demonstrates to the Director of Public Works/Village Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost-effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

### **Sec. 15-3-7 Technical Standards and Design Methods.**

- (a) **Design Criteria.** All drainage facilities and practices required to comply with this Chapter shall incorporate technical standards and design methods specified in the document *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer. Where not superseded by stricter requirements in *Village of Bristol Erosion Control and Stormwater Management Requirements*, the following methods shall be used in designing the water quality, peak discharge, and infiltration components of stormwater practices needed to meet the water quality standards of this Chapter and are also incorporated by reference:
  - (1) Applicable design criteria, standards and specifications identified in the *Wisconsin Construction Site Best Management Practice Handbook*, WDNR Pub. WR-222, November 1983 Revision or subsequent revision.
  - (2) Consistent with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of NR 151, Wis. Adm. Code.
- (b) **Other Standards.** Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used

provided that the methods have been approved by the Director of Public Works/Village Engineer.

### **Sec. 15-3-8 Performance Standards.**

- (a) **Responsible Party.** The responsible party shall comply with this Section. The required plan shall be developed in accordance with the Stormwater Management Ordinance of the Village of Bristol Code of Ordinances, which incorporates the requirements of this Section.
- (b) **Stormwater Management Plan.** A written stormwater management plan in accordance with the Village Stormwater Management Ordinance and Section 15-3-10 shall be developed and implemented for each post-construction site.
- (c) **Stormwater Management Performance Standards.** All drainage facilities and practices required to comply with this Chapter shall meet performance standards specified in the document *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer, or the technical requirements of this Chapter, whichever are most restrictive.
- (d) **Maintenance of Effort.** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151, Wis. Adm. Code, in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this Chapter, whichever is more stringent.
- (e) **Stormwater Management Plan Requirements.** The stormwater management plan required herein shall include the following:
  - (1) **Total Suspended Solids.** Under Sec. 281.33(6)(a)2., Wis. Stats., the Village may enact and enforce ordinance provisions that are stricter than the TSS performance standards in NR 151, Wis. Adm. Code, if stricter provisions are necessary to comply with federally-approved total maximum daily load requirements. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
    - a. **BMPs.** BMPs shall be designed in accordance with Table 1, or to the maximum extent practicable as provided below in Subsection (e)(1)b. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type	TSS Reduction
New development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

- b. **Maximum Extent Practicable.** If the design cannot meet the total suspended solids reduction performance standard of Table 1, the stormwater management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.
  - c. **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.
- (2) **Peak Discharge.** Under Sec. 281.33(6)(a)1, Wis. Stats., the Village may enact and enforce ordinance provisions that are stricter than the peak discharge performance standards in NR 151, Wis. Adm. Code, if the stricter provisions are necessary to control stormwater quantity or control flooding. Peak discharge shall be governed by the following:
- a. **Peak Discharge Calculations.** By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour, and the 2-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour, and the 2-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2 shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the Director of Public Works/Village Engineer may allow the use of TP-40 precipitation depths and the Type II distribution. [Note: For determining compliance with the peak flow requirement, the Wisconsin Department of Natural Resources recommends use of the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation Frequency Estimates for precipitation depth. The Natural Resources Conservation Service - Wisconsin (NRCS) has calculated county-specific Atlas 14 precipitation depths and they are to be used in combination with the appropriate NRCS MSE3 or MSE4

precipitation distribution. The NRCS calculated county-specific Atlas 14 precipitation depths and MSE3 and MSE4 precipitation distributions are at:

[http://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/technical/engineering/?cid=nrcs142p2\\_025417](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/technical/engineering/?cid=nrcs142p2_025417) ].

**Table 2. Maximum Pre-Development Runoff Curve Numbers**

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

- b. ***Inapplicability of Subsection.*** This Subsection does not apply to any of the following:

1. A post-construction site where the discharge is directly into a lake over five thousand (5,000) acres or a stream or river segment draining more than five hundred (500) square miles.
2. Except as provided under Subsection (d) above, development post-construction site.
3. An in-fill development area less than one (1) acre.

(3) ***Infiltration.***

- a. ***Best Management Practices.*** BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:

1. ***Low Imperviousness.*** For development up to forty percent (40%) connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least ninety percent (90%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the post-construction site is required as an effective infiltration area.
2. ***Moderate Imperviousness.*** For development with more than forty percent (40%) and up to eighty percent (80%) connected imperviousness, such as

medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least seventy-five (75%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.

3. **High Imperviousness.** For development with more than eighty percent (80%) connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty percent (60%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.
- b. **Pre-Development.** The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge subsection of this Section.
- c. **Source Areas.**
  1. **Prohibitions.** Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this Section unless demonstrated to meet the conditions identified in Subsection (e)(3)f below:
    - i. Areas associated with a tier 1 industrial facility identified in NR 216.21(2)(a), Wis. Adm. Code, including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
    - ii. Storage and loading areas of a tier 2 industrial facility identified in NR 216.21(2)(b), Wis. Adm. Code. [Note: Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.
    - iii. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
  2. **Exemptions.** Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
    - i. Parking areas and access roads less than five thousand (5,000) sq. ft. for commercial development.
    - ii. Parking areas and access roads less than five thousand (5,000) sq. ft. for industrial development not subject to the prohibitions under Subsection (e)(3)c above.



- iii. Except as provided under Subsection (c) above, redevelopment post-construction sites.
  - iv. In-fill development areas less than one (1) acre.
  - v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
- d. **Location of Practices.**
- 1. **Prohibitions.** Infiltration practices may not be located in the following areas:
    - i. Areas within one thousand (1,000) feet upgradient or within one hundred (100) feet downgradient of direct conduits to groundwater.
    - ii. Areas within four hundred (400) feet of a community water system well as specified in NR 811.16(4), Wis. Adm. Code, or within the separation distances listed in NR 812.08, Wis. Adm. Code, for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential developments.
    - iii. Areas where contaminants of concern, as defined in NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.
  - 2. **Separation Distances.**
    - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

**Table 3. Separation Distances and Soil Characteristics**

Source Area	Separation Distance	Soil Characteristics
Industrial, commercial, institutional parking lots & roads	5 feet or more	Filtering layer
Residential arterial roads	5 feet or more	Filtering layer
Roofs draining to subsurface infiltration practices	1 foot or more	Native or engineered soil with particles finer than coarse sand
Roofs draining to surface infiltration practices	Not applicable	Not applicable
All other impervious surface areas	3 feet or more	Filtering layer

- ii. Notwithstanding this Subsection, applicable requirements for injection wells classified under NR 815, Wis. Adm. Code, shall be followed.
  - 3. ***Infiltration Rate Exemptions.*** Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
    - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
    - ii. Where the least permeable soil horizon to five (5) feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
  - e. ***Alternate Use.*** Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this Section.
  - f. ***Groundwater Standards.***
    - 1. Infiltration systems designed in accordance with this Section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
    - 2. Notwithstanding Subsection (e)(3)f.1 above, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
  - g. ***Pretreatment.*** Before infiltrating runoff, pretreatment shall be required for parking lot runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with Subsection (e)(3)f above. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
  - h. ***Maximum Extent Practicable.*** Where conditions of Subsections (e)(3)c-d above limit or restrict the use of infiltration practices, the performance standards of Subsection (e)(3) above shall be met to the maximum extent practicable.
- (4) ***Protective Areas.***
- a. ***Definition.*** In this Section, "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this Section, "protective

area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location:

1. For outstanding resource waters and exceptional resources waters: Seventy-five (75) feet.
  2. For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current: Fifty (50) feet.
  3. For lakes: Fifty (50) feet.
  4. For wetlands not subject to Subsections (e)(4)a. 5 or 6: Fifty (50) feet.
  5. For highly susceptible wetlands: Seventy-five (75) feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
  6. For less susceptible wetlands: Ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass, cultivated hydric soils, and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
  7. In Subsections (e)(4)a. 4 to 6, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in NR 103.03, Wis. Adm. Code.
  8. Wetland boundary delineation shall be made in accordance with NR 103.08(1m), Wis. Adm. Code. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
  9. For concentrated flow channels with drainage areas greater than one hundred thirty (130) acres: Ten (10) feet.
  10. Notwithstanding Subsections (e)(4)a. 1 through 9 above, the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous. [Note: A stream or lake is not eligible for a lower protective area width even if contiguous to a less susceptible wetland.]
- b. ***Applicability – Post-Construction Sites Located in a Protective Area.*** This Section applies to post-construction sites located within a protective area, except those areas exempted pursuant to Subsection (e)(4)d below.

- c. **Requirements.** The following requirements shall be met:
  - 1. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the stormwater management plan shall contain a written, site-specific explanation.
  - 2. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of seventy percent (70%) or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.
  - 3. BMPs, such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area. [Note: Other laws and regulations, such as Ch. 30, Wis. Stats., and NR 103, NR 115, NR 116 and NR 117, Wis. Adm. Code, and their associated review and approval processes may also apply in the protective area.]
- d. **Exemptions.** This Section does not apply to any of the following:
  - 1. Except as provided under Subsection (d) above, redevelopment post-construction sites.
  - 2. In-fill development areas less than one (1) acre.
  - 3. Structures that cross or access surface water such as boat landings, bridges, and culverts.
  - 4. Structures constructed in accordance with Sec. 59.692(1v), Wis. Stats.
  - 5. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- (5) **Fueling and Maintenance Areas.** Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the State contains no visible petroleum sheen, or to the maximum extent practicable. [Note: A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.]
- (6) **Swale Treatment for Transportation Facilities.**
  - a. **Requirement.** Except as provided in Subsection (e)(6)b below, transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total

suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:

1. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
2. Swales shall comply with Sections V.F. (Velocity and Depth) and V.G. (Slope Geometry Criteria) with a swale treatment length as long as that specified in Section V.C. (Pretreatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales," dated May, 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of Technical Standard 1005.

b. **Other Requirements.**

1. Notwithstanding Subsection (e)(6)a above, the Director of Public Works/Village Engineer may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than two thousand five hundred (2,500) and where the initial surface water of the State that the runoff directly enters is one (1) of the following:
  - i. An outstanding resource water.
  - ii. An exceptional resource water.
  - iii. Waters listed in Section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.
  - iv. Water where targeted performance standards are developed pursuant to NR 151.004, Wis. Adm. Code.
2. The transportation facility authority shall contact the Director of Public Works/Village Engineer to determine if additional BMPs beyond a water quality swale are needed under this Subsection.

(f) **General Considerations For Stormwater Management Measures.** The following considerations shall be observed in on-site and off-site runoff management:

- (1) **Natural Features.** 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.** 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.

(g) **BMP Location.**

- (1) **Location Generally.** To comply with the performance standards required under this Section, BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system, but shall be installed in accordance with NR 151.003, Wis.

Adm. Code. [Note: This Subsection does not supersede any other applicable federal, state or local regulation such as NR 103, Wis. Adm. Code and Ch. 30, Wis. Stats.]

- (2) **Off-Site BMP Approval Criteria.** The Director of Public Works/Village Engineer may approve off-site management measures provided that all of the following conditions are met:

- a. The Director of Public Works/Village Engineer determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the Village of Bristol and that contains management requirements consistent with the purpose and intent of this Chapter.
- b. The off-site facility meets all of the following conditions:
  1. The facility is in place.
  2. 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 performance standards of this Chapter.
  3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- c. Where a regional treatment option exists such that the Director of Public Works/Village Engineer exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Director of Public Works/Village Engineer. In determining the fee for post-construction runoff, the Director of Public Works/Village Engineer shall consider an equitable distribution of the cost of land, engineering design, construction, and maintenance of the regional treatment option.

(h) **Location and Regional Treatment Options.**

- (1) Stormwater management facilities required to meet this Chapter may be located on-site or off-site as part of a regional stormwater device, practice or system.
- (2) The Director of Public Works/Village Engineer may approve off-site management measures provided that all of the following conditions are met:
  - a. The Director of Public Works/Village Engineer determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the Village of Bristol and that contains management requirements consistent with the purpose and intent of this Chapter.
  - b. The off-site facility meets all of the following conditions:
    1. The facility will be in place before the need for the facility arises as a result of on-site construction activities.
    2. 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 performance standards of this Chapter.
    3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

4. Where a regional treatment option exists such that the Director of Public Works/Village Engineer may exempt the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined by the Director of Public Works/Village Engineer. In determining the fee for post-construction runoff, the Director of Public Works/Village Engineer shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- c. The applicant provides calculations and verification that associated runoff from the land disturbing activity will be safely conveyed to the facility through pipes, ditches, and underground collection systems without exceeding the capacity of the delivery systems. The Director of Public Works/Village Engineer may require additional fees from the applicant as necessary for improvements to the delivery system to accommodate flows to the facility from the land development activity.
- (i) **Alternate or Additional Requirements.** The Director of Public Works/Village Engineer may establish stormwater management requirements more stringent than those found in this Chapter if the Director of Public Works/Village Engineer determines that the requirements are needed to control stormwater quantity or control flooding; comply with federally-approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment. The Director of Public Works/Village Engineer may establish alternative stormwater management requirements to those set forth in this Chapter and in *Village of Bristol Erosion Control and Stormwater Management Requirements*, if the Director of Public Works/Village Engineer determines that an added level of protection is needed to address downstream stormwater management issues; or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to stormwater management requirements set forth in this Chapter and *Village of Bristol Erosion Control and Stormwater Management Requirements* shall be considered in accordance with Section 15-3-14.

## **Sec. 15-3-9 Permitting Requirements, Procedures and Fees.**

- (a) **Permit Required.** No responsible party may undertake a land disturbing construction activity in the Village of Bristol without receiving a Stormwater Management Permit from the Director of Public Works/Village Engineer prior to commencing the proposed activity.
- (b) **Permit Application and Fees.** Unless specifically excluded by this Chapter, any responsible party desiring a permit shall submit to the Director of Public Works/Village Engineer a permit application made on a form provided by the Village of Bristol for that purpose:
  - (1) Unless otherwise excepted by this Chapter, a permit application shall be accompanied by a stormwater management plan, a maintenance agreement (where required), and

where not otherwise covered by a developer's agreement, a non-refundable permit administration fee. The permit administration fee, where applicable, shall be consistent with the fee schedule maintained by the Village of Bristol.

- (2) The stormwater management fee shall be prepared to meet the requirements of Sections 15-3-8 and 15-3-10, the maintenance agreement shall be prepared to meet the requirements of Section 15-3-11, the financial guarantee shall meet the requirements of Section 15-3-12, and fees shall be those established by the Village of Bristol as set forth in the fee schedule on file with the Village Clerk-Treasurer.
  - (3) For any land development activity within the Village-Supervised Drainage Area, a copy of the stormwater management plans and specifications shall be submitted to the Community Development Director for the Village of Pleasant Prairie at or before the same time it is submitted to the Village of Bristol. If the Village of Pleasant Prairie has not acted within thirty (30) days of receipt of such plans and specifications, the plans and specifications shall be deemed approved by the Village of Pleasant Prairie.
- (c) **Review and Approval of Permit Application(s).** The Director of Public Works/Village Engineer, or designee ("Village Staff"), 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) The Village Staff may request additional information if required for a complete application within fifteen (15) business days of receipt of the application. If additional information is submitted, the Village Staff shall have an additional fifteen (15) business days from the date the additional information is received to inform the applicant that the stormwater management plan and maintenance agreement are either approved or disapproved.
  - (2) If the stormwater permit application, stormwater management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the Village Staff shall issue the permit.
  - (3) If the stormwater permit application, stormwater management plan or maintenance agreement is disapproved, the Village Staff shall detail in writing the reasons for disapproval.
- (d) **Permit Requirements.** All permits issued under this Chapter shall be subject to the following conditions, and holders of permits issued under this Chapter shall be deemed to have accepted these conditions. The Director of Public Works/Village Engineer or designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action to suspend or revoke this permit may be appealed in accordance with Section 15-3-16:
- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
  - (2) The responsible party 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 responsible party shall notify the Director of Public Works/Village Engineer at least two (2) business days before commencing any work in conjunction with the stormwater management plan, and within three (3) business days upon completion of the stormwater management practices. If required as a special condition under Subsection (e) below, the responsible party shall make additional notification according to a schedule set forth by the Director of Public Works/Village Engineer so that practice installations can be inspected during construction.
- (4) Practice installations required as part of this Chapter shall be certified "as built" or "record drawings" by a Wisconsin licensed professional engineer. Completed stormwater management practices must pass a final inspection by the Director of Public Works/Village Engineer or designee to determine if they are in accordance with the approved stormwater management plan and Village ordinances. The Director of Public Works/Village Engineer or designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
- (5) The responsible party shall notify the Director of Public Works/Village Engineer of any significant modifications it intends to make to an approved stormwater management plan. The Director of Public Works/Village Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Village of Bristol, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the Village of Bristol, through the Director of Public Works/Village Engineer or designee, to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subchapter VII of Chapter 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15-3-12.
- (8) If so directed by the Director of Public Works/Village Engineer or designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (9) The responsible party shall permit property access to the Director of Public Works/Village Engineer or designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public

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Works/Village Engineer or designee may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or the public safety.

- (11) The responsible party is subject to the enforcement actions and penalties detailed in Section 15-3-16, if the responsible party fails to comply with the terms of this permit.
- (e) **Permit Conditions.** Permits issued under this Section may include conditions established by the Village of Bristol, and specifically by the Director of Public Works/Village Engineer, in addition to the requirements needed to meet the performance standards in Section 15-3-8 or a financial guarantee as provided for in Section 15-3-12.
- (f) **Permit Duration.** Permits issued under this Section shall be valid from the date of issuance through the date the Village of Bristol notifies the responsible party that all stormwater management practices have passed the final inspection required under Subsection (d)(4) above. The permit shall be invalid if work is not commenced within one (1) year of permit issuance.

## **Sec. 15-3-10 Stormwater Management Plan.**

- (a) **Stormwater Management Plan Requirements.** A stormwater management plan shall be prepared and submitted to the Village of Bristol. The stormwater management plan shall include, at a minimum, information required in the *Village of Bristol Erosion Control and Stormwater Management Requirements*, maintained and periodically updated by the Director of Public Works/Village Engineer. The Director of Public Works may waive certain submittal requirements if determined by the Director of Public Works/Village Engineer to be unnecessary to demonstrate compliance with ordinance standards.
- (b) **Alternate Requirements.** The Director of Public Works/Village Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 15-3-8(c) and (d).

## **Sec. 15-3-11 Maintenance Agreement.**

- (a) **Maintenance Agreement Required.** The maintenance agreement required under Section 15-3-9(b) for stormwater management practices shall be an agreement between the Village of Bristol and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction to that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (b) **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 15-3-9(a)(6):

- (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 required under Section 15-3-9(b) and (d).
- (3) Identification of the property or easement owner, organization or County, or Village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan required under Section 15-3-9(b) and (d).
- (4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in Subsection (b)(2).
- (5) Authorization for Village staff or contractors to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- (6) A requirement for the Village of Bristol to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
- (7) Agreement that the party designated under Subsection (b)(3), as responsible for long-term maintenance of the stormwater management practices, shall be notified by the Village of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable timeframe as set by the Director of Public Works/Village Engineer or designee.
- (8) Authorization for the Village to perform the corrected actions identified in the inspection report if the responsible party designated under Subsection (b)(3) does not make the required corrections in the specified time period. The Village of Bristol shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Chapter 66, Wis. Stats.

## **Sec. 15-3-12 Financial Guarantee.**

- (a) **Establishment of the Guarantee.** The Director of Public Works/Village Engineer 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 Director of Public Works/Village Engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village of Bristol the authorization

to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the administering authority that the requirements of this Chapter have not been met.

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

### **Sec. 15-3-13 Fee Schedule; Escrow Deposit.**

- (a) **Escrow Deposit for Village Costs.** The applicant shall pay a deposit fee to cover the actual cost to the Village for all engineering work and inspections incurred by the Village in connection with review of the stormwater management plan and inspections of the implementation of the plan. At the time the application is submitted, the applicant shall prepay a deposit fee to be placed in an escrow account. Following initial review of the plan, the Director of Public Works/Village Engineer shall estimate the total cost of the engineer's review and inspections in connection with the review and implementation of the plan. If the amount is estimated to be more than the deposit, the Director of Public Works/Village Engineer shall require the applicant to deposit the remaining sum required by the Director of Public Works/Village Engineer's estimate in escrow with the Village Clerk-Treasurer. The Village Clerk-Treasurer shall pay bills submitted for engineering and inspections out of the funds escrowed under this Section. In the event the amount deposited with the Village Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Director of Public Works/Village Engineer shall require the permittee to replenish the escrow to the original amount required. Upon final acceptance of implementation of the stormwater management plan, erosion control and right-of-way repair, the amounts remaining in escrow shall be refunded to the applicant minus ten percent (10%) administrative fee. The Director of Public Works/Village Engineer may, at his/her discretion, waive or reduce all or part of the deposit.

- (b) **Fee Schedule.** The fees referred to in other sections of this Chapter shall be established by the Village of Bristol and may from time to time be modified by Village Board resolution. A schedule of the fees established by the Village shall be available for review in the Village Clerk-Treasurer's office.

## **Sec. 15-3-14 Exceptions and Waivers.**

- (c) **Generally.** Where the Village of Bristol finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions and waivers to these regulations so that substantial justice may be done and the public interest secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Director of Public Works/Village Engineer shall not approve exceptions and waivers unless they shall make findings based upon the evidence presented to them that all of the following conditions are met by the petitioner:
  - (1) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
  - (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
  - (3) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
  - (4) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner as prescribed by law.
  - (5) The granting of the exception or waiver will not result in a violation of State or Federal laws or permits.
- (d) **Conditions.** In approving exceptions or waivers, the Director of Public Works/Village Engineer may require such conditions as will in their judgment secure substantially the purposes described in this Chapter and accompanying written stormwater management and erosion control requirements.
- (e) **Procedures.** A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the Director of Public Works/Village Engineer. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

## **Sec. 15-3-15 Inspection and Enforcement.**

- (a) **Site Inspections.** The Director of Public Works/Village Engineer, Building Inspector, or designees may access the site periodically to inspect stormwater management practices and facilities to evaluate compliance with the approved stormwater management plan.

- (b) **Violations.** Any land disturbing construction activity or post-construction runoff initiated after the original effective date of this Chapter by any person, firm, association, or corporation subject to this Chapter's provisions shall be deemed a violation unless conducted in accordance with the requirements of this Chapter.
- (c) **Notification of Violations.** The Director of Public Works/Village Engineer shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. 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.
- (d) **Corrective Work.** Upon receipt of written notification from the Director of Public Works/Village Engineer under Subsection (b), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works/Village Engineer in the notice.
- (e) **Emergency Actions.** If the violations to a permit issued pursuant to the Chapter are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works/Village Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs for such emergency work incurred by the Director of Public Works/Village Engineer for the emergency work, plus interest and legal costs, shall be billed to the responsible party.
- (f) **Stop Work Orders; Cease and Desist Orders.** The Director of Public Works/Village Engineer or designee is authorized to post a stop work order on all land disturbing construction activity that is in violation of this Chapter, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (g) **Permit Revocation.** The Director of Public Works/Village Engineer or designee may revoke a permit issued under this Chapter for non-compliance with ordinance provisions.
- (h) **Validity of Orders.** Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works/Village Engineer, Building Inspector, Village Attorney, or by a court with jurisdiction.
- (i) **Additional Legal Proceedings.** The Director of Public Works/Village Engineer is authorized to refer any violation of this Chapter, or of a stop work order or cease and desist order issued pursuant to this Chapter, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (j) **Penalties.** Any person, firm, association, or corporation who does not comply with the provisions of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (k) **Additional Legal Remedies.** Compliance with the provisions of this Chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to

prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

- (l) **Corrective Work by Village.** When the Director of Public Works/Village Engineer determines that the holder of a permit issued pursuant to this Chapter 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 Director of Public Works/Village Engineer or a party designated by the Director of Public Works/Village Engineer 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 Director of Public Works/Village Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 15-3-12. Where such security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

## **Sec. 15-3-16 Appeals.**

- (a) **Village Board to Hear Appeals.** The Village Board, created per the Village of Bristol Code of Ordinances pursuant to Chapter 61, Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works/Village Engineer in administering this Chapter. The Village Board shall also use the rules, procedures, duties, and powers authorized by statute and Village ordinance in hearing and deciding appeals. Upon appeal, the Village Board may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Chapter will result in unnecessary hardship.
- (b) **Who May Appeal.** Appeals to the Village Board may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Bristol affected by any decision of the Director of Public Works/Village Engineer.

## **Sec. 15-3-17 Severability.**

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

## **Sec. 15-3-18 Limitations on Village Responsibility.**

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the Village of Bristol, which has adopted this Chapter, than

**15-3-18**

those minimum requirements specifically required by the Wisconsin Statutes and Wisconsin Department of Natural Resources regulations.



## SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

## SECTION III. EFFECTIVE DATE.

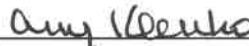
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 28 day of March, 2016.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: 3/28/16

PASSED: 3/28/16

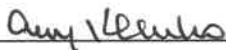
PUBLISHED/POSTED: \_\_\_\_\_

State of Wisconsin:

County of Kenosha:

I hereby certify that the foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 28 day of March, 2016, and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 28 day of March, 2016.



Amy Klemko, Village Clerk-Treasurer