VILLAGE APPROVAL EDITION

Village of Wales

Storm Water Management, Erosion Control, and Illicit Discharge Ordinance

Chapter 384
Village of Wales Municipal Code

Updated and Approved in April 2016

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Sec. 384.01. Authority for Ordinance.

(a) This ordinance is adopted by the Village of Wales under the authority granted by sections Wis. Stats. s. 61.354. This ordinance supercedes all provisions of an ordinance previously enacted under Wis. Stats. s. 61.35 that relate to stormwater management, construction site erosion control, or illicit discharge regulations. Except as otherwise specified in Wis. Stats. s. 61.354, Wis. Stats s. 61.35 applies to this ordinance and any amendments to this article.
(b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
(c) The Village of Wales hereby designates the Village Engineer and Building Inspector, or their respective designees to administer and enforce the provisions of this ordinance.
(d) The requirements of this ordinance do not preempt 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 ss. 281.16 and 283.33 Wis. Stats.

(2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004.

Sec. 384.02. Findings of Fact.

The Village of Wales finds that uncontrolled storm water runoff and construction site erosion from land development and land disturbing activity can have significant adverse impacts upon local water resources and the health, safety and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically, uncontrolled soil erosion and storm water runoff can:

1. Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures;
2. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
3. Alter wetland communities by changing wetland hydrology and increasing pollutant loads;
4. Reduce the quality of groundwater by increasing pollutant loading;
5. Threaten public health, safety, property, and general welfare by increasing runoff volumes and peak flood flows and overburdening storm sewers, drainage ways and other storm drainage systems;
6. Undermine floodplain management efforts by increasing the incidence and levels of flooding; and
7. Generate airborne particulate concentrations that are health threatening or may cause other damage to property or the environment.

Sec. 384.03. Purpose and Intent.

(a) Purpose. The general purpose of this ordinance is to establish regulatory requirements for land development and land disturbing activities aimed at minimizing the threats to public health, safety, welfare, and the natural resources of the Village of Wales from construction site erosion and post-construction storm water runoff. Specific purposes are to:

1. Further the maintenance of safe and healthful conditions.

2. Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; establish erosion control and storm water standards for building sites, placement of structures and land uses; preserve ground cover and scenic beauty, and promote sound economic growth.

3. Control exceedence 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; and prevent conditions that endanger property.

(b) Intent. It is the intent of the Village of Wales that this ordinance regulates erosion control, illicit discharges, and post-construction stormwater discharges to waters of the state. This article may be applied on a site-by-site basis. Through a single storm water permit process, this ordinance is intended to meet the current construction site erosion control and post-construction storm water management regulatory requirements of Subchapter III of both NR 151 and NR 216 Wis. Admin. Code on the effective date of this ordinance. Nothing in this ordinance prevents the Wisconsin Department of Natural Resources from adopting or enforcing more stringent storm water management requirements in future revisions of Wis. Admin. Code.

(c) The Village Board recognizes that the preferred method of addressing post-construction storm water runoff from land development activities and achieving published performance standards is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds or subwatersheds, on a municipal or regional scale. Such plans may prescribe stormwater devices, practices, or systems, any of which may be designed to treat runoff from more than one site prior to discharge from the site(s). Where such plans are in conformance with the performance standards developed under Wis. Stats. s. 281.16 for regional stormwater management measures and have been approved by the Village of Wales, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community. Accordingly, provisions have been incorporated into this ordinance to allow for the implementation of a regional storm water management plan in lieu of complying with certain on-site storm water management requirements.

Sec. 384.04. General Administration.

The Village Board has designated the Plan Commission to oversee and administer the provisions of this ordinance, working in concert with Village Staff, the Village Engineer, and Building Inspector. The Village Engineer and Building Inspector will review and enforce erosion control and storm water management plans, within their respective

purviews, advise the Village Clerk to issue permits, as appropriate, and monitor the effectiveness of erosion control and stormwater management facilities and measures.

Sec. 384.05. Jurisdiction.

(a) Jurisdictional Boundaries. This ordinance applies to all land development activities within the boundaries and jurisdiction of the Village of Wales, as well as the division of land in the Village's extraterritorial jurisdiction.

Sec. 384.06. Definitions.

1. "**Applicable review authorities**" means the Village Plan Commission and Village Board, depending on the type of project and its location.

2. **"Agricultural facilities and practices"** has the meaning given in Wis. Stats. s. 281.6.

3. "**Applicant"** means any person or entity holding fee title to the property or their representative. The applicant shall become the "permit holder" once a permit is issued. The applicant shall sign the initial permit application form in accordance with subs. A through E below, after which the applicant may provide the Village written authorization for others to serve as the applicant's representative:

A. In the case of a corporation, by a principal executive officer of at least the level of vice president or by the officer's authorized representative having overall responsibility for the operation of the site for which a permit is sought.

B. In the case of a limited liability company, by a member or manager.

C. In the case of a partnership, by the general partner.

D. In the case of a sole proprietorship, by the proprietor.

E. For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.

4. **"Average Annual Rainfall"** means a calendar year of precipitation, excluding snow, which is considered typical.

5. "**Best management practice" (or "BMP")** means structural and non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or other pollutants carried in runoff to waters of the state.

6. **"Business Day"** means a day when the Village office is routinely and customarily open for business.

7. **"Cease and desist order"** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

8. "**Connected Imperviousness"** means an impervious surface that is directly connected to a separate storm sewer or waters of the state via an impervious flow path.

9. **"Village mapping standards"** means that the maps are drawn to national map accuracy standards using the Wisconsin State Plane Coordinate System, Wisconsin South Zone, North American Datum 1927 (NAD27) and National Geodetic Vertical Datum of 1929 (NGVD-29).

10. **"Design storm"** means a hypothetical depth of rainfall that would occur for the stated return frequency (i.e., once every 2 years, 10 years, or 100 years), duration (i.e 24-hours) and timing of distribution (i.e. Type II). All values are based on the historical rainfall records for the area. Design storms used in this ordinance are summarized in sec. 384.12.

11. **"Development"** means residential, commercial, industrial, or institutional land uses and associated roads.

12. **"Dewatering"** means the removal of trapped water from a construction site to allow land development or utility installation activities to occur.

13. **"Division of land"** means either a subdivision or minor land division, as defined by Chapter 18, Subdivision and Platting, of the Village Code.

14. **"Effective Infiltration Area"** means 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.

15. **"Erosion"** means the process of detachment, transport and deposition of soil, sediment or rock fragments by action of water, wind, ice or gravity.

16. **"Environmental corridor (primary and secondary)"** means a composite of the best individual elements of the natural resource base including surface water, streams, and rivers and their associated floodlands and shorelands; woodlands, wetlands and wildlife habitat; areas of ground water discharge and recharge; organic soils, rugged terrain and high relief topography; and significant geological formations and physiographic features. A description of the process of defining and delineating Environmental Corridors is set forth in the Southeastern Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2 and is incorporated herein by reference.

17. **"Environmentally sensitive area"** means any area that, due to the natural resources present or the lack of filtering capacity, is more susceptible to the adverse impacts of sediment and other pollutants associated with erosion and urban runoff. Examples include environmental corridors, direct hydrologic connections to lakes, streams, wetlands, groundwater or other water resources, or very coarse or shallow soils above groundwater or bedrock.

18. **"Filtering layer"** means soil that has at least a 3-foot deep layer with at least 20% that passes through a #200 sieve (fines); or at least a 5-foot deep layer with at least 10% that passes through a #200 sieve (fines); or another medium exists with an equivalent level of protection, as determined by the Village Engineer.

19. **"Final plat"** means a map of a proposed condominium, subdivision, or other development to be recorded with the Waukesha County Register of Deeds pursuant Wisconsin Statutes.

20. **"Financial Guarantee"** means a performance bond, surety bond, irrevocable letter of credit, or similar guarantee submitted to the Village Clerk by the responsible party to assure that requirements of this ordinance are carried out in compliance with the erosion control and stormwater management plans.

21. **"GIS system of Waukesha County"** means the computerized mapping system that Waukesha County makes available to the general public over the Internet.

22. **"Governing Body"** means the Village Board of Trustees.

23. **"Groundwater recharge areas"** means lands identified in a document published by the Southeastern Wisconsin Regional Planning Commission as groundwater recharge areas; or where, prior to any land disturbing or land development activity, precipitation or runoff could only leave the area by infiltrating the ground, thereby recharging the groundwater.

24. "**Illicit connection**" means any drain or conveyance, whether on the surface or subsurface, which allows an illegal non-storm water discharge to enter the storm drain system, including but not limited to: sewage, process wastewater and wash water,

any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this ordinance.

25. **"Impervious surface"** means an area that releases all or a large portion of the precipitation that falls on it, except for frozen soil. Conventional rooftops and asphalt or concrete sidewalks, driveways, parking lots and streets are typical examples of impervious surfaces. For purposes of this ordinance, typical gravel driveways and other examples listed shall be considered impervious unless specifically designed to encourage infiltration or storage of runoff.

26. **"Impracticable"** means that complying with a specific requirement would cause undue economic hardship and that special conditions exist that are beyond the control of the applicant and would prevent compliance.

27. **"In-fill development"** means land development that occurs where there was no previous land development and is surrounded by other existing land development;

28. **"Infiltration"** means the entry of precipitation or runoff into or through the soil.

29. **"Infiltration system(s)"** means 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.

30. **"Karst features"** means 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.

31. "**Land development activity" or "land development**" means any construction related activity that may ultimately result in the addition of impervious surfaces, such as the construction of buildings, roads, parking lots and other structures.

32. "**Land disturbing activity" (or "disturbance")** means any man-made alteration of the land surface that may result in a change in the topography or existing vegetative or non-vegetative soil cover, or may expose soil and lead to an increase in soil erosion and movement of sediment. Land disturbing activity includes clearing and grubbing for future land development, excavating, filling, grading, building construction or demolition, and pit trench dewatering.

33. **"Maintenance Agreement"** means a document that provides for long-term maintenance of stormwater management practices. Such document may be a separate document or part of an overall development agreement for a project.

34. **"Maximum Extent Practicable or MEP"** means an acceptable level of implementing best management practices to achieve a performance standard specified in this ordinance, as determined by the Village Engineer or Village Board. In determining MEP, the Village shall take 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.

35. **"Navigable"** has the meaning given in the Village of Wales Shoreland and Floodland Protection Ordinance.

36. **"New Development"** means development resulting from the conversion of previously undeveloped land or agricultural uses.

37. **"Off-site BMP"** means best management practice(s) that are located outside of the boundaries of the site covered by a permit application. Off-site BMPs are usually installed as part of a regional storm water management plan approved by a local government.

38. **"On-site"** means located within the property boundary described in the permit application.

39. **Ordinary high water mark (OHWM)"** has the meaning given in s. NR115 Wis. Admin. Code.

40. "**Percent fines"** means the percentage of a given sample of soil, which passes through a #200 sieve.

41. **"Performance Standard"** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

42. **"Permit"** means a written authorization made by the Village Engineer/Building Inspector/Clerk to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

43. **"Permit administrative fee"** means a sum of money paid to the Village Clerk (the administering authority) by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

44. **"Pervious surface"** means 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.

45. **"Plat"** means a map of a proposed condominium, subdivision, or other development.

46. **"Pollutant",** as per s. 283.01(13) Wisconsin Statutes, means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

47. **"Pollution",** as per s. 283.01(10) Wisconsin Statutes, means man-made or man−induced alteration of the chemical, physical, biological or radiological integrity of water.

48. **"Preliminary plat"** means a map showing the salient features of a proposed condominium, subdivision, or other development submitted to an approving authority for purposes of preliminary consideration.

49. **"Preventive action limit"** has the meaning given in s. NR 140.05(17), Wis. Admin. Code.

50. **"Publicly funded"** means a land development, such as a public road or municipal building, that is being funded solely by a unit of government. It does not include new roads or other structures built with private funds, or a combination of public and private funds, and subsequently dedicated to a unit of government.

51. **"Record Drawing"** means the final project drawing of the project or facility in which the Professional Engineer, Professional Land Surveyor, or other responsible party updates community-approved construction plans with survey or other data that show the final location, elevation, and other pertinent data or information for that facility.

52. **"Redevelopment"** means land development that replaces previous land development of similar impervious conditions.

53. **“Regional storm water management plan”** means a planning document, adopted by a local unit of government, that coordinates storm water management activities for an entire drainage area or watershed, including future land development activities within the watershed. The plan may prescribe the use of BMPs for individual development sites and for selected points within the watershed to meet the goals and objectives of the plan.

54. “**Responsible party**” means any person or entity holding fee title to the property or acting as the owners representative, including any person, firm, corporation or other entity performing services, contracted, subcontracted or obligated by other agreement to design, implement, inspect, verify or maintain the BMPs and other approved elements of erosion control and storm water plans and permits under this ordinance.

55. **“Road”** as used in this ordinance, means any access drive that serves more than two (2) residences or businesses.

56. **“Runoff”** means water from rain, snow or ice melt, or dewatering that moves over the land surface via sheet or channelized flow.

57. **“Shoreland”** has the meaning given in theVillage of Wales Shoreland and Floodland Protection Ordinance.

58. **“Site”** means the entire area included in the legal description of which the land disturbing or land development activity will occur.

59. **“Stabilized”** means that all land disturbing activities are completed and that a uniform, perennial vegetative cover has been established on at least 70% of the soil surface or other surfacing material is in place and the risk of further soil erosion is minimal, as determined by the Village Engineer or Building Inspector.

60. **“Storm drainage system”** (or “separate storm sewer system”) means a publicly-owned facility by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

61. **“Storm water”** has the same meaning as the term “runoff”.

62. **“Storm water BMP”** means any best management practice that is designed to collect or manage the quantity or quality of storm water runoff for an indefinite time period. This term is a subset of the term “best management practice” and distinct in that they require long-term maintenance. Some examples include, but are not limited to: wet or dry detention basin, infiltration trench or basin, bio-retention basin, stilling basin, green roof, filter strip, artificial wetland, or any combination of these or other permanent storm water management practices, as determined by the Village Engineer.

63. **“Storm water permit”** means a written authorization made by the Village to the applicant to conduct land disturbing or land development activities in accordance with the requirements of this ordinance. A storm water permit regulates both construction site erosion and post-construction storm water runoff from a site.

64. **“Stormwater Management Plan”** means a comprehensive plan designed to reduce the discharge of pollutants from stormwater both during construction and after the site is stabilized, following construction activity.

65. **“Stop Work Order”** means an order issued by the Village Board, Building Inspector, Village Engineer, or law enforcement official, etc. that requires that all construction activity on the site be stopped.

66. **"Subdivision"** means a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development that meets the subdivision definition criteria under s. 236.02(12) Wisconsin Statutes or a more restrictive definition adopted by a local unit of government.

67. **"Technical standard"** means a document that specifies design, predicted performance and operation and maintenance requirements for a material, device or method.

68. **"Top of channel"** means an edge, or point on the landscape, commencing 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 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

69. **"TR-55"** means the US Department of Agriculture, Natural Resources Conservation Service, Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

70. **"Utility"** means a wire, pipe, tube or other conduit designed to distribute or collect a product or service, including but not limited to electricity, natural gas, oil, telecommunications, drinking water, storm water, sewage, or any combination of these items.

71. **"Warm season and wetland plantings"** means seed or plant stock that are native to a prairie or wetland setting. These types of plantings usually take a couple of years to get established and require diligent removal of invasive species during this time. Upon maturity, warm season plants generally have a deep root system, which enhances infiltration.

72. **"Waters of the state"** has the meaning given in s. 281.01 (18), Wisconsin Statutes

73. **"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

74. **"Woodland"** means an area where a grouping of 10 or more trees exist that have trunk diameters of at least 4 inches at four feet above the ground surface. The boundaries of a woodland shall be defined by the canopy, commonly referred to as the "drip line".

74. "Working day" means any day the office of the Village is routinely and customarily open for business, and does not include Saturday, Sunday and any official holidays.

Sec. 384.07. Applicability and Exemptions.

(a) Construction Site Erosion Control. Unless otherwise exempted under sub. (c) below, a storm water permit under sec. 384.08 shall be required and all erosion control and other provisions of this ordinance shall apply to all proposed land disturbing activity that meets any of the following:

1. Disturbs a total land surface area of 3,000 square feet or more; or

2. Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material; or

3. Involves the laying, repairing, replacing, or enlarging of an underground utility, pipe or other facility, or the disturbance of road ditch, grass swale or other open channel for a distance of 300 feet or more; or

4. Is a land disturbing activity, regardless of size, that the Village Board/Engineer/Building Inspector determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion control standard set forth in this ordinance.

(b) Storm Water Management. Unless otherwise exempted in this ordinance, a storm water permit under sec. 384.08 shall be required and all storm water management and other provisions of this ordinance shall apply to all proposed land development activity that meet any of the following:

1. Disturbs a land surface area of one acre or more;
2. Is a subdivision plat; or
3. Is a commercial, industrial, or institutional development; or
4. Is a certified survey map or any other land development activity that may ultimately result in the addition of 0.5 acres or greater of impervious surfaces, including smaller individual sites that are part of a common plan of development that may be constructed at different times; or
5. Involves the construction of any new public or private road; or
6. Is a land development activity, regardless of size, that the Village Board/Village Engineer/Building Inspector determines is likely to cause an adverse impact to an environmentally sensitive area or other property. For purposes of this section, adverse impacts shall include causing chronic wetness on other property due to reoccurring discharges of storm water, or violating any other storm water management standard set forth in this ordinance.

(c) Applicability Exemptions.

1. Exempt From All Requirements. The following activities shall be exempt from all of the requirements of this ordinance:

A. Land disturbing activities directly involved in the planting, growing and harvesting of any plant grown for human or livestock consumption and pasturing or yarding of livestock, including sod farms and tree nurseries.

B. Land development and land disturbing activities exempted by state or federal law, including highway construction and other projects conducted by a state agency, as defined under s. 227.01 (1), Wisconsin Statutes, or under a memorandum of understanding entered into under s. 281.33 (2), Wisconsin Statutes. management for the project.

C. Land disturbing activity directly involved in the installation and maintenance of private on-site waste disposal systems, as regulated under this Chapter.

D. On parcels where land disturbing activities cover less than one acre, the Village Board, Village Engineer, or Building Inspector, may review the erosion control and or stormwater plan, and, if satisfied that there is minimal opportunity for erosion or runoff, grant a permit hereunder. The appropriate official will consider the topography of the site and adjacent areas, proximity of the site to environmentally sensitive areas, the methods, extent, duration, seasonality of stabilization, etc. of the proposed disturbance, as well as the expected runoff and proposed erosion and stormwater control measures, in deciding whether to review, approve, and grant a permit.

2. Exempt From Erosion Control Requirements Only. The following land disturbing activities shall be exempt from the erosion control provisions of sub. (a) above:

A. Those activities the Village Board/Village Engineer/Building Inspector determines are required for the construction of individual one and two family residential buildings under SPS321.125Wis. Admin. Code. The Building Inspector will administer erosion control requirements in these instances, per the Wisconsin Uniform Dwelling Code and other applicable references.

Note: The Wisconsin Uniform Dwelling Code (SPS 321) includes erosion control requirements that apply statewide. The Village Building Inspector may request a determination from the Village Engineer or other agency under sub. A above as a condition of issuing a local building or zoning permit.

B. Small-scale disturbances proposed by public utility companies.

C. Placement of underground pipe or other utility that is plowed or bored into the ground outside areas of channelized runoff.

3. Other Exemptions. The Village may exempt a site or a portion of a site from meeting certain technical requirements of this ordinance in accordance with sec. 384.11(e).

Sec. 384.08. Storm Water Permit Processes, Land Divisions and Zoning

(a) Permit Required. The responsible party must apply for and receive a Village storm water permit under sub. (b) before any person commences a land disturbing or land development activity, pursuant to the applicability and exemption provisions of Sec. 384.07. Based upon the scope of the project, an evaluation of compliance under sub. (c) below will also be required as part of the permit process.

(b) Storm Water Permit Application. 1. To request a storm water permit under this ordinance, the applicant shall submit a complete application, which shall include all of the following:

A. A completed and signed application on a form provided by the Village Clerk for that purpose;

B. The applicable fee(s), unless exempted under sub. (e) below;

C. A site plan map in accordance with sec. 384.11(c);

D. An erosion control plan in accordance with sec. 384.10(d);

E. A storm water management plan in accordance with sec. 384.11(f) for those land development activities that meet any of the applicability criteria of sec. 384.07(b), and the documentation required under sec. 384.11(e)2.D. related to a off-site BMPs, if applicable;

F. A maintenance agreement in accordance with sec. 384.13; and

G. A financial assurance, in accordance with sec. 384.09(c).

2. The Village may require map items listed above to be submitted in digital form, if available, including georeferencing map data to the public land survey system in accordance with county mapping standards.

3. Review procedures for a storm water permit application shall be in accordance with sub. (d)3, below.

(c) Evaluation of Compliance for Final Plat or CSM. 1. Applicability. The Village Engineer shall perform an evaluation of compliance with this section prior to the Village Plan Commission or Village Board approving any final plat, and prior to the recording of any certified survey map with the Waukesha County Register of Deeds that meets one of the following:

A. The site plan may ultimately result in the addition of 0.5 acres or greater of impervious surfaces, including smaller individual sites that are part of a common plan of development;

B. Includes the construction of any new public or private road; or

C. Other land development activities as determined by the Village Engineer under sub. 384.07(b). above.

2. Review Items. To obtain evaluation of compliance, the applicant shall submit a final plat or CSM to the Village for review. The Village Engineer/Plan Commission/Village Board shall review submittals for compliance with all of the following items based on preliminary or final site plans and storm water management plans:

A. Location and size of drainage easements and other areas set aside for storm water management, and the associated language describing use restrictions;

B. Setback requirements from wells, structures, steep slopes, road right-of-ways and other items related to the location of storm water management facilities;

C. Location of access drives and associated easements and use restrictions to ensure adequate access to storm water management facilities for future maintenance;

D. Utility easements as they may affect the grading and erosion control plans;

E. If required by the Village, the final maintenance agreement in accordance with sec. 384.13 for all storm water BMPs; and

F. Other items that the Village determines are necessary to achieve compliance with this ordinance.

3. Review Process. For those documents that are submitted in accordance with established Village Plan Commission and Village Board timelines, the Village Engineer will review, the final plat or CSM, as appropriate, and will provide written comments to the Village Clerk, with courtesy copy to the preparer (surveyor, etc.) and/or applicant in a timely manner to ensure the comments are included in the Plan Commission or Village Board packets. Subject to the extent of corrections and time available, the preparer or applicant may submit revised documentation to the Village Clerk and Village Engineer for consideration by the Plan Commission and/or Village Board.

(d) Fees. The Responsible Party will be responsible for all costs and professional fees associated with the application, including, but not limited to application review, construction, compliance, and completion inspections, etc., as described elsewhere in this ordinance. Application and review fees under this ordinance shall be in accordance with the following:

1. All permit application fees shall be established by the Village and approved by the Village Board through the annual budget process.
2. The Village will also bill the petitioner for professional fees billed to the Village for review of the application.
3. A fee schedule shall be available for review and public distribution.
4. All publicly funded land disturbing and land development activities within the jurisdiction of this ordinance shall be exempt from the fees under this section.

(e) Application Review Process.

1. Storm Water Permit < 1 acre Land Disturbance and Applicability Exemptions. Upon submittal of a complete permit application under sub. (b) above or applicability exemption application under sec. 384.07(c), the applicant is authorizing the Village Engineer/Building Inspector to enter upon the subject site to obtain information needed to administer this ordinance and the following procedures shall apply:

A. Within 15 working days from the date the Village Clerk receives the application, the Village Engineer/Building Inspector shall inform the applicant whether the application materials are approved or disapproved based on the requirements of this ordinance.

B. If all requirements of this ordinance have been met through the application, the Village Engineer/Building Inspector shall approve the application and issue a permit or exemption. If all requirements of this ordinance have not been met, the Village shall state in writing the reasons for disapproval.

C. If within the 15 working days, the Village Engineer/Building Inspector determines that the application is not complete or requests additional information from the applicant or another source (such as another regulatory agency), the Village shall have 10 working days from the date the additional information is received to review and act on the application. The Village shall inform the applicant when additional information is requested from another source.

D. Failure of the Village to inform the applicant of missing information or of a decision within 15 working days shall be deemed to mean approval of the application and the applicant may proceed as if a permit had been issued; however, the applicant is responsible for complying with the requirements of this ordinance.

2. Storm Water Permit ≥ 1 Acre Land Disturbance and Technical Exemptions. Upon submittal of a complete application under sub. (b) above or a technical exemption application under sec. 384.11(e), the applicant is authorizing the Village Engineer to enter upon the subject site to obtain information needed to administer this ordinance and the following procedures shall apply:

A. Within 20 working days from the date the Village Clerk receives the application, the Village Engineer shall inform the applicant whether the application materials are approved or disapproved based on the requirements of this ordinance.

B. If all requirements of this ordinance have been met through the application, the Village Engineer shall approve the application and issue a permit. If all requirements of this ordinance have not been met, the Village Engineer shall state in writing the reasons for disapproval.

C. If within the 20 working days, the Village Engineer determines that the application is not complete or requests additional information from the applicant or another source (such as another regulatory agency), the Village Engineer shall have 20 working days from the date the additional information is received to review and act on the application. The Village Engineer shall inform the applicant when additional information is requested.

D. Failure of the Village Engineer to inform the applicant of missing information or of a decision within the 20 working days shall be deemed to mean approval of the application and the applicant may proceed as if a permit had been issued; however, the applicant is responsible for complying with the requirements of this ordinance.

Note: The Village Engineer/Building Inspector will typically take action on permit applications more expeditiously than noted above.

Sec. 384.09. Storm Water Permit Requirements.

(a) General Permit Requirements. Storm water permits shall be subject to all of the requirements of this section. Violation of any permit requirement shall cause the permit holder and any other responsible party to be subject to enforcement action under sec. 19.16. Upon issuance of a storm water permit, the permit holder and any other responsible party shall be deemed to have accepted these requirements. General requirements include all of the following:

1. Other Permits. Compliance with a storm water permit does not relieve the permit holder or other responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations. The Village/Village Engineer may require the applicant to obtain other permits or plan approvals prior to issuing a storm water permit.

2. Approved Plans. All best management practices shall be installed and maintained in accordance with approved plans and construction schedules. A copy of the approved plans shall be kept at the construction site at all times during normal business hours.

3. Plan Modifications. The permit holder shall notify the Village/Village Engineer of any significant modifications proposed to be made to the approved plans. The Village may require proposed changes to be submitted for review prior to incorporation into the approved plans or implementation. Any modifications made during plan implementation without prior approval by the project engineer under sub. 6 below and the Village are subject to enforcement action.

4. Notification. The permit holder shall notify the Village/Village Engineer at least 2 working days before commencing any work in conjunction with approved plans. The Village shall also be notified of proposed plan modifications under sub. 3 above, and within 1 working day of completing construction of a storm water BMP. The Village may require additional notification according to a schedule established by the Village so that practice installations can be inspected during construction.

5. Village Access. The Village or its designee shall be permitted access to the site for the purpose of inspecting the property for compliance with the approved plans and other permit requirements.

6. Project Engineer/Landscape Architect. The permit holder shall provide an engineer licensed in the state of Wisconsin to be responsible for achieving compliance with approved construction plans, including the implementation of the approved inspection plan and verification of construction in accordance with sub. (d) below. If *warm season or wetland plantings* are involved, the permit holder shall also provide a landscape architect or other qualified professional to oversee and verify the planting process and its successful establishment. For single-family or other simple projects, the permit holder may petition the Village Board for another “qualified representative” to perform these functions.

7. Inspection Log. The permit holder shall provide a qualified professional or other qualified representative to conduct inspections and maintain an inspection log for the site. All best management practices shall be inspected within 24 hours after each rain event of 0.5 inch or more that results in runoff, or at least once each week. The inspection log shall include the name of the inspector, the date and time of inspection, a description of the present phase of construction, the findings of the inspection, including an assessment of the condition of erosion and sediment control measures and the installation of storm water management BMPs, and any action needed or taken to comply with this ordinance. (Form 3400-187 published by the Department of Natural Resources is an acceptable form for the inspection log.) The inspection log shall also include a record of BMP maintenance and repairs conducted under subs. 8 and 9 below. The permit holder shall maintain a copy of the inspection log at the construction site (or provide another approved method) for inspection by the Village Staff, Village Engineer, or Building Inspector. The permit holder or his agent must make arrangements to provide copies of the inspections to the Village Engineer or Building Inspector, as appropriate. The permit holder shall maintain the availability of the log until permit termination under sub. (b) below. The Village will require periodic inspections by the Village Engineer or Building Inspector, with written records provided to the Village and the permit holder, for action by the latter. The permit holder shall

maintain a copy of the Village inspections with the Inspection Log and respond, in writing to the appropriate Village representative, of corrective actions performed.

8. BMP Maintenance. The permit holder shall maintain and repair all best management practices within 24 hours of inspection, or upon notification by the Village Engineer, Building Inspector, or other person/agency designated by the Village, unless the Village approves a longer period due to weather or other conditions. All BMP maintenance shall be in accordance with approved plans and applicable technical standards until the site is stabilized and a permit termination letter is issued under sub. (b) below. The permit holder, upon approval by the Village, shall remove all temporary erosion control practices such as silt fence. The permit holder, in accordance with approved plans and applicable technical standards, shall maintain permanent storm water management practices until maintenance responsibility is transferred to another party or unit of government pursuant to the recorded maintenance agreement, or other recorded document that contains the same required information.

9. Other Repairs. The permit holder shall be responsible for any damage to adjoining properties, municipal facilities or drainage ways caused by erosion, siltation, runoff, or equipment tracking. The Village/Village Engineer/Building Inspector, or other person/agency designated by the Village may order immediate repairs or clean-up within road right-of-ways or other public lands if the Village determines that such damage is caused by activities regulated by a permit under this ordinance. With the approval of the landowner, the Village may also order repairs or clean-up on other affected property.

10. Emergency Work. The permit holder authorizes the Village, in accordance with the enforcement procedures under sec. 384.16, to perform any work or operations necessary to bring erosion control or storm water management practices into conformance with the approved plans and consents to charging such costs against the financial assurance pursuant to sub. (c) below or to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wisconsin Statutes

11. Permit Display. The permit holder shall display the storm water permit in a manner that can be seen from the nearest public road and shall protect it from damage from weather and construction activities until permit termination under sub. (b) below. The permit holder shall also display stormwater permits granted by State agencies, as applicable.

12. Other Requirements. The Village may include other permit requirements that it determines are necessary to ensure compliance with this ordinance.

(b) Storm Water Permit Issuance, Duration, Amendments, Transfer and Termination.

1. Permit issuance. The Village/Village Engineer shall issue a permit to the applicant after verifying that all applicable conditions of this ordinance and possibly other related permits have been met, including the submittal of contact information for all responsible parties and the submittal of the financial assurance under sub. (c) below. The Village may delay issuance of a storm water permit if the Village determines that

the proposed construction timelines and best management practices will not comply with the erosion control plan requirements under sec. 384.10 or the purposes of the ordinance under sec. 384.03, including proposed late season new road construction with grass swales. (The Village may consider alternate methods for site stabilization under late fall or winter conditions.)

2. Permit duration. The Village shall establish an expiration date for all storm water permits based on the construction schedules in the approved erosion control and storm water management plans. The applicant shall notify the Village of any changes to the proposed schedule prior to permit issuance.

3. Permit amendments. The Village may amend any terms of a storm water permit, including extending the permit expiration date, if the Village determines it is necessary to ensure compliance with this ordinance. The applicant shall request an amendment to a storm water permit at least 2 weeks before permit expiration on a form provided by the Village for that purpose and shall pay the corresponding fee. The Village may require additional erosion control or storm water management measures as a condition of granting a permit amendment.

4. Permit transfer. The Village may transfer a storm water permit issued under this ordinance to a new applicant upon a written request from the applicant and payment of the corresponding fee. The permit transfer shall not take effect until the Village verifies in writing that the new applicant has satisfied all conditions of this ordinance, including an updated list of responsible parties and the submittal of a new financial assurance under sub. (c) below.

5. Permit termination. The Village shall issue a permit termination letter to the permit holder upon releasing the financial assurance under sub. (c) below, which shall serve as documentation that all conditions of this ordinance have been satisfied and the permit has been terminated. At that time, the permit holder may apply to the Wisconsin Department of Natural Resources and shall serve as the "Notice of Termination" under s.s. NR 216.55 Wis. Admin. Code.

(c) Financial Assurance. 1. Purpose. The Village may require the applicant to submit a financial assurance (or guarantee) in the form of a cash deposit, letter of credit, or other acceptable financial security to ensure compliance with the approved erosion control and storm water management plans and other storm water permit requirements. Such financial assurance may be a portion of the financial guarantee provided for the entire project, if applicable, or a stand-alone agreement.

2. Type and Authority. The Village shall determine the acceptable type and form of financial assurance, which may include cash, a bond, an escrow account or irrevocable letter of credit. The Village shall, upon written notice to the permit holder, be authorized to use the funds to complete activities required in the approved plans or this ordinance if the permit holder or other responsible party defaults or does not properly implement the requirements.

3. Amount. The amount of the financial assurance shall be determined by the Village Engineer and shall include the estimated cost of completing the approved erosion control and storm water management plans, plus not less than 15% guarantee

amount. The Village Board reserves the right to amend this amount in the Village Board's sole and absolute discretion.

4. Exemption. Publicly funded land disturbing or land development activities shall be exempt from providing a financial assurance.

5. Security. The Village shall provide the permit holder or other responsible party a written statement outlining the purpose of the financial assurance, the applicable amount and type received (which shall be subject to the review and approval of the Village Attorney) and all of the conditions for release. (For applicable developments, this could be provided in the development agreement for the project).

6. Conditions for Release. The Village shall release the financial assurance, and issue a termination letter in accordance with sub, (b)5. above, only after determining full compliance with the permit and this ordinance, including the following:

A. Accepting an "as-built" survey certified pursuant to sub. (d)1. below,
B. Accepting verification of construction pursuant to sub. (d)2. below;
C. Completing a satisfactory final inspection pursuant to sub (e) below;
D. Receiving a copy of the recorded maintenance agreement pursuant to sec. 384.13 of this ordinance, if the agreement is required by the Village. (The Village may accept other recorded documents that contain applicable information in meeting this requirement.)

7. Partial Releases. The permit holder may apply, in writing to the Village Clerk, for a partial release of the financial assurance based on the completion or partial completion of various construction components or satisfaction of individual requirements noted above. Supporting documentation must accompany the application.

8. Amounts Withheld. The Village shall withhold from the financial assurance amount released to the permit holder any costs incurred by the Village to complete installation or maintenance of best management practices through enforcement action or prior to the transfer of maintenance responsibilities through an approved maintenance agreement, or other unpaid fees or costs incurred by the Village associated with the enforcement of this ordinance.

9. Other Financial Assurances. The financial assurance provisions of this ordinance may be included in the financial assurance requirements (such as a project letter of credit) for other site improvements. Requests for reduction or release of the financial assurance for larger projects must include appropriate documentation, such as a narrative description and/or spreadsheet, as necessary, showing the types and cost of work completed and contractor lien waivers for work including public improvements to be accepted by the Village.

(d) Construction and Planting Verification. 1. Record Drawings. To ensure compliance with this ordinance and to serve as a basis for the engineering verification under sub. 2 below, record drawings shall be completed in accordance with Village standards and certified as accurate by a professional land surveyor or a professional engineer licensed in the State of Wisconsin. Record drawings shall be submitted to the Village/Village Engineer for all storm water management BMPs, bridges, storm sewer

and culverts pursuant to sec. 384.11(d).6.D. below, and other permanent best management practices or practice components as deemed necessary by the Village to ensure its long-term maintenance. The Village will require final submittal of the record drawings in both paper and digital formats. In conjunction with submission of the Record drawings, the Village requires that the permit holder, or his agent, perform a joint inspection of the stormwater practices with the Village Engineer, or his designee. The Village Board authorizes the Village Engineer, at his discretion, to perform inspections of "critical" aspects of BMP construction, such as installation of basin liners.

2. Verification. A professional engineer licensed in the State of Wisconsin (or other qualified representative acceptable to the Village Board) shall verify, in accordance with Village standards, that the engineer or or qualified representative has successfully completed all site inspections outlined in the approved plans and that the construction of all storm water management BMPs, as determined by the Village, comply with the approved plans and applicable technical standards or otherwise satisfy all the requirements of this ordinance. If warm season or wetland plantings are involved, a landscape architect or other qualified professional shall verify the planting process and its successful establishment, in accordance with Village standards.

3. Design Summaries. Any changes noted in the as-built survey or final design data compared to the design summaries approved with the final storm water management plans shall be documented and resubmitted to the Village as part of the verification under sub. 2 above.

(e) Final Inspection. After completion of construction, the Village Engineer (or his designated representative) shall conduct a final inspection of all permitted sites to determine compliance with the approved plans and other applicable ordinance requirements, including ensuring the site is stabilized. The petitioner or his designee can be included in the inspection, if coordinated in advance. If, upon inspection, the Village Engineer determines that any of the applicable requirements have not been met, the Village Engineer shall notify the permit holder what changes would be necessary to meet the requirements. At the request of the permit holder, the Village Engineer shall provide a notification of noncompliance or a report of final inspection in written or electronic form.

Sec. 384.10. Erosion Control Plan Requirements.

(a) General Erosion Control Plan Requirements and Performance Standards. An erosion control plan shall describe how the permit holder and any other responsible party will minimize, to the maximum extent practicable, soil erosion and the transport of sediment from land disturbing activities to waters of the state or other property. To meet this requirement, the following performance standards shall apply:

1. All erosion control plans and associated BMPs shall comply with the planning, design, implementation and maintenance requirements of this ordinance.
2. All erosion control plans shall by design, achieve to the maximum extent practicable, a runoff discharge of no more than 5 tons of sediment per acre per year of the sediment load carried in runoff from initial grading to final stabilization.

An accepted method of calculating the soil loss must also be provided. Erosion and sediment control BMPs may be used alone or in combination to meet the above-referenced sediment reduction goal. Soil loss prediction tools shall be used to estimate the sediment loss using the appropriate rainfall and/or runoff factor.

3. The Village Engineer may recognize other methods for determining compliance with the sediment reduction requirement as they are standardized, including any methods that may come from the procedures under subch. V. of ch. NR 151, Wis. Adm. Code.

(b) Guiding Principles for Erosion Control. To satisfy the requirements of this section, an erosion control plan shall, to the maximum extent practicable, adhere to the following guiding principles:

1. Propose grading that best fits the terrain of the site, avoiding steep slopes, wetlands, floodplains and environmental corridors;
2. Minimize, through project phasing and construction sequencing, the time the disturbed soil surface is exposed to erosive forces;
3. Minimize soil compaction, the loss of trees and other natural vegetation and limit the size of the area disturbed at any one time;
4. Locate erosion control BMPs upstream from where runoff leaves the site or enters waters of the state and outside of wetlands, floodplains, primary or secondary environmental corridors or isolated natural areas; and
5. Emphasize the use of BMPs that prevent soil detachment and transport over those aimed to reduce soil deposition (sedimentation) or repair erosion damage.

(c) Specific Erosion Control Plan Requirements. The following applicable minimum requirements shall be addressed in erosion control plans to the maximum extent practicable. The Village may establish more stringent erosion and sediment control requirements than the minimums set forth in this section if the Village determines that an added level of protection is needed to protect an environmentally sensitive area or other property, or to address a change made during plan implementation.

1. Access Drives and Tracking. Provide access drive(s) for construction vehicles that minimize tracking of soil off site using BMPs such as stone tracking pads, tire washing or grates. Minimize runoff and sediment from adjacent areas from flowing down, across or eroding the access drive.
2. Diversion of Upslope Runoff. Divert excess runoff from upslope land, rooftops or other surfaces, if practicable, using BMPs such as earthen diversion berms, silt fence and downspout extenders. Prevent erosion of the flow path and the outlet.
3. Inlet Protection. Protect inlets to storm drains, culverts and other storm water conveyance systems from siltation until the site is stabilized.
4. Soil Stockpiles. Locate soil stockpiles away from channelized flow and no closer than 25 feet from roads, ditches, lakes, streams, ponds, wetlands or environmental corridors, unless otherwise approved by the Village. Control sediment from soil stockpiles. Any soil stockpile that remains for more than 30 days shall be stabilized. Stockpiles left inactive for 7 days or more shall be stabilized using temporary seeding or other approved method.

Cut and Fill Slopes. Minimize the length and steepness of proposed cut and fill slopes and stabilize them as soon as practicable. All slopes built to 4:1 slope or steeper require appropriate slope stabilization erosion mat.

5. Channel Flow. During construction, the discharge of sediment from drainage ways/channels shall be prevented or minimized using appropriate best management practices. Ditch checks shall be placed within drainage ways/channels and appropriately sized sediment traps or basins installed to capture sediment prior to leaving the site. All BMPs shall be designed and installed per WDNR Technical Standards. Stabilize drainage ways/channels as soon as practicable and utilize appropriate channel erosion mat for all permanent drainage ways/channels. Temporary swales may require channel erosion mat for stabilization based on duration of use and areas served, as directed by the Village.

6. Outlet Protection. Protect outlets from erosion during site dewatering and storm water conveyance, including velocity dissipation at pipe outfalls or open channels entering or leaving a storm water management facility.

7. Overland Flow. Trap sediment in overland flow before discharge from the site using BMPs such as silt fence and vegetative filter strips.

8. Site Dewatering. Treat pumped water to remove sediment prior to discharge from the site, using BMPs such as sediment basins and portable sediment tanks.

9. Dust Control. Prevent excessive dust from leaving the construction site through construction phasing and timely stabilization or the use of BMPs such as site watering and mulch – especially with very dry or fine sandy soils.

10. Topsoil Application. Save existing topsoil and reapply a minimum of 4 inches to all disturbed areas for final stabilization, unless otherwise approved by the Village Engineer, such as for temporary seeding or storm water infiltration BMPs. If adequate topsoil does not exist on the site to meet this requirement, it shall be imported or a topsoil substitute such as compost may be used, upon approval by the Village.

11. Waste Material. Recycle or properly dispose all waste and unused building materials in a timely manner. Control runoff from waste materials until they are removed or reused.

12. Sediment Cleanup. By the end of each workday, clean up all off-site sediment deposits or tracked soil that originated from the permitted site. Flushing shall not be allowed unless runoff is treated before discharge from the site.

13. Final Site Stabilization. All previous cropland areas where land disturbing activities will not be occurring under the proposed grading plans, shall be stabilized within 30 days of permit issuance. Stabilize all other disturbed areas within 7 days of final grading and topsoil application. Large sites shall be treated in stages as final grading is completed in each stage. Any soil erosion that occurs after final grading or the application of stabilization measures must be repaired and the stabilization work redone. A site shall be considered stabilized when vegetation is established with at least a density of 70% coverage for all areas that are not paved, not covered by a permanent structure or that employ an equivalent permanent stabilization measure.

14. Temporary Site Stabilization. Any disturbed site that remains inactive for greater than 7 days shall be stabilized with temporary stabilization measures such as soil treatment, temporary seeding or mulching. For purposes of this subsection, “inactive” means that no site grading, landscaping or utility work is occurring on the site and that precipitation events are not limiting these activities. Frozen soils do not exclude the site from this requirement.

15. Removal of Practices. Remove all temporary BMPs such as silt fences, ditch checks and sediment traps as soon as all disturbed areas have been stabilized.

16. Site Drainage. Site drainage plans shall comply with the provisions of sec. 19.10(d)6. below.

(d) Erosion Control Plan Contents. The following shall be the minimum requirements for items to be included in a final erosion and sediment control plan:

1. Sites Less than One Acre of Total Land Disturbance.

A. A narrative describing the proposed land disturbing activity, construction timeline and sequencing, temporary BMPs to be used to minimize off-site impacts during the construction phase, and proposed methods to stabilize the site following construction in accordance with the requirements of this ordinance;

B. A survey map or scaled site plan drawing of sufficient clarity showing a north arrow, the location of proposed land disturbance, direction of flow for runoff entering and leaving the disturbed area, upslope drainage area (if known), proposed BMPs, existing and proposed slopes, ground cover, buildings, roads, access drives, property boundaries, drainage ways, water bodies, trees, culverts, utilities, existing wells, and other structures within 50 feet of the proposed land disturbance;

C. The name, address, e-mail address and daytime phone number of the person(s) charged with installing and maintaining all best management practices;

D. For underground utility installations, the plans must delineate where utilities will be installed, show the location of the open cut and the topography in the area, and list the total lineal feet to be installed and the lineal feet that will be done by open cut; and

E. Other information determined to be necessary by the Village to ensure compliance with the requirements of this chapter.

2. Sites One Acre or Greater in Total Land Disturbance.

A. A site map in accordance with sec. 384.11 (c) below;

B. A map at a scale of 1 inch equals no more than 100 feet (unless otherwise noted), delineating and labeling the following applicable items:

(i) North arrow, graphic scale, draft date, name and contact information for project engineer or planner and designation of source documents for all map features.

(ii) Proposed site topography at contour intervals not to exceed two feet, proposed percent slope for all open channels and side slopes and all proposed runoff discharge points from the site;

(iii) Proposed building envelopes and other land area to be disturbed and size in acres;

(iv) All woodland areas, those proposed to be lost or transplanted during construction and acres or numbers of each. For woodlands proposed to be lost, show individual trees larger than six (6) inches in diameter that are located within twenty (20) feet of proposed grading boundaries;

(v) Temporary access drive and specified surface material and minimum depth (including a plan detail);

(vi) Temporary flow diversion devices for upslope or roof runoff until site is stabilized;

(vii) Temporary sediment trapping devices for site perimeter and inlets to culverts and storm drains;

(viii) Temporary settling basin or other BMP to be used for site dewatering during utility or other subsurface work;

(ix) Temporary soil stockpile sites indicating setbacks from nearby water resources or environmental corridors and the proposed erosion protection methods;

(x) Detailed drawings and cross-sections for any sediment traps, basins or other major cut or fill areas requested by the Village, showing side slopes and elevations;

(xi) Final stabilization measures for open channels and erosion protection for pipe and channel inlets, outlets and emergency spillways;

(xii) Location of proposed utilities, including: standard cross-section for buried utilities, associated easements, labeling the type of utility and notes on erosion control and restoration plans;

(xiii) Final site stabilization instructions for all other disturbed areas, showing areas to be stabilized in acres, depth of applied topsoil, seed types, rates and methodology, fertilizer, sod or erosion matting specifications, maintenance requirements until plants are well established, and other BMPs used to stabilize the site;

(xiv) Detailed construction notes clearly explaining all necessary procedures to be followed to properly implement the plan, including estimated starting date of grading, timing and sequence of construction or demolition, any construction stages or phases, utility installation, dewatering plans, refuse disposal, inspection requirements, and the installation, use, and maintenance of best management practices proposed in the plan;

(xv) Location of soil evaluations with surface elevations and unique references to supplemental soil evaluations report forms in accordance with sec. 384.12(e) below. Also show estimated seasonal water table depths and soil textures down to planned excavation depths, which may be on a separate map with sufficient references to the proposed site plan.

Note: Water table depths are needed to plan for dewatering activities for excavations and utility installations and to document compliance with water table separation requirements under sub. 19.11(d) below. The separate map may be at a different scale if needed. Soil textures help the project engineer and grading contractor plan for excavation, soil stockpiles, earthen berm compaction, pond lining, dust control, site stabilization and other grading related activities.

(xvi) Other items specified by the Village as necessary to ensure compliance with this ordinance.

C. Supporting information for the plan reviewer only:

(i) A narrative summary of the erosion control plan, briefly explaining the overall plan and, any unique information that led to the selection of BMPs and how the plan meets the guiding principles under sub. (b) above and the specific requirements under sub. (c) above;

Note: This information may be combined with a narrative for the storm water management plan under sec. 38411(f)12. The information may also be useful to the grading contractor and could be included in the construction notes on the plan map under sub. B(xiv) above.

(ii) Summary of design data for any structural BMP such as sediment basins or sediment traps. A professional engineer, licensed in the State of Wisconsin, shall stamp and sign a statement approving all designs and certifying that they have read the requirements of this ordinance and that, to the best of their knowledge, the submitted plans comply with the requirements;

(iii) Open channel design and stabilization data to support the selected BMPs for stabilization;

(iv) Soil evaluation reports, in accordance with the standards in Sec. 14-342(e), with unique references and elevations that match the map under sub. B(xv) above.

(v) Estimated time soil stockpiles will exist to support the selected BMPs for erosion control;

(vi) Documentation that proposed utility locations and installation scheduling has been coordinated with the affected utility companies.

(vii) Documentation of any other calculations used to demonstrate compliance with the performance standards in this section.

Sec. 384.11. Storm Water Management Plan Requirements.

(a) General Storm Water Management Plan Requirements. 1. Plan. A storm water management plan shall describe how the permit holder and any other responsible party will meet the storm water management requirements of this section and other related requirements in this ordinance. All storm water management plans and associated BMPs shall comply with the planning, design, implementation and maintenance requirements described in this ordinance.

(b) Guiding Principles for Storm Water Management. To satisfy the requirements of this section, a storm water management plan shall, to the maximum extent practicable, adhere to the following guiding principles:

A. Preserve natural watershed boundaries and drainage patterns;

B. Reserve adequately sized areas for storm water infiltration, detention and treatment early in the site planning process;

C. Locate storm water BMPs prior to runoff leaving the site or entering waters of the state, and outside of wetlands, floodplains, primary or secondary environmental corridors or isolated natural areas;

D. Minimize soil compaction and maintain pre-development groundwater recharge areas;

E. Minimize impervious surfaces and have them drain to vegetated areas for pollutant filtering and infiltration;

F. Emphasize vegetated swales, warm season and wetland plantings, and low flow velocities for storm water conveyance, treatment and infiltration, especially for transportation related projects;

Note: Tall, dense, deep-rooted vegetation and low flow velocities in open channels encourages infiltration and increases their effectiveness for runoff pollutant removal. Check dams may also be included in the swale design to slow runoff flows and improve pollutant removal. Soil amendments such as compost can help reduce soil compaction and increase infiltration.

G. Allow for different storm water management strategies for cleaner runoff (i.e. roofs) versus more polluted runoff (i.e. heavily used streets and parking lots);

H. Provide for emergency overflow in all storm water BMP designs;

I. Distribute storm water bioretention and infiltration BMPs throughout the site plan for large land developments;

(c) Site Plan Map Requirements. A site plan map and supporting data of site conditions at a scale of 1 inch equals no more than 100 feet (unless otherwise noted) shall delineate or display all the following applicable items:

1. Development title, graphic scale and north arrow;
2. Property location description by public land survey system (1/4 section, section, township, range, county);
3. Location map (smaller scale) showing the site location within a public land survey section or subdivision, oriented the same as par. 4 below;
4. Ownership boundaries, bearings, lengths and other survey references that will accurately identify the sites location, in accordance with s. 236 Wisconsin Statutes and county mapping standards for all land divisions;
5. Lot numbers and dimensions, including outlots for all land divisions;
6. Name and complete contact information for the applicant, landowner, developer and project engineer;
7. Surveyor's certificate, signed, dated and sealed for all land divisions;
8. Sheet numbers and revision dates on every page;
9. Existing site topography at a contour interval not to exceed 2 feet, including spot elevations for physical features such as culvert (invert elevations), retaining walls, road and ditch centerlines and topographic high and low points;
10. Location and name, if applicable, of all lakes, streams, channels, ditches, and other water bodies or areas of channelized flow on or adjacent to the site;
11. Location and name, if applicable, of all wetlands and identification of source of delineation. For final land divisions, these boundaries shall be field verified;
12. Boundaries of shoreland zones and the ordinary high water mark (OHWM) for any navigable water body as defined by the Village of Wales Shoreland and Floodland Protection Ordinance. For final land divisions, the OHWM boundaries shall be field verified;
13. Boundaries and elevation of the 100-year floodplains, flood fringes and floodways, as defined by the Village of Wales Shoreland and Floodland Protection ordinance. For final land divisions, these boundaries and elevations shall be field verified;
14. Boundaries and soil symbol for each soil mapping unit and the identification of all hydric soils as defined by the USDA-Natural Resources Conservation Service;
15. Locations of all available soil borings or soil profile evaluations with unique references to supplemental data report forms;

16. Location of primary and secondary environmental corridors, as defined by the Southeastern Wisconsin Regional Planning Commission. For final land divisions, these boundaries shall be field verified;

17. Location and description of isolated natural area boundaries as defined by the Southeastern Wisconsin Regional Planning Commission, woodland areas and other vegetative cover types;

18. Location and descriptive notes for existing and proposed structures within 50 feet of the property boundaries and their proposed use, including, but not limited to buildings and foundations, roads, parking areas, fence lines, access lanes, culverts (include size and type), above ground utilities and retaining walls;

19. Location and descriptive notes for other known existing site features including, but not limited to rock outcrops or other karst features, tile drains, buried utilities, dumps, landfills, manure or other waste storage facilities;

20. Boundaries and descriptive notes for all applicable setbacks and for "protective areas", as specified in sec. 19.11(d)4. of this ordinance;

21. Location and descriptive notes for any existing or proposed easements, right-of-ways, vision corners or other known site restrictions. Road right-of ways and building setbacks shall be in compliance with all applicable administrative codes, adopted plans and ordinances;

22. Location and descriptive notes for existing and proposed public dedications of parcels or right-of-ways;

23. Location and descriptive notes for preplanned building or waste disposal sites, when limited by site features;

24. Location and documentation of any existing (on-site or off-site) well and delineation of any applicable regulatory setbacks, in accordance with ch. NR 811 and 812 Wis. Admin. Code;

25. Notes describing source documents, date and measure of accuracy for all applicable mapping features noted above;

26. Other site information that the Village determines is necessary to administer this ordinance.

(d) Specific Storm Water Management Plan Requirements and Performance Standards. All storm water management plans and associated BMPs shall meet the following minimum requirements to the maximum extent practicable. It is highly recommended that the applicant meet with the Village Engineer prior to preparing a storm water management plan to determine the applicability of these requirements early in the site planning process.

1. Peak Discharge. A. Minimum requirement. To minimize downstream bank erosion and the failure of downstream conveyance systems, each facility plan shall, as a minimum, incorporate stormwater management techniques capable of: (1) Reducing the release rate for a one-year storm event under developed conditions to a release rate for a one-year storm event under existing conditions; (2) Reducing the release rate for a ten-year storm event under developed conditions to a release rate for a two-year storm event under existing conditions; and (3) Reducing the release rate for a 100-year storm event under developed conditions to a release rate for a ten-year storm event under existing conditions. This requirement may be relaxed by the Village Board, subject to prior review by the Village Engineer and the petitioner's demonstration of compliance

with meeting minimum State Code requirements, provided there is a compelling argument that the facilities meet "Maximum Extent Practicable" standards. Modeling requirements for this provision are further described in sec. 384.12 below.

B. Peak Discharge Exemptions. Certain sites or portions of sites may be exempted from the peak discharge requirements of this subsection in accordance with sub. (e) (Technical Exemptions) below.

2. Total Suspended Solids. A. By design, each storm water management plan shall meet the following post-development total suspended solids reduction targets, based on average annual rainfalls, as compared to no runoff management controls:

(i.) For new land development and infill development, 80% reduction in total suspended solids load;

(ii.) For redevelopment, 40% reduction of total suspended solids load from parking areas and roads;

Note: The first flush of storm water runoff from an urban landscape contains the vast majority of pollutants, which tend to be associated with suspended solids. Pollutant loading models such as SLAMM, P8 or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids under sub. A above.

3. Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with

Table 1 below:

Table 1
Post Development Infiltration Performance Standards

% Connected Impervious Surface	Description/Example Land Uses	Post-development Infiltration Volume	Max. Effective Infiltration Area Required
Up to 40%	*Low Imperviousness* areas such as: low density residential, parks, cemeteries	90% of pre-development	1% of site
More than 40% up to 80%	*Medium Imperviousness* areas such as: medium and high density residential, multi-family residential, industrial, institutional, office park	75% of pre-development	2% of site
Greater than 80%	*High Imperviousness* areas such as: Commercial strip malls, shopping centers, commercial downtowns	60% of pre-development	2% of site

Notes:

1. All percentages are based on average annual rainfall.
2. For low density residential developments, the post-development infiltration volume shall not be less than 25% of the 2-year, 24-hour storm.

A. Pretreatment. Pretreatment shall be required before infiltrating parking lot and road runoff from commercial, industrial and institutional areas. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. H below. Pretreatment options may include, but are not limited to, oil/grease separators, sedimentation or bioretention basins, filtration swales or filter strips. All designs shall comply with the technical standards in sec. 384.12(b).

Note: To achieve the infiltration requirement for the parking lots or roads, "maximum extent practicable" should not be interpreted to require significant topography changes that create an excessive financial burden. To minimize potential groundwater impacts, it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollutant source areas such as parking lots.

B. Infiltration Exclusions. Infiltration of runoff shall not be credited toward meeting the requirements of this subsection for the following:

(i). Areas associated with a tier 1 industrial facility identified in s. NR 216(2)(a), 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 s. NR 216.21 (2)(b). Note that runoff from 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). Runoff from fueling and vehicle maintenance areas, not including rooftops and canopies.

(iv). Infiltration of runoff within 1000 feet upgradient or within 100 feet downgradient of karst features.

(v). Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in s. NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development, not including rooftop runoff.

(vi). Areas where contaminants of concern, as defined in s. NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.

Note: The areas listed in par. E above are excluded due to the potential for groundwater contamination.

C. Infiltration Exemptions. The infiltration requirements of this subsection do not apply to frozen soil conditions and may be exempted if :

(i) Soils have a measured infiltration rate of less than 0.6 inches per hour using a scientifically credible field test method and the Village Engineer determines it would be impracticable to modify existing soil conditions.

(ii) Where the least permeable soil horizon to 5 feet below the proposed 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.

(iii) Other sites may be exempted in accordance with sub. (e) above.

D. 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 season high groundwater or the top of bedrock are in accordance with the following Table:

Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristic
Industrial, Commercial, Institutional Parking Lots and 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 Course Sand
Roofs Draining to Surface Infiltration Practices	Not applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

E. Alternate runoff uses. Where storage and reuse of runoff are employed, such as to support green roofs, landscape watering, toilet flushing, laundry or irrigation, such alternate uses shall be given equal credit toward the infiltration volume required by this section.

F. Groundwater protection.

(i). Infiltration systems designed in accordance with this subsection 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 Chapter 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.

(ii). The discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(iii). No storm water BMP shall be installed that meets the definition of an injection well under Chapter NR 812 Wis. Admin. Code.

(iv). All storm water BMPs shall comply with the provisions of any applicable wellhead protection plan for a community water supply under Chapter NR 811 Wis. Admin. Code.

4. Protective Areas.

A. Definitions. "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, such that runoff cannot enter the enclosure at this location.

(i). For outstanding resource waters and exceptional resource waters, 75 feet.

(ii). For perennial and intermittent streams identified on the Waukesha County GIS system, 50 feet. If there is a discrepancy between the Waukesha County GIS system and the applicable United States Geological Survey 7.5-minute series topographic map, the more stringent stream identification shall apply.

(iii). For lakes, 50 feet.

(iv). For wetlands not subject to (v) or (vi), 50 feet.

(v). For highly susceptible wetlands, 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.

(vi). For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands 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.

(vii). In subd. A.(iv), (v) and (vi), 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 Chapter NR 103 Wis. Admin. Code.

(viii). Wetland boundary delineations shall be made in accordance with Chapter NR 103.08 (1m) Wis. Admin. Code. This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in

accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

(ix). For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

B. Requirements. The following requirements shall be met for all land development activity located within a protective area:

(i). Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practicable alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written site-specific explanation.

(ii). Where land disturbing activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained. 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.

Note: It is recommended that seeding of non-aggressive vegetative cover be used in the protective areas. Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".

(i.) Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.

Note: Other regulations, such as ch. 30, Wisconsin Statutes, and chs. NR 103, 115, 116 and 117, Wis. Adm. Code, and their associated review and approval process may apply in the protective area.

C. Protective Area Exemptions. The protective area requirements of this subsection does not apply to the following:

(i). Except as provided under NR 151.121 (5) Wis. Admin. Code, redevelopment post-construction sites.

(ii). In-fill development areas less than 5 acres.

(iii). Structures that cross or access surface waters such as boat landings, bridges and culverts;

(iv). Structures constructed in accordance with s. 59.692(1v), Wisconsin Statutes; and

(v). 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 requirements of NR 151.122 to 151.123 (TSS and peak flow reduction), except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note: A vegetated protective area to filter runoff pollutants from post-construction sites described in sub. 4.C above is not necessary since the runoff at that location is treated prior to entering the surface water.

Other practices necessary to meet the requirements of this section, such as a swale or basin, will need to be designed and implemented to reduce runoff pollutants before the runoff enters a surface water of the state. The requirements of NR 103 still apply and should be considered before runoff is diverted to or from a wetland.

5. Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum within runoff, such 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. Site Drainage. Measures shall be implemented to ensure proper site drainage, prevent property damage and protect public health and safety, including the following minimum requirements:

A. Drainage easement. Perpetual drainage easements or other deed restrictions shall be recorded on the property to preserve major storm water flow paths and permanent storm water BMP locations. Covenants in these areas shall not allow buildings or other structures and shall prevent any grading, filling or other activities that interrupt or obstruct flows in any way. Covenants shall also specify maintenance responsibilities and authorities in accordance with sec. 384.13.

B. Site grading. Site grading shall ensure positive flows away from all buildings, roads, driveways and septic systems, be coordinated with the general storm water drainage patterns for the area, and minimize adverse impacts on adjacent properties.

C. Street drainage. All street drainage shall be designed to prevent concentrated flows from crossing the traffic lanes to the maximum extent practicable. Design flow depths at the road centerline for on-street drainage, shall not exceed six (6) inches during the peak flows generated by the 100-year, 24 hour design storm, using planned land use conditions for the entire contributing watershed area.

D. Bridges and cross-culverts. All new or modified bridges and cross-culverts shall comply with applicable design standards and regulations, facilitate fish passage and prevent increased flooding or channel erosion upstream or downstream from the structure. Design flow depths at the road centerline for all crossings shall not exceed six (6) inches during the peak flows generated by the 100-year, 24-hour design storm, using planned land use conditions for the entire contributing watershed area. All pre-development runoff storage areas within the flow path upstream of bridges and cross-culverts shall be preserved and designated as drainage easements, unless compensatory storage is provided and accounted for in modeling. As-built documentation shall be submitted in accordance with sec.384.09 for all new or modified structures that are located within a mapped floodplain or that the Village Engineer determines to be necessary to maintain floodplain modeling for the applicable watershed.

E. Subsurface drainage. Basement floor surfaces shall be built at least one (1) foot above the seasonal high water table elevation, as documented in the submitted soil evaluations, and shall avoid hydric soils as much as possible. The Village Engineer or Building Inspector shall be notified of any drain tiles that are

uncovered during construction, which the Village may require to be restored or connected to other drainage systems. No discharge of groundwater from tile lines, sump pumps or other means shall be allowed onto another persons land or any public space without the written approval of the owner or unit of government.

F. Open channels. All open channel drainage systems shall at a minimum be designed to carry the peak flows from a 10-year, 24-hour design storm using planned land use for the entire contributing watershed area. Side slopes shall be no steeper than 3h:1v unless otherwise approved by the Village Engineer for unique site conditions. Open channels that carry runoff from more than 130 acres shall at a minimum be designed to carry the peak flows from a 25-year, 24-hour design storm.

G. Storm sewers. All storm sewers shall be designed to carry the 10-year, 24-hour storm by gravity flow within the pipe with no surcharging and provide flood route for the 100-year, 24-hour design storm event.

H. Structure protection and safety. Flows generated by the 100-year, 24-hour design storm under planned land use conditions may exceed the design capacity of conveyance systems, but shall not come in contact with any buildings. For buildings designed for human occupation on a regular basis, the following additional requirements shall apply:

(i) The lowest elevation of the structure that is exposed to the ground surface shall be a minimum of two (2) feet above the maximum water elevation produced by the 100-year, 24 hour design storm, including flows through any storm water basin that may temporarily or permanently store water at a depth of greater than one (1) foot; and

(ii) The structure shall be setback at least 50 feet from any storm water basin that may temporarily or permanently store water at a depth of greater than one (1) foot. Setback distance shall be measured from the closest edge of water at the elevation produced by the 100-year, 24-hour design storm.

7. Additional Requirements. The Village may establish more stringent requirements than the minimums set forth in this section, such as addressing thermal impacts of storm water or chronic wetness conditions, if the Village or DNR determines that an added level of protection is needed to protect:

A. A cold water stream, outstanding water resource* or exceptional water resource**, as listed below (or subsequently identified) :

(i) Brandy Brook
(ii) Genesee Creek**
(iii) Scuppernong River
(iv) South Branch Scuppernong River
(v) Spring Brook
(vi) Spring Lake*

B. An environmentally sensitive area;
C. A downstream property;
D. Public health or safety.

(e) Technical Exemptions.

1. Exemption Criteria. Following the provisions of this subsection, the Village may exempt a site or a portion of a site from meeting certain technical requirements of this section if the Village determines that one or more of the following applies:

A. Off-Site BMP(s). The requirement has been satisfied through the use of off-site BMP(s). Off-site BMPs could be installed beyond the boundaries of the property covered by the application as part of a regional storm water management plan or through other legal arrangements. However, to be eligible for this exemption, the off-site BMP(s) must treat runoff from the site covered by the application;

B. Internally Drained Sites. The site is internally drained and will not discharge runoff from the site after development occurs; or

C. Site Conditions. It is impracticable to meet the requirement due to site conditions such as slopes, soils, proximity to structures or desirable trees, limited site dimensions, surrounding land uses, the potential for groundwater contamination, public health or safety problems, or other factors beyond the control of the applicant. No site shall be entitled to an exemption under this paragraph due solely to the size of the proposed land development activity in relation to the parcel size. However, the Village Engineer may provide special consideration in granting exemptions under this paragraph for the following sites:

(i) Redevelopment sites.

(ii) In-fill development areas less than 5 acres.

(iii) Highway projects where limited public right-of-way land is available for the installation of storm water BMPs.

(iv) Land developments with less than 10% of the site planned to be impervious surfaces and the total cumulative area of all impervious areas is less than 1 acre using the final build-out condition.

2. Application for Exemption. An exemption under sub. 1. above may only be granted by the Village upon the applicant submitting the following items to the Village, which shall constitute a completed application:

A. A written request describing the provisions of this subsection for which an exception is being requested and an explanation of why;

B. A site plan in accordance with sub. (c) above, including the delineation of the area and size (in acres) to which the exemption would apply and any other storm water BMPs required to meet this ordinance or as recommended in a regional storm water management plan;

C. The necessary technical documentation to demonstrate that the site meets one or more of the criteria for which an exemption is being applied, including documentation of the applicable provisions of any regional storm water management plan that may be involved;

D. For off-site BMP(s) under sub. 1.A. above:

(i) Documentation that the necessary BMP(s) have been properly installed, including as-built plans, construction certification and design summaries in accordance with sec. 384.09(d);

(ii) A copy of the recorded maintenance agreement in accordance with sec. 19.13, and any other easements or legal arrangement that may be involved to ensure the long-term maintenance of the off-site BMP(s).

(iii) Documentation of payment of any applicable fees that may be required by a unit of governmental charged with implementing a regional storm water management plan.

E. Other materials that the Village determines to be necessary to make a determination under this subsection or to comply with this ordinance.

3. Review Procedure. The Village shall review all exemption application materials submitted under sub. 2 above, determine compliance with this section and notify the applicant of a decision within 20 working days of the submittal date, in accordance with the procedures under sec. 384.08(d) above. The Village Engineer shall approve all exemptions under sub. 1.C. above. In consideration of all exemption requests, the Village shall ensure that the applicant meets the requirements of this section to the maximum extent practicable.

4. Appeal. If the applicant does not agree with any determination of the Village Engineer, Building Inspector, etc. under this subsection, the applicant may appeal the decision pursuant to the procedures in sec. 384.16(c).

(f) Storm Water Management Plan Requirements. Final storm water management plans shall contain the following applicable items:

1. Drafting date and contact information for the project engineer, with all other mapping elements and scale consistent with the site plan map;
2. Location of existing and proposed storm water discharge points;
3. Delineation and labeling of all proposed impervious areas and accompanying area computations;
4. Final design drawings of all proposed storm water BMPs with unique references to support documentation, prepared in accordance with minimum Village standards and of sufficient clarity for those responsible for site grading, including:

A. Plan views showing the location of proposed BMPs in combination with the site plan map at a scale of 1 inch equals no more than 100 feet;

B. Additional detail plan view drawings at a scale of 1 inch equals no more than 40 lineal feet, showing proposed 2 foot contours and all critical design features and elevations;

C. Detailed cross-sections and profiles of each BMP showing all critical design features, side slopes, structures, soil profiles and applicable elevations, including seasonal high water table;

D. Detailed drawings or material specifications for inlets or outlets.

5. Type, size, location and cross-sections of all pipes, open channels, grade stabilization structures and other proposed storm water conveyance systems, with unique references to support documentation;
6. Location and dimensions of proposed drainage easements;
7. Location, dimensions and surfacing material or soils data of proposed access lanes and delineation of easements needed to allow future maintenance of all storm water BMPs in accordance with sec. 384.13(b) below (or another suitable document).

The minimum width of any access easement shall be 15 feet;

8. Location of soil borings and soil profile evaluations with surface elevations and unique references to supplemental data sheets, as needed to determine feasibility of any proposed storm water BMP and to comply with applicable technical standards;

9. Detailed construction notes explaining all necessary procedures to be followed to properly implement the plan, including planting and landscaping specifications, timing and sequencing of construction and any temporary measures needed to protect BMPs during the construction phase;

Note: Some BMPs, such as infiltration and bioretention practices, are susceptible to sedimentation and may need to be protected during construction or planned for construction later in the project sequence.

10. A detailed construction inspection plan, outlining the critical elements in the plan that need to be surveyed or inspected by a representative of the project engineer, the Village Engineer, Building Inspector or the municipality, and the timing and notification requirements involved.

Note: Examples of critical elements for a construction inspection plan include, but are not limited to: checking subgrade elevations or the placement of footings, pipes or other structures prior to covering, soil testing, material inspections and final grade checks before seeding. Any inspections conducted by the Village representative do not waive the permit holder's responsibility for construction oversight and verification.

11. A final storm water BMP maintenance agreement, if required by the Village, in accordance with sec. 384.13;

12. Support documentation summarized in accordance with Village standards, including but not limited to:

A. A narrative summary of the storm water management plan, briefly explaining any unique information that led to the selection of BMPs, how the proposed plan meets the guiding principles under sub. (b) above, and the specific storm water planning requirements under sub. (d) above;

B. Maps of existing and proposed watersheds, subwatersheds, Tc/Tt flow paths, soil types, hydrologic soil groups, land uses/cover type and accompanying runoff curve numbers within the site and draining into the site from adjacent properties, with unique references to hydrology data summaries and a description of the ultimate receiving water body(s) for off-site discharges;

C. Pre-development and post-development hydrology and pollutant loading (if applicable) data for each watershed, such as peak flows and runoff volumes, as needed to meet the requirements of this ordinance. All major assumptions used in developing input parameters shall be clearly stated and cross-referenced to the maps under par. B. above;

D. Impervious surface maps and calculations of runoff volumes and effective infiltration areas, in accordance with sub. (d).3. above;

E. Hydraulic and hydrologic data summaries for all existing and proposed pipes, open channels, grade stabilization structures and other storm water conveyance systems, and the necessary documentation to demonstrate compliance with the site drainage requirements under sub. (d).6. above;

F. BMP design data for each proposed BMP, showing how it complies with applicable technical standards and the requirements of this ordinance;

G. Soil evaluation reports, following the standards in sec. 384.12(e), with matching references to map features showing their location and elevations;

H. A cover sheet stamped and signed by a professional engineer registered in the State of Wisconsin indicating that all plans and supporting documentation have been reviewed and approved by the engineer and certifying that they have read the requirements of this ordinance and that, to the best of their knowledge, the submitted plans comply with the requirements;

I. Cost estimates for the installation of proposed storm water BMPs, which shall serve as a basis for the financial assurance under sec. 384.09(c) above.

J. For sites where changes are proposed in storm water flow paths, or where proposed storm water discharges may otherwise have a significant negative impact on downstream property owner(s), the Village may require the applicant to submit written authorization or complete other legal arrangements with the affected property owner(s).

13. Other items deemed necessary by the Village to ensure compliance with the requirements of this ordinance.

Sec. 384.12. Technical Standards and Specifications.

(a) Hydrologic and Hydraulic Computations. 1. Models. All computations of runoff volumes and peak flow rates used in the development of erosion control and storm water management plans in accordance with this ordinance shall be based on United States Department of Agriculture - Natural Resources Conservation Service (NRCS) methodology. Models such as SLAMM, P8 or other Village-approved models may be used to evaluate the efficiency of the design in reducing total suspended solids to meet this ordinance. Models such as RECARGA or other Village-approved models may be used to evaluate the efficiency of the design in meeting the infiltration requirements of this ordinance.

2. Rainfall depths. To determine compliance with this ordinance, the following design storm rainfall depths shall be used, which are based on Volume 8 of Atlas 14, published by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, 2013:

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall Depth	2.40 inches	2.70 inches	3.81 inches	6.18 inches

3. Runoff curve numbers. All computations of pre-development conditions as specified in this ordinance shall use those NRCS runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. For lands where the pre-development land use was cropland, the following NRCS curve number values shall be used as maximums:

Soil Hydrologic Group	A	B	C	D
NRCS Runoff Curve Number	55	69	78	83

Note: Soil hydrologic groups can be found on the County GIS System.

4. Average annual rainfalls. All modeling involving average annual rainfall or runoff volumes shall use rainfall data from the Milwaukee area between March 28 and December 6, 1969 as the typical annual rainfall pattern for the Village and Waukesha County.

5. Rainfall distribution. All peak flow calculations shall use MSE 3 distribution patterns, as defined in NRCS methodologies.

6. Other methods . All velocity and peak flow computations for open channels and storm sewer pipe flows shall be based on Manning's Formula. Flow routing, culvert design, weir and orifice flow and other related hydraulic computations used to design storm water management facilities shall be based on standard applicable engineering formulas. Any design data or methodology proposed to be used for hydrologic or hydraulic computations other than those prescribed in this ordinance shall be approved by the Village Engineer. Revisions or updates to the rainfall depths and distribution prescribed above may be allowed upon approval by the applicable regulatory agencies.

(b) Best Management Practice (BMP) Design Standards. 1. The design, installation and maintenance of all BMPs used to meet the requirements of this ordinance shall comply with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of ch. NR 151, Wis. Adm. Code.

2. Where BMP standards have not been identified or developed under sub. 1 above, the Village may approve the use of other available standards, such as those from other states or the USDA-Natural Resources Conservation Service.

(c) Construction Specifications. The construction or installation of all BMPs and BMP components shall comply with all applicable manufacturers and industry standards and specifications, including but not limited to those published by ASTM and the USDA - Natural Resources Conservation Service (NRCS).

(d) Soil Evaluations. All soil profile evaluations and forms submitted for review by the Village under the provisions of this ordinance shall be completed in accordance with Chapter SPS 385 Wis. Admin. Code and any applicable standards under sub. (b) above. Where there are no specific standards for the number, location or depth of soil profile evaluations for a proposed BMP, the Village shall determine the minimum requirements based on the design of the BMP and the likely variability of the on-site soils.

(e) Future Revisions or Updates. The technical references in this section are made a part of this ordinance and shall be updated periodically in order to keep current with field experiences, research, technological advances and the development of related technical standards by other agencies and units of government. Any future revisions of the documents incorporated herein are also made part of this ordinance unless otherwise acted upon by the Village.

Sec. 384.13. Maintenance of Storm Water BMPs.

(a) Maintenance Agreement Required. If required by the Village, a maintenance agreement shall be required for all permanent storm water BMPs installed to comply with the requirements of this ordinance. The maintenance agreement shall comply with all provisions of this section. The Village Board or Village Engineer may not require a stormwater maintenance agreement if the applicant demonstrates that the minimum requirements are contained in another recordable document such as a development agreement.

(b) Agreement Provisions. The maintenance agreement shall, at a minimum, contain the following information and provisions:

1. Ownership. Identification of the owner(s) of the land parcel(s) where the storm water BMP(s) is located. Ownership shall be the same as those assigned maintenance responsibilities under sub. 6. below, unless otherwise designated in a regional storm water management plan and approved by the applicable unit(s) of government. For subdivisions, all storm water BMPs that collect runoff from more than one lot shall be located on outlots. For all privately owned outlots, ownership shall be by proportional undividable interest for all properties that are within the control of the applicant and drain to the BMP. However, the applicant may combine ownership of more than one BMP within the site;

2. Location. A legal description and survey map of the storm water BMP location(s), showing associated drainage or access easements required to maintain the BMP;

3. Design. Detailed drawings of each storm water BMP and a general description of its purpose and design, including but not limited to BMP dimensions and elevations, inlet and outlet designs and elevations and the drainage area served by the BMP. If possible, use as-built survey information.

4. Maintenance plan. A description of all long term maintenance activities that will likely be required for each BMP included in the agreement, and an estimated time interval between each activity;

5. Access. Authorization for vehicle access, including a minimum 15-foot wide access easement dedicated to the local municipality and connecting to a public road right-of-way, to allow for future BMP maintenance work. The access easement shall be of adequate soil conditions or surfacing to withstand loads produced by standard construction equipment, and shall not include any area where channelized flow of runoff occurs or where storm water may pond to a depth greater than six (6) inches during a 100-year, 24-hour design storm.

6. Maintenance responsibility. Identification of the person(s), organization, municipality or other entity responsible for long-term maintenance of the storm water BMP. The assignment of maintenance responsibilities for a privately owned storm water BMP shall, at a minimum, include all properties that are within the control of the applicant and drain to the BMP. However, the applicant may combine the maintenance responsibilities of more than one BMP within the site;

7. Inspections. Authorization for access to the property by representatives of the Village to conduct inspections of the BMP, monitor its performance and maintenance, and notify the designated entity when maintenance or repair activities are necessary. A statement shall also be included that says, upon written notification by the local municipality or their designee, that the entity under sub. 6. above shall, at their own cost and within a reasonable time period, have a BMP inspection conducted by a

qualified professional, file a report and complete any maintenance or repair work recommended in the report;

8. Municipal maintenance. Authorization for the local municipality or their designee to carry out any maintenance activities and associated inspections if the entity identified under par. 6 above does not perform the required activity within the specified time period in the notification or if the local municipality does not accept the work conducted by the designated entity;

9. Special assessment. A statement that the applicable local unit of government may exercise their statutory authority to levy and collect a special assessment or charge pursuant to subch. VII of ch. 66 Wisconsin Statutes, or s. 60.0627, Wisconsin Statutes for towns, for any services carried out relating to sub. 7 or 8 above;

10. Binding agreement. A statement confirming that the entire agreement shall remain binding on all subsequent owners of the property upon which the storm water BMP is located and that the restrictions shall run with the land and on any other property which is subject to maintenance responsibility in the agreement.

11. Agreement modifications. Sole authorization for the unit of government named under sub. 9. above to modify the provisions of the agreement upon 30-day notice to the current owner(s) and other parties responsible for maintenance of the storm water BMP. Any changes made to the agreement shall maintain the minimum items listed in this subsection and ensure the long term maintenance of the BMP;

12. Other. Other information as determined to be necessary by the Village/ Village Engineer to ensure compliance with this ordinance.

(c) Agreement Form, Approval and Recording. 1. Form. The Village shall provide the applicant with sample maintenance agreement forms that comply with the requirements of this section.

2. Approval. The Village Attorney and Engineer shall review and approve the form and content of all maintenance agreements proposed under this ordinance and ensure compliance with all provisions of this section. If the agreement does not comply, the appropriate Village representative shall notify the applicant what changes are needed in order to comply, in accordance with the plan review procedures in sec. 384.08 above.

3. Recording. Upon evaluation of compliance with subs. 1. and 2. above by the Village Attorney and Engineer, the maintenance agreement shall be recorded at the Waukesha County Register of Deeds referencing any plat, certified survey or other ownership transfer device pertaining to land which contains the subject storm water BMP or is subject to maintenance responsibility in the approved agreement. For new land divisions, the recording of the maintenance agreement shall occur simultaneously with the recording of the land division. However, no storm water BMP maintenance agreement shall be recorded prior to Village approval. The Village may require that the Village Clerk record the agreement.

4. Copy. The permit holder shall provide a copy of the recorded agreement, including evidence of the actual recording(s), to the Village Clerk and Village Engineer as a condition of release of the financial assurance under sec. 384.09(c). 1 above.

(d) Maintenance Responsibilities Prior to a Maintenance Agreement. The permit holder and other responsible party shall be responsible for the maintenance of all storm water BMPs prior to permit termination under sec. 384.09(b).

Sec. 384.14. Illicit Discharges.

(a) **Prohibitions**. 1. Discharges. Except for storm water and other discharges specifically exempted under sub. (b) below, no discharge, spilling or dumping of substances or materials shall be allowed into receiving water bodies or onto driveways, sidewalks, parking lots or other areas that drain into the *storm drainage system.*

2. Connections. The construction, use, maintenance or continued existence of *illicit connections* to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.

(b) **Exemptions.** The following activities are exempt from the provisions of this section unless found to have an adverse impact on the storm water:

1. Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
2. Discharges resulting from fire fighting activities.
3. Discharges from uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

(c) **Notice of Violation**. Whenever the Building Inspector, Village Engineer, or other Village Official finds a violation of this section, the Village may order compliance by written notice of violation to the responsible party. Such notice may be delivered by Village Staff or law enforcement personnel, and may require without limitation:

1. The elimination of illicit connections or discharges;
2. That violating discharges, practices, or operations shall cease and desist;
3. The abatement or remediation of storm water pollution or contaminated hazards and the restoration of any affected property;
4. Any responsible party that fails to comply with a notice of violation under this section, shall be subject to further enforcement action under the provisions of sec. 384.16 below.

Sec. 384.15. Inspections

(a) The Village Board authorizes the Village Engineer (or Building Inspector, as applicable) to inspect active construction sites at least once per month, to ensure that stormwater management and erosion control practices are in place and functioning in accordance with designs submitted by the permit holder. (At the direction of the Village Board, these inspections may be suspended or reduced in scope during winter months or during other conditions (such as frozen ground) where there is minimal chance of soil erosion or stormwater runoff issues.) The Village Engineer/Building Inspector will notify the

permit holder, in writing or e-mail, of any deficiencies which require correction, and provide a copy of the notification to the Village Clerk. The permit holder shall correct said deficiencies within 10 calendar days, or notify the Village Engineer or Building Inspector, in writing, of a reasonable time frame in which the deficiencies will be corrected. The Village Board authorizes the Village Engineer/Building Inspector to perform more frequent inspections if the permit holder does not correct the deficiencies, or if conditions warrant. The inspections will continue until the Village formally accepts the project as complete, or if the Village Board accepts the Village Engineer's or Building Inspector's recommendation that inspections are no longer required. Following project completion, the Village Engineer may inspect stormwater management facilities as necessary, if authorized by the Village Board, to ensure that the facilities are being maintained. The Village Engineer or Building Inspector will notify the Village of the cost of the inspections (on a monthly basis), and the Village will bill the permit holder for the cost of said inspections.

(b) The Village Board authorizes the Village Engineer (or other Village Staff) access to property to inspect all existing stormwater facilities within the Village a minimum of once per year, regardless of when the facilities were constructed. The Engineer will create a record of this inspection, and, if necessary, notify the responsible party, in writing, that repairs are required within a 10-day period, or other period deemed appropriate. If the repairs are not made within the specified period (or an acceptable schedule for repairs is not submitted), the Village shall have the authority to make said repairs and bill the responsible party immediately following the repairs, or make an assessment against the property on the tax rolls.

(c) The Village recognizes that developments with one Acre or more are required to obtain a DNR permit under NR216 and to maintain site erosion controls and stormwater BMPs in accordance with that permit, until the permit holder formally submits a Notice of Termination to the DNR. As such, the permit holder must perform periodic inspections of said controls and BMPs (usually weekly or after each 1/2-inch or larger rainfall), maintain said practices, and prepare a report of the inspection and corrective action. The Village requires that the permit holder maintain an Inspection Log and submit copies of reports to the appropriate Village official, per sec. 384.09.

Sec. 384.16. Enforcement.

(a) Prohibited Practices. Not complying with any requirement of this ordinance shall be deemed a violation, and shall subject the responsible party to enforcement action under this section. Prohibited practices shall include but not limited to the following:

1. Commencing any land disturbing or land development activity prior to:

A. Obtaining an erosion control or storm water permit;

B. Notifying the Village Engineer/Building Inspector a minimum of 2 working days in advance for sites that have obtained a storm water permit; or

C. Installing those BMPs identified in the approved plans to be installed prior to any land disturbing or land developing activity.

2. Failing to obtain Village Engineer evaluation of compliance for a final plat or certified survey map in accordance with subsection 384.08(d) of this ordinance.

3. Failing to comply with all permit conditions, erosion control or storm water management requirements and approved plans in accordance this ordinance.

4. Failing to maintain BMPs until permit termination.

5. Failing to comply with any notice of violation.

(b) Violations. The Village/Village Engineer/Building Inspector shall notify the permit holder of any violation in writing or email, and copy any other known responsible party involved in the violation. The written notice shall be hand delivered or emailed to the permit holder or sent to the last known address, with a reasonable attempt to verify that the permit holder received it. The notice shall describe the violation, remedial action(s) needed and a schedule for all remedial action to be completed. Any enforcement measures shall continue until compliance is achieved or as ordered by the court. The Village is authorized to use the following methods of enforcement in any combination thereof against any applicant or responsible party that is found to be in violation of any provision of this ordinance:

1. Forfeiture. Any violator shall be subject to a forfeiture of not less than $100 or more than $1,000 plus the cost of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.

2. Stop Work Order. Any violator is subject to an order to stop all work except that which is needed as a corrective action to bring the site into compliance.

3. Permit Revocation. The Village may revoke a permit issued under this ordinance. Upon loss of the permit, all construction shall cease and the site shall be stabilized, with any costs incurred by the Village to be charged against the financial assurance or billed to the permit holder.

4. Injunction. The Village, or any person affected by activities regulated under this ordinance, may enforce the provisions of this ordinance by a temporary restraining order, injunction and other such relief as a court may order.

5. Declared nuisances. Any land disturbing or land development activity carried out in violation of the provisions of this Ordinance is hereby declared to be a nuisance *per se*, and the Village may apply to any court of competent jurisdiction to restrain or abate such nuisance.

6. Emergency Action. The Village may enter upon the property and take any necessary emergency action if the Village determines that the site in violation is an immediate threat to public health, safety, welfare, the environment or downstream property, or if the permit holder or other violator refuses to take the corrective action as ordered by the Village Board or Village Engineer. Any cost incurred by the Village as a result of this action shall be billed to the permit holder or other responsible party or subtracted from the financial assurance. The Village shall provide reasonable notice to the permit holder and other responsible party after exercising this authority.

(c) Appeals.

1. Authority. The Board of Appeals shall act as the review and appeal authority for any order, requirement, decision or determination by the Village Engineer, Building Inspector, or other Village official or body under this ordinance.

2. Procedure. The rules, procedures, duties and powers of the Board of Adjustment shall be as provided in the Code of Ordinances and the provisions of §61.354, Wisconsin Statutes shall apply to any review or appeal under this ordinance.

3. Variances. Upon appeal, the Board of Appeals may authorize variances from the provisions of this ordinance which are not contrary to the public interest or the purposes of this ordinance, and where owing to special conditions beyond the control of the applicant, a literal enforcement of this ordinance will result in unnecessary hardship.

4. Who May Appeal. Appeals to the Board of Appeals may be taken by any aggrieved person or by the Village President, Village Clerk, or any Village Trustee affected by any decision of the Village Engineer, Building Inspector or other Village official, within 30 days of such decision or order.

Section 384.17. Validity.

(a) Repeal of conflicting Ordinances.

This ordinance repeals all provisions of an ordinance previously enacted relating to construction site erosion control and storm water management regulations. Wherever there may be a conflict with other Village ordinances relating to erosion control, storm water management or site drainage, the more restrictive provision shall apply, as determined by the Village Board or Engineer.

(b) Declaration of severability.

The several sections, subsections and paragraphs of this Ordinance are hereby declared to be severable. If any section, subsection, or paragraph or subparagraph of this Ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Ordinance, or of the section of which the invalid portion or paragraph may be a part.