CHAPTER 19 - STORM WATER MANAGEMENT AND EROSION CONTROL [1]

Footnotes:

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Cross reference— Joint Stormwater Utility, Ch. 28.

19.01 - AUTHORITY FOR ORDINANCE.

This ordinance applies to land disturbing and land development activities on lands within the jurisdiction of the City of Oconomowoc and is adopted under the authority granted by §62.234, §92.07(15), §281.33, and Ch. 236, Wis. Stats. The requirements of this ordinance do not preempt more stringent erosion and sediment control storm water 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 §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, Wis. Adm. Code.

19.02 - FINDINGS OF FACT.

The Common Council of the City of Oconomowoc 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.

19.03 - PURPOSE AND INTENT.

(a) The general purpose of this ordinance is to establish regulatory requirements for land development and land disturbing activities aimed to minimize the threats to public health, safety, welfare, and the natural resources of the City of Oconomowoc 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; and preserve ground cover and scenic beauty.

(3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion, control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger property.

(b) 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 Subch. III of both NR 151 and NR 216, Wis. Adm. 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 Wisconsin Administrative Code.

(c) Provisions have also been incorporated to coordinate the storm water permit requirements of this ordinance with other City zoning and land division regulations.

(d) The Common Council recognizes that the preferred method of addressing post-construction storm water runoff from land development activities is through the preparation and implementation of regional storm water management plans that cover hydrologic units, such as watersheds or subwatersheds. 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.

19.04 - GENERAL ADMINISTRATION.

The Department of Public Works ("DPW") is designated to administer and enforce the provisions of this ordinance. The Department of Public Works shall oversee the administration of this ordinance and issue permits and review in conjunction with the City Engineer, erosion control and storm water management plans as provided herein and make recommendations, where appropriate, to the Common Council relative to matters related to erosion and sediment control and storm water management.

19.05 - JURISDICTION.

This ordinance applies to all lands within the corporate limits of the City of Oconomowoc.

Note: The standards in this ordinance meet the DNR minimum standards noted above on the effective date of this ordinance.

19.06 - DEFINITIONS.

(1) AGENCY REVIEW AUTHORITIES means the Wisconsin Department of Natural Resources, the Army Corps of Engineers, the Wisconsin Department of Transportation, Waukesha County, and the like. Exact agencies will be decided on a case-by-case basis, as they are dependent on the type of project and its location.

(2) AGRICULTURAL LAND USE means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock, including sod farms and tree nurseries.

(3) APPLICANT means any person or entity applying for a storm water permit. Under this ordinance, the applicant shall be the landowner as herein defined. The applicant shall become the "permit holder" once a permit is issued. The applicant shall sign the initial permit application form in accordance with subsections (a) through (e) below, after which the applicant may provide the City 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) BASEMENT means an enclosed space of any height below existing grade for a residential or commercial building, including crawlspaces, but not including spaces below buildings supported by pillars or stilts (e.g., for flood control purposes).

(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 or to reduce runoff volumes or peak flows.

(6) CITY means City of Oconomowoc.

(7) CITY ENGINEER means the official appointed and tenured as Engineer, as set forth in Chapter 1 of the City Code of Ordinances, or his/her designee.

(8) CITY MAPPING STANDARDS means that the maps are drawn to national map accuracy standards using the Wisconsin State Plane Coordinate System, Wisconsin South Zone, and the most recent horizontal and vertical datums adopted by the County.

(9) COMMON COUNCIL means the Mayor and 8 aldermen, 2 elected from each district in the City.

(10) COMMON PLAN OF DEVELOPMENT means all lands included within the boundary of a certified survey map or subdivision plat created for the purpose of development or sale of property where integrated, multiple, separate and distinct land developing activity may take place at different times by future owners.

(11) CONNECTED IMPERVIOUS SURFACE means an impervious surface connected to the waters of the State via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

(12) CONSTRUCTION SITE means an area where one or more land disturbing activities occur, including areas that may be part of a larger common plan of development.

(13) CROPLAND means land cultivated in annual agricultural crops such as corn and soybeans or small grain such as wheat or oats.

(14) DEPARTMENT OF PUBLIC WORKS (or DPW) means the Director of Public Works and all personnel and activities under his/her supervision, as set forth in Chapter 1 of the City Code of Ordinances, or his/her designee.

(15) DESIGN STORM means a hypothetical depth of rainfall that would occur for the stated return frequency (i.e., once every 2 years or 10 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 §19.12(a).

(16) DEWATERING means the removal of trapped water from a construction site to allow land development or utility installation activities to occur.

(17) DISCHARGE VOLUME means the quantity of runoff discharged from the land surface as the result of a rainfall event.

(18) EFFECTIVE INFILTRATION AREA means the area of the infiltration system that is used exclusively to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(19) 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.

(20) 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.

(21) EROSION means the process of detachment, transport and deposition of soil, sediment or rock fragments by action of water, wind, ice or gravity.

(22) EROSION CONTROL PLAN means a written description and detailed site plan of best management practices designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the Department of Public Works.

(23) FILTERING LAYER means soil that has at least a 3-foot deep layer with at least 20 percent that passes through a #200 sieve (fines); or at least a 5-foot deep layer with at least 10 percent that passes through a #200 sieve (fines); or another medium exists with an equivalent level of protection, as determined by the DPW.

(24) FINAL PLAT means a map of a proposed condominium or subdivision, approved by the City, and to be recorded with the Waukesha County Register of Deeds pursuant to Wisconsin Statutes.

(25) FLOODPLAIN has the meaning given in the City of Oconomowoc Floodplain Zoning Ordinance (City Code Chapter 20).

(26) GIS SYSTEM OF THE CITY OF OCONOMOWOC means the computerized mapping system used by the City.

(27) GRASSLAND/MEADOW means lands on which grass, alfalfa, hay, prairie or a similar ground cover has been growing for at least 5 consecutive years prior to land disturbing activity.

(28) GROUNDWATER RECHARGE AREAS means lands identified in a document published by the Southeastern Wisconsin Regional Planning Commission or as indicated by the Department of Public Works or City Engineer 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.

(29) HIGHEST GROUNDWATER TABLE means the upper limit of the zone of soil saturation caused by underlying groundwater at its highest level based on soil and site evaluations in accordance with technical standards prescribed in this ordinance.

Note: The above definition recognizes that the elevation of the groundwater table will fluctuate by season and from year-to-year depending on weather patterns, topography and other site conditions and that the soil and site evaluations are the best indicator of the highest groundwater table.

(30) 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.

(31) IMPERVIOUS SURFACE (or IMPERVIOUSNESS) 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, all existing and proposed driveways, parking lots, streets, and roofs shall be considered impervious at the time of application. If these surfaces are specifically designed, built and maintained to encourage infiltration or storage of runoff, and the DPW determines they meet applicable requirements of §19.11, they shall subsequently be designated by the DPW as a pervious surface.

(32) 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.

(33) IN-FILL DEVELOPMENT means land development that occurs where there was no previous land development and is surrounded by other existing land development.

(34) INFILTRATION means the entry of precipitation or runoff into or through the soil.

(35) INFILTRATION SYSTEM(S) means a device or practice such as a basin, trench, rain garden, pervious pavement or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(36) KARST 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.

(37) 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.

(38) 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, dewatering, or dredging related to storm water BMP maintenance. Repaving is considered a land disturbing activity only if the subgrade material below the pavement is removed, replaced or significantly regraded.

(39) LAND DIVISION means a subdivision or any other land division.

(40) LANDOWNER or OWNER means any person or entity holding fee title to the property. Utility companies shall be deemed as landowner for the subject property if they hold the appropriate easement or have established prescriptive rights under §893.28(2), Wis. Stats.

(41) MAINTENANCE AGREEMENT means a legal document, approved by the City, that is filed with the County Register of Deeds and which provides for long-term maintenance of storm water management practices.

(42) MAXIMUM EXTENT PRACTICABLE (MEP) means an acceptable level of implementing best management practices to achieve a performance standard specified in this ordinance, as determined by the City. In determining MEP, the City 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.

(43) NAVIGABLE has the meaning given in the City of Oconomowoc Shoreland-Wetland Zoning Ordinance (City Code Chapter 16). Determinations of navigability are ultimately field determinations and mapped delineations are merely the best representation of navigable conditions at any particular time.

(44) NONMETALLIC MINING has the meaning specified under §295.11(3), Wis. Stats.

(45) NON-RESIDENTIAL DEVELOPMENT means all development excluding residential development and agricultural use.

(46) 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.

(47) ORDINARY HIGH WATER MARK (OHWM) has the meaning given in s. NR 115 Wis. Adm. Code.

(48) PEAK FLOW means the maximum rate at which a unit volume of storm water is discharged.

(49) PERMIT HOLDER means any person or entity issued a storm water permit under this ordinance or their successors in interest with respect to the property to which the permit applies. (See also definition of "Applicant.")

(50) PERVIOUS SURFACE means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests and similar vegetated areas are examples of surfaces that typically are pervious.

(51) PLANNED LAND USE means the land use designated in the latest version of the City of Oconomowoc Land Use Plan.

(52) PLAT means a map of a proposed condominium or subdivision.

(53) POLLUTANT, as per §283.01(13), Wis. Stats., 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.

(54) POLLUTION, as per §283.01(10), Wis. Stats., means man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(55) POST-CONSTRUCTION STORM WATER DISCHARGE means any storm water discharged from a site following the completion of land disturbing construction activity and final site stabilization.

(56) POST-DEVELOPMENT CONDITION means the extent and distribution of land cover types anticipated to occur under conditions of full development, that will influence rainfall, runoff and infiltration.

(57) PRE-DEVELOPMENT CONDITION means the extent and distribution of land cover types present before the initiation of land development activity.

(58) PRELIMINARY PLAT means a map showing the salient features of a proposed condominium or subdivision submitted to an approving authority for purposes of preliminary consideration.

(59) PRE-TREATMENT means the treatment of storm water prior to its discharge to the primary storm water treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.

(60) PREVENTIVE ACTION LIMIT has the meaning given in s. NR 140.05(17), Wis. Adm. Code.

(61) PUBLICLY FUNDED means a land disturbing or land development activity, such as a public road or municipal building, that is being funded solely by a town, city, village, county, State or Federal 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.

(62) QUALIFIED PROFESSIONAL means a Professional Landscape Architect, Professional Hydrologist, or Professional Engineer licensed in Wisconsin, or a person certified in erosion control planning, implementation or inspection.

(63) REDEVELOPMENT means land development that replaces previous land development of similar impervious conditions including additions to, relocation of, or construction of buildings and/or other structures.

(64) REGIONAL STORM WATER MANAGEMENT PLAN means a planning document, certified by the City Engineer and adopted by the Common Council, 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.

(65) REGULATORY AGENCY means a public agency that the City recognizes as having the legal authority to review and approve erosion control and storm water management plans and enforce their implementation, with requirements at least as restrictive as this ordinance.

(66) RESIDENTIAL DEVELOPMENT means that which is created to house people, including the residential dwellings as well as all attendant portions of the development including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single family, multi-family, apartment, and condominiums.

(67) RESPONSIBLE PARTY means the landowner or any person or entity acting as the owner's 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.

(68) ROAD as used in this ordinance, means any access drive that serves more than 2 residences or businesses.

(69) RUNOFF means water from rain, snow or ice melt, or dewatering that moves over the land surface via sheet or channelized flow.

(70) SEDIMENT means solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original source, which material has a propensity to settle.

(71) SHORELAND has the meaning given in the City of Oconomowoc Shoreland-Wetland Zoning Ordinance (City Code Chapter 16).

(72) SITE means the entire area included in the legal description of the subject property.

(73) STABILIZED means that all land disturbing activities are completed and that a uniform, perennial vegetative cover has been established over the entire surface with a density of at least 70 percent, or other surfacing material is in place and the risk of further soil erosion is minimal, as determined by the DPW.

(74) STORM DRAINAGE 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.

(75) STORM WATER has the same meaning as the term "runoff."

(76) 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 DPW.

(77) STORM WATER MANAGEMENT MEASURE means a practice, technique, or measure to reduce the discharge volume, peak flow rate, or pollutants in storm water including, but not limited to structural storm water measures.

(78) STORM WATER MANAGEMENT PLAN means a document that identifies what actions will be taken to reduce storm water discharge volume, peak flow rates and pollutant loads from land development activity to levels meeting the purpose and intent of this ordinance.

(79) STORM WATER PERMIT means a written authorization made by the DPW 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.

(80) SUBDIVISION as defined in Chapter 18.

(81) SURFACE WATERS means all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the City of Oconomowoc.

(82) TECHNICAL STANDARD means a document that specifies design, predicted performance and operation and maintenance requirements for a material, device or method.

(83) 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 percent continually for at least 50 feet. If the slope of the land is 12 percent 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.

(84) 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, groundwater, or any combination of these items.

(85) WARM SEASON AND WETLAND PLANTINGS means seed or plant stock that is native to a prairie or wetland setting. These types of plantings may require several years to become fully 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.

(86) WATERS OF THE STATE has the meaning given in §281.01(18), Wis. Stats.

(87) 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.

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

(89) WORKING DAY means a calendar day, except Saturdays, Sundays and State and City recognized legal holidays.

19.07 - APPLICABILITY AND EXEMPTIONS.

(a) CONSTRUCTION SITE EROSION CONTROL. Unless otherwise exempted under subsection (c) below, a storm water permit under §19.08 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) Those sites requiring a subdivision plat or certified survey for which any amount of land disturbance is proposed;

(2) Disturbs a total land surface area of 3,000 square feet or more;

(3) Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material, or in excess of 15 cubic yards of material within shorelands;

(4) 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

(5) Involves the maintenance of an existing storm water BMP; or

(6) Is a land disturbing activity, regardless of size, that the DPW 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.

(7) All redevelopment activity within the shoreland boundary shall also be subject to the water quality standards within Chapter 19A of the City of Oconomowoc Municipal Code.

(b) STORM WATER MANAGEMENT. Unless otherwise exempted in this ordinance, a storm water permit under §19.08 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) Is a subdivision plat, or

(2) 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 that did not exist prior to November 24, 2008, including smaller individual sites that are part of a common plan of development that may be constructed at different times, or

(3) Involves the construction of any new public or private road; or

(4) Is a land development activity, regardless of size, that the DPW 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.

(5) All redevelopment activity within the shoreland boundary shall also be subject to the water quality standards within Chapter 19A of the City of Oconomowoc Municipal Code.

(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 §227.01(1), Wis. Stats., or under a memorandum of understanding entered into under §281.33(2), Wis. Stats. To recognize an exemption under this paragraph, the DPW may require documentation of the person(s) and regulatory agency charged with enforcing erosion control and storm water management for the project and verification of compliance with applicable storm water regulations, including the City MS4 permit.

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

d. If another regulatory agency is enforcing erosion control and storm water management provisions that the DPW determines are at least as restrictive as those contained in this ordinance, the applicant may request an exemption from any or all provisions of this ordinance. An applicant must request this exemption from the DPW. There will be a fee associated with reviewing the request in accordance with §19.08(d). Based upon the scope of the requested exemption, the DPW may require the applicant to submit documentation relating to the project, including any or all of the following:

(i) A copy of the proposed plans certified as approved by a regulatory agency. Said plans shall also be stamped by a professional engineer licensed in Wisconsin, stating that the design of all best management practices comply with this ordinance and all applicable technical standards.

(ii) Contact information for the applicant or for person(s) representing the applicant and charged with overseeing the implementation of the approved plans, including certifying construction.

(iii) A copy of the permit issued by the regulatory agency and contact information for the person(s) charged with permit enforcement duties.

(iv) A copy of design summaries, as-built documents and construction certification pursuant to §19.09(e) for all storm water BMPs constructed as part of the project.

(v) A copy of a recorded maintenance agreement in accordance with §19.13 for all storm water management facilities constructed as part of the project.

(vi) Other items that the DPW determines are necessary to ensure compliance equal to the requirements of this ordinance.

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

a. Those activities the DPW determines are required for the construction of individual one- and 2-family residential buildings under DSPS 321.125 Wis. Adm. Code, unless the proposed or actual land disturbance is one acre or greater.

b. Nonmetallic mining activities that are covered under a nonmetallic mining reclamation permit under NR 135 Wis. Adm. Code.

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 DPW may exempt a site or a portion of a site from meeting any or all of the requirements of this ordinance in accordance with §19.11(e).

19.08 - STORM WATER PERMIT PROCESSES, LAND DIVISIONS AND ZONING.

(a) PERMIT REQUIRED. A storm water permit under subsection (b) shall be obtained before any person commences a land disturbing or land development activity, pursuant to the applicability and exemption provisions of §19.07.

(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 DPW for that purpose,

b. Certification to pay the review costs under subsection (d) below;

c. A site plan map in accordance with §19.11(c),

d. A final erosion control plan in accordance with §19.10(e),

e. A final storm water management plan in accordance with §19.11(g) for those land development activities that meet any of the applicability criteria of §19.07(b), and the documentation required under §19.11(e)(2)d. related to off-site BMPs, if applicable;

f. A maintenance agreement in accordance with §19.13; and

g. A financial assurance, in accordance with §19.09(c).

(2) The DPW will require map items listed above to be submitted in a digital form, if available, including georeferencing map data to the public land survey system in accordance with City and County mapping standards.

(3) Review procedures for a storm water permit application shall be in accordance with subsection (e) below.

(c) CERTIFICATION OF COMPLIANCE FOR FINAL PLAT OR CSM.

(1) Applicability . The DPW shall certify compliance with this section prior to the City 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 or that may result in land disturbing activity of one acre or greater, 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 DPW under §19.07(b)(4) above.

Note. The Common Council may require certification of compliance under this subsection as a condition of other zoning approvals.

(2) Review Items. To obtain certification of compliance, the applicant shall submit a final plat or CSM to the DPW for review, which shall be the same version of the land division document submitted to the applicable review authorities under Ch. 236, Wis. Stats., or local ordinance. The DPW 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 rights-of-way 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. The final maintenance agreement in accordance with §19.13 for all storm water BMPs; and

f. Site drainage requirements under §19.11(d)(6).

g. Other items that the DPW determines are necessary to achieve compliance with this ordinance.

(3) Review Process . Review procedures for certification of compliance for final plat or CSM shall be as described in subsection (e) below.

Note: To avoid disapproval of the final plat, it is recommended that a final storm water management plan be approved by the DPW prior to submittal of the final plat.

(d) FEES. Application and review fees under this ordinance shall be in accordance with the following.

(1) All fees shall be established by the DPW and approved by the Common Council.

(2) Fee amounts shall not exceed the actual and direct City costs of administering this ordinance.

(3) 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 PROCESSES.

(1) Storm Water Permit Less Than One Acre Land Disturbance and Applicability Exemptions . Upon submittal of a complete permit application under subsection (b) above or applicability exemption application under §19.07(c), the applicant is authorizing the DPW or their designee 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 DPW receives the application, the DPW 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 DPW shall approve the application and issue a permit or exemption. If all requirements of this ordinance have not been met, the DPW shall state in writing the reasons for disapproval.

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

(2) Storm Water Permit Greater Than One Acre Land Disturbance and Technical Exemptions . Upon submittal of a complete application under subsection (b) above or a technical exemption application under §19.11(e), the applicant is authorizing the DPW 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 DPW receives the application, the DPW 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 DPW shall approve the application and issue a permit. If all requirements of this ordinance have not been met, the DPW shall state in writing the reasons for disapproval.

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

19.09 - 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 §19.15. 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, rules, deed restrictions and other regulations. The DPW 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 DPW shall be notified of any modifications proposed to be made to the approved plans or schedules. The DPW 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 subsection (6) below and the DPW are subject to enforcement action.

(4) Notification . The DPW shall be notified at least 3 working days before commencing any work in conjunction with approved plans. The DPW shall also be notified of proposed plan modifications under subsection (3) above, and within one working day of completing construction of a storm water BMP. The DPW may require additional notification according to a schedule established by the DPW so that practice installations can be observed during construction.

(5) Department of Public Works Access . The DPW 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. All costs of said inspections shall be paid by the permit holder.

(6) Project Engineer/Landscape Architect . The permit holder shall provide an engineer licensed in the State of Wisconsin to oversee and verify compliance with approved construction plans, including the erosion control plan, storm water management plan, the inspection log requirements under subsection (7) below, implementation of the approved storm water BMP construction inspection plan under §19.11(f)(10) below, and verification of construction in accordance with subsection (d) below. The DPW may exempt sites from this requirement in whole or in part if the DPW determines the environmental risks are limited, and engineering oversight is not necessary

during construction to ensure compliance with this ordinance. If warm season or wetland plantings are involved, the permit holder shall also provide a landscape architect or other applicable native vegetation specialist to oversee and verify the planting process and its successful establishment.

(7) Inspection and Record Keeping . At a minimum 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. Where land disturbing activity is one acre or greater or approved plans involve the installation of a storm water BMP, the permit holder shall provide a qualified professional to conduct inspections and maintain an inspection log for the site. The inspector shall not be the same person charged with installing the required BMPs. The inspection log shall include:

- Name of the inspector.
- Date and time of inspection.
- Description of the present phase of construction.
- Findings of the inspection, including an assessment of the condition of erosion and sediment control measures and the installation of storm water management BMPs.
- Any action needed or taken to comply with this ordinance.
- A record of BMP maintenance and repairs conducted under subsections (8) and (9) below.

The permit holder shall maintain a copy of the inspection log at the construction site or via the Internet. A copy of the inspection log shall be maintained on site at all times during normal business hours until permit termination under subsection (b) below. The DPW, at its discretion, may complete similar site inspections to ensure compliance with this ordinance. The permit holder shall pay all costs of such inspections. Such inspections shall not absolve the permit holder from their responsibilities under other permits from other regulatory agencies.

(8) BMP Maintenance . The permit holder shall maintain and repair all best management practices within 24 hours of inspection, or upon notification by the DPW, unless the DPW approves a longer period due to weather 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 subsection (b) below. The permit holder, upon approval by the DPW, 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.

(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 DPW may order immediate repairs or clean-up within road rights-of-way or other public lands if the DPW determines that such damage is caused by activities regulated by a permit under this ordinance. With the approval of the landowner, the DPW may also order repairs or clean-up on other affected property. The costs for all such repairs or clean-ups as ordered by the City shall be paid by the permit holder.

(10) Emergency Work . The permit holder authorizes the DPW, in accordance with the enforcement procedures under §19.15, 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 subsection (c) below or to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wis. Stats.

(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 subsection (b) below.

(12) Other Requirements . The DPW may include other permit requirements that the DPW determines are necessary to ensure compliance with this ordinance, such as a preconstruction or plan implementation meeting prior to issuance of a storm water permit.

(b) STORM WATER PERMIT ISSUANCE, DURATION, AMENDMENTS, TRANSFER AND TERMINATION.

(1) Permit Issuance . The DPW shall issue a permit to the applicant after verifying that all applicable conditions of this ordinance and any other related permits have been met, including the submittal of contact information for all responsible parties, the submittal of all other applicable permits from other regulatory agencies and the submittal of the financial assurance under subsection (c) below. The DPW will not issue a storm water permit if the DPW determines that the proposed construction timelines and best management practices will not comply with the erosion control plan requirements under §19.10 or the purposes of the ordinance under §19.03, including proposed late season new road construction with grass swales. Where needed to ensure timely compliance with construction site stabilization requirements, the DPW may issue multiple or phased storm water permits, such as one for land disturbing activities in accordance with an approved erosion control plan under §19.10 of this ordinance, followed by one for land development activities in accordance with an approved storm water management plan under §19.11 of this ordinance.

(2) Permit Duration . The DPW 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 DPW of any changes to the proposed schedule prior to permit issuance.

(3) Permit Amendments . The DPW may amend any terms of a storm water permit, including extending the permit expiration date, if the DPW 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 DPW for that purpose and shall pay the corresponding fee. The DPW may require additional erosion control or storm water management measures as a condition of granting a permit amendment.

(4) Permit Transfer .

a. *Voluntary.* The DPW may transfer a storm water permit issued under this ordinance to a new applicant upon a written request from both the original applicant and new applicant and payment of the corresponding fee. The permit transfer shall not take effect until the DPW 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 subsection (c) below.

b. *Involuntary.* Upon the death or dissolution of a permit holder, foreclosure or other involuntary transfer of ownership of property subject to a permit, the storm water permit and all associated rights and obligations shall automatically transfer to the new landowner. The DPW may retain and utilize the financial assurances of the former owner for the purposes set forth in subsection (c) below, and may require additional financial assurances from the new owner.

(5) Permit Termination . The DPW shall issue a permit termination letter to the permit holder upon releasing the financial assurance under subsection (c) below, which shall serve as documentation that all conditions of this ordinance have been satisfied and the permit has been terminated. The permit termination letter shall not be issued by the DPW until copies of all other applicable permit termination documents from other regulatory agencies have also been completed and submitted.

(c) FINANCIAL ASSURANCE.

(1) Purpose . All applicants are required to submit a financial assurance to ensure compliance with the approved erosion control and storm water management plans and other storm water permit requirements.

(2) Type and Authority . The City Attorney 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 DPW 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 DPW based on current construction costs or applicable bid prices and shall not exceed 110 percent the estimated cost of completing the approved erosion control, grading and storm water management plans.

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

(5) Security . The DPW 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 and all of the conditions for release.

(6) Conditions for Release . The DPW shall release the financial assurance, and issue a termination letter in accordance with subsection (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 subsection (d)(1) below,

b. Accepting verification of construction and plantings (if applicable) pursuant to subsection (d)(2) below;

c. Completing a satisfactory final inspection pursuant to subsection (e) below;

d. Receiving a copy of the recorded maintenance agreement and any applicable addenda pursuant to §19.13 of this ordinance.

(7) Partial Releases . The permit holder may apply 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.

(8) Amounts Withheld . The DPW shall withhold from the financial assurance amount released to the permit holder any costs incurred by the DPW 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 DPW associated with the enforcement of this ordinance.

(9) Other Financial Assurances . The financial assurance provisions of this ordinance shall be in addition to any other financial assurance requirements of the City or other jurisdictions for other site improvements. Any arrangements made to share financial assurances with the City or other jurisdictions shall be made at the discretion of the DPW and shall be at least as restrictive as the requirements in this ordinance.

(d) FINAL INSPECTION. After completion of construction, the DPW shall conduct a final inspection of all permitted sites to determine compliance with the approved plans and other applicable ordinance requirements, including determining the site is stabilized. If, upon inspection, the DPW determines that any of the applicable requirements have not been met, the DPW shall notify the permit holder what changes would be necessary to meet the requirements. At the request of the permit holder, the DPW shall provide a notification of noncompliance or a report of final inspection in written or electronic form.

(e) CONSTRUCTION AND PLANTING VERIFICATION.

(1) As-Built Survey . To ensure compliance with this ordinance and to serve as a basis for the engineering verification under subsection (2) below, an as-built survey shall be completed in accordance with DPW standards and certified as accurate by a registered land surveyor or an engineer licensed in the State of Wisconsin. As-built plans shall be submitted to the DPW for all storm water management BMPs, bridges and culverts pursuant to §19.11(d)(6)d. below, and other permanent best management practices or practice components as deemed necessary by

the DPW to ensure its long-term maintenance. The DPW shall require a digital submittal of the as-built survey, in accordance with DPW standards.

(2) Verification . The City Engineer or designated representative shall verify, in accordance with City standards, that the permit holder and their engineer 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 DPW, 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 native plant specialist hired by the City shall verify the planting process and its successful establishment, in accordance with DPW standards. The permit holder will be responsible for the reimbursement of fees incurred by the City during verification that the construction of approved plans complies with this ordinance and applicable technical 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 DPW as part of the verification under subsection (2) above.

19.10 - EROSION CONTROL PLAN REQUIREMENTS.

(a) GENERAL EROSION CONTROL PLAN REQUIREMENTS AND PERFORMANCE STANDARDS. An erosion control plan shall describe how the permit holder and other responsible parties will minimize 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 and the Technical Standards prepared by the Wisconsin Department of Natural Resources.

(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 from sheet and rill erosion during land disturbing activities, as compared with no sediment or erosion controls, until the site is stabilized.

(3) Erosion and sediment control BMPs may be used alone or in combination to meet the above noted performance standard. The requirements of this §19.10 are designed to meet this standard.

(b) GUIDING PRINCIPLES FOR EROSION CONTROL. To satisfy the requirements of this section, an erosion control plan shall adhere to the following guiding principles:

(1) Propose grading that best fits the terrain of the site, avoiding steep slopes, wetlands, floodplains, environmental corridors and any applicable regulatory setbacks from these areas.

(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 the size of the disturbed area 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.

(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. The DPW may establish more stringent erosion and sediment control requirements than the minimums set forth in this section if the DPW 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 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, 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 DPW. Control sediment from soil stockpiles. Any soil stockpile that remains unworked for more than 30 days shall be stabilized.

(5) Cut and Fill Slopes . Minimize the length and steepness of proposed cut and fill slopes and stabilize them as soon as practicable.

(6) Channel Flow . During construction, trap sediment in channelized flow before discharge from the site using BMPs such as sediment traps and sediment basins. Complete final grading and stabilize open channels in accordance with DPW standards as soon as practicable, but in no event later than the first ground freeze or snow cover in the fall.

(7) 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.

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

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

(10) Dust Control . Prevent excessive dust from leaving the construction site though construction phasing and timely stabilization or the use of BMPs such as site watering and mulch—especially with very dry or fine sandy soils.

(11) Topsoil Application . Save existing topsoil and reapply a minimum of 4 inches to all disturbed areas for final stabilization, unless otherwise approved by the DPW, 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 DPW.

(12) 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.

(13) Sediment Cleanup . By the end of each workday, clean up all on-site and 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.

(14) 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.

(15) Temporary Site Stabilization . Any disturbed site or portion thereof 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 or a portion of the site and that

precipitation events are not limiting these activities. Frozen soils do not exclude the site from this requirement.

(16) 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.

(17) Site Drainage . Site drainage plans shall comply with the provisions of §19.11(d)(6) below.

(18) Storm Water BMP Data . When a storm water permit involves the maintenance of an existing storm water BMP, including the removal of accumulated sediment, the DPW may require additional support data such as before/after surveys, design and construction details, and oversight by a professional engineer licensed in Wisconsin.

(d) FINAL 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 and other structures within 50 feet of the proposed land disturbance;

c. The name, 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 DPW 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 §19.11(c) below;

b. A map at a scale of one 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 2 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 8 inches in diameter that are located within 20 feet of proposed grading boundaries;

(v) Temporary access drive and specified surface material and minimum depth;

(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 DPW, 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 §19.12(e) below. Also show estimated highest ground 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 §19.11(e) 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) Spill prevention and response procedures.

(xvii) Other items specified by the DPW 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 subsection (b) above and the specific requirements under subsection (c) above;

Note: This information may be combined with a narrative for the storm water management plan under §19.11(g)(12). The information may also be useful to the grading contractor and could be included in the construction notes on the plan map under subsection 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 §19.12(e), with unique references and elevations that match the map under subsection 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.

19.11 - 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 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 and the Technical Standards prepared by the Wisconsin Department of Natural Resources.

(b) GUIDING PRINCIPLES FOR STORM WATER MANAGEMENT. To satisfy the requirements of this section, a storm water management plan shall adhere to the following guiding principles:

(1) Preserve natural watershed boundaries and drainage patterns;

(2) Reserve adequately sized areas for storm water infiltration, detention and treatment early in the site planning process;

(3) 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;

(4) Minimize soil compaction and maintain pre-development groundwater recharge areas;

(5) Minimize impervious surfaces and have them drain to vegetated areas for pollutant filtering and infiltration;

(6) 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 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.

(7) 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);

(8) Provide for emergency overflow in all storm water BMP designs;

(9) 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 one 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 subsection (4) below;

(4) Ownership boundaries, bearings, lengths and other survey references that will accurately identify the site's location, in accordance with Ch. 236, Wis. Stats., and City 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 storm sewers and culverts (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. These boundaries shall be field verified prior to approval of final land divisions, erosion control plans or storm water management plans;

(12) Boundaries of shoreland zones and the ordinary high water mark (OHWM) for any navigable water body as defined by the City of Oconomowoc Shoreland-Wetland Zoning 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 City of Oconomowoc Floodplain Zoning 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 §19.11(d)(4) of this ordinance;

(21) Location and descriptive notes for any existing or proposed easements, rights-of-way, vision corners or other known site restrictions. Road rights-of way 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 rights-of-way;

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

(24) Location and documentation of any existing well and delineation of any applicable regulatory setbacks, in accordance with Ch. NR 811 and 812 Wis. Adm. Code;

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

(26) Other site information that the DPW 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. All requirements apply to each subwatershed or storm water discharge point independently and cannot be averaged for the site. Runoff draining to a storm water BMP from off-site must be accounted for hydraulically in any BMP design. It is highly recommended that the applicant meet with the DPW prior to preparing a storm water management plan to determine the applicability of these requirements early in the site planning process.

Note: The "maximum extent practicable" (MEP) standard applies to each of the 7 sections of plan requirements and performance standards described below.

(1) Peak Discharge .

a. *Minimum Requirement* . To minimize downstream bank erosion and the failure of downstream conveyance systems, the calculated post-development peak storm water discharge rate shall not exceed the calculated pre-development discharge rates for the one-year, 2-year, 10-year, and 100-year, 24-hour design storms. Modeling requirements for this provision are further described in §19.12 below.

b. *Release Rate per Acre* . The DPW may establish a maximum allowable release rate on a per acre basis that would supersede the requirements of subsection a. above for certain watersheds after the necessary hydrologic modeling is completed and the maximum release rate is approved by the DPW.

(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 in-fill development, 80 percent reduction in total suspended solids load;

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

(3) Infiltration .

a. Shall be designed, installed, and maintained to infiltrate runoff in accordance with the performance standards in Table 1 except as provided in subsections d. through h. below.

TABLE 1
POST-DEVELOPMENT INFILTRATION PERFORMANCE STANDARDS

Percent Connected Impervious Surface	Description/Example Land Uses	Post-Development Infiltration Volume [a]	Maximum Effective Infiltration Area
Up to 40%	Description: Low imperviousness Example land uses: Low density residential, parks, cemeteries	90% of pre-development	1% of site
>40% up to 80%	Description: Medium imperviousness Example land uses: Medium and high density residential, multi-family residential, industrial, institutional, office park	75% of pre-development [b]	2% of site
>80%	Description: High imperviousness Example land uses: Commercial strip malls, shopping centers, commercial downtowns	60% of pre-development	2% of site

[a] All percentages are based on average annual rainfall.

[b] To avoid downstream flooding and chronic wetness issues from storm water discharges, the post-development infiltration volume for low density residential developments shall not be less than 25 percent of the 2-year, 24-hour storm, in accordance with subsection (7) below.

b. *Modeling* . Refer to §19.12(a) for details on calculating runoff volumes and pre-development conditions.

c. *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 subsection 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 §19.12(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.

d. *Infiltration Prohibitions* . Due to potential for groundwater contamination, runoff shall not be infiltrated and will not be credited toward meeting the requirements of this subsection for the following:

(i) Runoff from outdoor material storage and loading docks for tier 1 and tier 2 industrial facilities, as identified in NR 216(2) Wis. Adm. Code. Parking lot runoff from tier 1 industrial facilities is prohibited. Parking lot runoff from tier 2 facilities may be infiltrated, but may require pretreatment.

(ii) Runoff from fueling and vehicle maintenance areas, not including rooftops and canopies.

(iii) Infiltration of runoff within 1,000 feet upgradient or within 100 feet downgradient of karst features.

(iv) 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.

(v) 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.

e. *Separation Distances* . Infiltration BMPs shall be located so the characteristics of the soil and the separation distance between the bottom of the infiltration BMP and the elevation of the highest groundwater table or the top of bedrock are in accordance with Table 2.

TABLE 2
INFILTRATION BMP SEPARATION DISTANCES AND
SOIL CHARACTERISTICS

Source Area	**Groundwater or Bedrock Separation Distance**	**Soil Characteristics**
Industrial, commercial, and 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 coarse sand
Roofs draining to surface infiltration practices	Not applicable	Not applicable
All other impervious source areas	3 feet or more	Filtering layer

f. *Infiltration Exemptions* . The infiltration requirements of this subsection may be exempted by the DWP where:

(i) The soils at the proposed bottom of an infiltration system have a measured infiltration rate of less than 0.6 inches per hour using a scientifically credible field test method; and

(ii) The DPW determines it would be impracticable to modify existing soil conditions based on soil profile evaluations extending 5 feet below the proposed bottom of the infiltration system.

g. *Alternate Runoff Uses* . Where storage and reuse of runoff are employed, such as landscape watering, toilet flushing, laundry or irrigation, or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate uses shall be given equal credit toward the infiltration volume required by this section.

h. *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 Ch. 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) Notwithstanding subsection (i) above, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(iii) All storm water BMPs shall comply with the applicable provisions of Ch. NR 815 Wis. Adm. Code relating to injection wells.

(iv) All storm water BMPs shall comply with the provisions of any applicable wellhead protection plan for a community water supply under Ch. NR 811 Wis. Adm. 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 subsection (v), 50 feet.

(v) For highly susceptible wetlands, as determined by the DPW, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, bogs, low prairies, conifer swamps, lowland hardwood swamps, and ephemeral ponds.

(vi) Wetland boundary delineations shall be made in accordance with Ch. NR 103 Wis. Adm. 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.

(vii) For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet unless otherwise required by another applicable regulation. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.

(viii) In subsections a.(i), (iv) and (v), 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 Ch. NR 103 Wis. Adm. Code.

(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, except for structures as authorized and defined under shoreland and floodland zoning. The erosion control plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site specific explanation, and a technical exemption may be applied for under subsection (e) below.

(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 percent 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."

(iii) 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, but shall not encroach into wetlands, floodplains or primary or secondary environmental corridors.

c. *Protective Area Exemptions* . The protective area requirements of this subsection may be exempted in accordance with subsection (e) below and do not apply to the following:

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

(ii) Structures constructed in accordance with §59.692(1v), Wis. Stats.; and

(iii) Sites where runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the total suspended solids requirements under subsection (2) above and peak discharge requirements under subsection (1) above, 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 subsection (4)c. above is not necessary since runoff is not entering the surface water at that location. 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.

(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.

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 §19.13.

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. An analysis of downstream facilities will be required by the City.

c. *Street Drainage* . All street drainage shall be designed to prevent concentrated flows from crossing the traffic lanes. Design flow depths at the road centerline for on-street drainage, shall not exceed 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. All bridges and cross culverts on collector streets and arterial roadways shall be designed to convey the 100-year, 24-hour design storm. All bridges and cross culverts on local roadways shall be designed to convey the 10-year, 24-hour design storm while providing an overland flow path that does not impact any structures for the 100-year, 24-hour design storm. A floodplain analysis is required for all projects impacting a navigable waterway. This analysis must demonstrate no adverse offsite impacts, in accordance with State and Federal regulations and may require larger structures than those specified above. Design flow depths at the road centerline for all crossings shall not exceed 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 predevelopment 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 §19.09 for all new or modified structures that are located within a mapped floodplain or that the DPW determines to be necessary to maintain floodplain modeling for the applicable watershed.

e. *Subsurface Drainage* . To avoid property and other damages from groundwater, all buildings planned for human occupation on a regular basis shall meet all of the following.

(i) Basement floor surfaces shall be built a minimum of one foot above the highest groundwater table elevation, as documented in the submitted soil evaluations in accordance with the County's standards. On sloped sites, basements may be allowed partially below the highest groundwater table only on the upslope side if they meet the County's drainage system standards for design, discharge, engineering oversight, and long-term maintenance. For these sites, the one-foot groundwater separation will be enforced at the further down slope point of the basement.

(ii) Avoid hydric soils as much as possible.

(iii) The DPW shall be notified of any drain tiles that are uncovered during construction, which the DPW may require to be restored or connected to other drainage systems.

(iv) No discharge of groundwater from tile lines, sump pumps or other means shall be allowed onto another person's land or any public space without the written approval of the City and the property owner.

Note: The County has published technical standards to implement the above noted basement/groundwater separation requirements. Refer to a separate document titled "Basement Wetness and Flooding Prevention Standards" on the Waukesha County web site (www.waukeshacounty.gov).

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 are preferred at 4h:1v and shall be no steeper than 3h:1v and the longitudinal slope shall be no flatter than one percent unless otherwise approved by the DPW for unique site conditions. Water surface elevations for the 100-year, 24-hour design storm shall be calculated for all existing and proposed open channels.

g. *Storm Sewers* . All storm sewers shall be designed in accordance with applicable community technical standards and specifications.

h. *Changes to Storm Water Discharges* . For sites where the City determines the post-development storm water discharge flow paths will be significantly different than pre-development conditions, or where proposed storm water discharges may otherwise have a significant negative impact on downstream property owner(s), the City may require the applicant to submit written authorization, record a drainage easement, or complete other legal arrangements with the affected property owner(s) prior to permit issuance.

i. *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 2 feet above the maximum water surface elevation produced by the 100-year, 24-hour design storm, including flows through any storm water BMP that may temporarily or permanently store water at a depth of greater than one foot; and

(ii) The structure shall be setback at least 50 feet from any storm water BMP that may temporarily or permanently store water at a depth of greater than one foot, including any internally drained area with a significant contributing watershed and/or limited runoff storage capacity, as determined by the DPW. Setback distance shall be measured from the closest edge of water at the elevation produced by the 100-year, 24-hour design storm. The DPW may exempt existing structures and structures with no basement from this requirement if the DPW determines other site risks are minimal based on soil and site conditions.

(7) Additional Requirements . The DPW may establish more stringent requirements than the minimums set forth in this section, such as addressing thermal impacts of storm water, downstream flooding, a total maximum daily load (TMDL) standard for a watershed, other applicable State or Federal laws, an order of any court of competent jurisdiction, or chronic wetness conditions, if the DPW determines that an added level of protection is needed to protect:

a. Rosenow Creek, a cold water stream;

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 DPW may exempt a site or a portion of a site from meeting certain technical requirements of this section if the DPW determines that exemption criteria under subsection (d) above or 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. *No Significant Off-Site Impacts* . The proposed land disturbing or land development activity is less than one acre in size and the DPW has determined the activity will have no significant impact on another property or an environmentally sensitive area due to internal drainage or other site conditions that limit the potential impacts of runoff from the proposed activity.

Note: Only ordinance requirements that address impacts would be eligible for this exemption. Examples of requirements that may still apply to a newly constructed building include drainage easements, setbacks, basement/groundwater separation, and other site drainage or flood prevention standards.

c. *Site Conditions* . It is impracticable to meet the requirement due to site conditions such as slopes, soils, proximity to existing 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 DPW shall 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 percent of the proposed disturbed area planned to be connected impervious surfaces and the total cumulative area of all impervious areas is less than one acre using the final build-out condition.

(2) Application for Exemption . An exemption under subsection (1) above may only be granted by the DPW upon the applicant submitting the following items to the DPW, 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 subsection (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 subsection (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 §19.09(d);

(ii) A copy of the recorded maintenance agreement in accordance with §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 the City or other unit of government (such as the County, DOT, or special storm water plan district) charged with implementing a regional storm water management plan.

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

(3) Review Procedure . The DPW shall review all exemption application materials submitted under subsection (2) above to determine compliance with this section and notify the applicant of a decision within 60 working days of the submittal date, in accordance with the procedures under §19.08(f) above. The City Engineer shall approve all exemptions under subsection (1)c. above.

(4) Exemption Fee . For those sites that are exempted under (1)a.—c. above, and are not publicly funded, the applicant shall contribute funds to the DPW to be used exclusively for storm water BMP implementation or stream restoration expenses within the City. The amount of the payment shall be based on the average costs for the typical BMP(s) that would have been required on-site to comply with the requirements of this section had an exemption not been granted. The DPW shall publish a fee schedule for this purpose, to be updated as needed to reflect current BMP costs.

(5) Appeal . If the applicant does not agree with any determination of the DPW under this subsection, the applicant may appeal the decision pursuant to the procedures in §19.15(c).

(f) FINAL 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 City 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 one inch equals no more than 100 feet;

b. Additional detail plan view drawings at a scale of one inch equals no more than 40 lineal feet, showing proposed 2-foot contours and all critical design features and elevations including proposed first floor and basement elevations;

c. Detailed cross-sections and profiles of each BMP showing all critical design features, side slopes, structures, soil profiles and applicable elevations, including highest ground 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 §19.13(b) below. The minimum width of any access easement shall be 15 feet;

(8) Location of soil borings and soil profile evaluations with surface elevations, seasonal high water 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 storm water BMP construction inspection plan, outlining the critical elements in the plan that need to be surveyed or inspected by a representative appointed by the City Engineer, 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 inspection conducted by the representative appointed by the City Engineer does not waive the permit holder's responsibility for construction oversight and verification.

(11) A final storm water BMP maintenance agreement in accordance with §19.13;

(12) Support documentation summarized in accordance with City 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 subsection (b) above, and the specific storm water planning requirements under subsection (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(ies) 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 subsection b. above;

d. Impervious surface maps and calculations of runoff volumes and effective infiltration areas, in accordance with subsection (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 subsection (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 §19.12(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 §19.09(c) above. The applicant may use average costs for BMP installations in the City rather than specific estimates, upon approval by the DPW;

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 DPW may require the applicant to submit written authorization or complete other legal arrangements with the affected property owner(s); and

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

19.12 - 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 City approved models may be used to evaluate the efficiency of the design in reducing total suspended solids to meet this ordinance. Models such as SLAMM, RECARGA, or other City approved models may be used to evaluate the efficiency of the design in meeting the infiltration requirements of this ordinance. Models distributed and supported by the Wisconsin Department of Natural Resources may be used to determine compliance with calculating soil loss on construction sites.

(2) Rainfall Depths . To determine compliance with this ordinance, the following design storm rainfall depths shall be used, which are derived from NRCS publications and extrapolated for Waukesha County:

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall Depth	2.4 inches	2.7 inches	3.81 inches	6.18 inches

Note: The above noted rainfall depths are used in NRCS runoff modeling methodology and 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.

(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 woodland, grassland/meadow, or cropland, the following NRCS curve number values shall be used as maximums.

TABLE 4
MAXIMUM RUNOFF CURVE NUMBERS FOR CERTAIN PREDEVELOPMENT LAND USES

Pre-development Land Use	Hydrologic Soil Group (letter)/Maximum Runoff Curve Number (#)			
	A	B	C	D
Woodland	30	55	70	77
Grassland/ Meadow	39	61	71	78
Cropland	55	69	78	83

Note: Soil hydrologic groups are available from Waukesha County and 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 City of Oconomowoc, unless otherwise prescribed in BMP design standards.

Note: A copy of the rainfall data noted above is available from the county.

(5) Rainfall Distribution . All peak flow calculations shall use MSE3 rainfall 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 DPW. Revisions or updates to the rainfall depths and distribution prescribed above may be allowed upon approval by the applicable regulatory agencies and the City.

(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 Subch. V of Ch. NR 151, Wis. Adm. Code.

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

(c) TECHNICAL GUIDELINES. The DPW may adopt technical guidelines to facilitate the consistent administration of certain provisions of this ordinance.

(d) 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).

(e) SOIL EVALUATIONS. All soil profile evaluations and forms submitted for review by the DPW under the provisions of this ordinance shall be completed in accordance with Ch. SPS 385 Wis. Adm. Code and any applicable State or City standards. Where there are no specific standards for the number, location or depth of soil profile evaluations for a proposed BMP, the DPW shall determine the minimum requirements based on the design of the BMP and the likely variability of the on-site soils.

Note: For details on soil investigation procedures and forms to determine compliance with basement/groundwater separation requirements, document titled "Basement Wetness and Flooding Prevention Standards" is available through Waukesha County.

(f) AVAILABILITY. Copies of all technical references made in this section shall be available for review and distribution through City Hall during normal business hours, or over the Internet. Fees may be charged for hard copies of these items.

(g) 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 DPW.

19.13 - MAINTENANCE OF STORM WATER BMPS.

(a) MAINTENANCE AGREEMENT REQUIRED. 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 be independent of all other restrictions or covenants and shall comply with all provisions of this section. For sites where the existing drainage system meets the requirements of this ordinance, the City may require a maintenance agreement on pre-existing BMPs or internally drained areas to ensure the preservation and maintenance of the existing drainage system.

(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 subsection (6) below, unless otherwise designated in a regional storm water management plan and approved by the applicable unit(s) of government. For new land divisions, plats and certified survey maps, 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. No maintenance plan may include provisions for pumping groundwater from a well to maintain proposed pond water levels, unless approved by the City to ensure compliance with this ordinance.

(5) Access . Authorization for vehicle access, including a minimum 15-foot wide access easement dedicated to the City of Oconomowoc 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 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 City of Oconomowoc 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 City of Oconomowoc or their designee, that the entity under subsection (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 City of Oconomowoc or their designee to carry out any maintenance activities and associated inspections if the entity identified under subsection (6) above does not perform the required activity within the specified time period in the notification or if the City does not accept the work conducted by the designated entity.

(9) Special Assessment or Special Charge . A statement that the City of Oconomowoc may exercise their statutory authority to levy and collect a special assessment or charge pursuant to Subch. VI of Ch. 66, Wis. Stats., or §66.0627, Wis. Stats., for any services carried out relating to subsection (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 subsection (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 DPW to ensure compliance with this ordinance.

(c) AGREEMENT FORM, APPROVAL AND RECORDING.

(1) Form . The DPW shall provide the applicant with sample maintenance agreement forms that comply with the requirements of this section.

(2) Approval . The DPW 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 DPW shall notify the applicant what changes are needed in order to comply, in accordance with the plan review procedures in §19.08(f) above.

(3) Recording . Upon certification of compliance with subsections (1) and (2) above by the DPW, 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 DPW approval.

(4) Copy . The permit holder shall provide a copy of the recorded agreement and a digital copy of the submittal, including evidence of the actual recording(s), to the DPW as a condition of release of the financial assurance under §19.09(c) 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 §19.07(b).

19.14 - ILLICIT DISCHARGES.

(a) PROHIBITIONS.

(1) Discharges . Except for storm water and other discharges specifically exempted under subsection (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 firefighting 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, dye testing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

(c) NOTICE OF VIOLATION. Whenever the DPW finds a violation of this section, the DPW shall order compliance by written notice of violation to the responsible party. Such notice shall 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 §19.15 below.

19.15 - 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 are not limited to, the following:

(1) Commencing any land disturbing or land development activity prior to:

a. Obtaining a storm water permit;

b. Notifying the DPW a minimum of 3 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 DPW certification of compliance for a final plat or certified survey map in accordance with §19.08(d) of this ordinance.

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

(4) Failing to maintain BMPs until permit termination.

(5) Failing to comply with any notice of violation.

(b) VIOLATIONS. The DPW shall notify the permit holder of any violation in writing, and copy any other known responsible party involved in the violation. The written notice shall be hand delivered 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 DPW 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 $100.00 or more than $1,000.00 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 DPW 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 City to be charged against the financial assurance.

(4) Injunction . The City, 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 City may apply to any court of competent jurisdiction to restrain or abate such nuisance.

(6) Emergency Action . The DPW may enter upon the property and take any necessary emergency action if the DPW 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 DPW. Any cost incurred by the DPW as a result of this action shall be billed to the permit holder or other responsible party or subtracted from the financial assurance. The DPW shall provide reasonable notice to the permit holder and other responsible party after exercising this authority.

(7) Citation . The City may elect to also use the citation method of enforcement in accordance with §25.04(4) of the City Code of Ordinances. Authority to issue a citation under this ordinance shall be limited to the Director of Public Works or his/her designee. The authority delegated to such official or employees to issue citations may only be granted or revoked by the Common Council. This subsection does not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance regulation or order.

(c) APPEALS.

(1) Establishment . The City Council shall act as the Board of Appeals for considering appeals to this chapter.

(2) Rules . The City Council, in acting as the Board of Appeals for considering appeals to this chapter, shall be bound by the rules and shall act in accordance with the rules established for the City of Oconomowoc Board of Zoning Appeals and §62.23, Wis. Stats.

(3) Powers . The City Council shall have the powers defined by the Wisconsin Statutes and the Municipal Code for Boards of Zoning Appeals, which shall include the following:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Department of Public Works or the City Engineer in the enforcement of provisions of this chapter or as provided in §62.23, Wis. Stats.

b. To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will [result] in practical difficulty or unnecessary hardship so that the purpose of this chapter shall be observed, public safety and welfare secured and substantial justice done.

(4) How to File . Appeals to the City Council may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by a decision of the Department of Public Works or the City Engineer. Such appeal shall be taken within 20 days from the date of the decision of the Department of Public Works or the City Engineer by filing with the Department or the City Engineer and with the City Council a notice of appeal specifying the grounds thereof. The Department of Public Works or the City Engineer shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

(5) Stay . An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Department of Public Works or the City Engineer certifies to the City Council after the notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the City Council or by a court of record on application, on notice to the Department of Public Works or the City Engineer, and on due cause shown.

(6) Hearing . Each appeal shall be heard within a reasonable time and not to exceed 90 days from the time the appeal was filed with the City Council. Notice of hearing shall be given by publishing in the City's official newspaper at least once each week for 2 consecutive weeks and not less than 7 days from the date of hearing. In addition, written notice shall be given to the Department of Public Works or the City Engineer, and by certified mail to the petitioner, the City Clerk, the owners of each parcel of land within 100 feet of the land in question, and other specially interested parties. At the hearing, any party may appear in person or by an agent or attorney.

(7) Decision . The decision on any appeal shall be made within 30 days after completion of the hearing thereon.

(8) Additional Requirements . In making its determination, the City Council shall consider whether the proposed variance from the terms of this chapter would be hazardous, harmful, noxious or offensive or a nuisance to the surrounding neighborhood or surface waters by reason of pollution or other physical or economic effects and may impose such requirements and conditions with respect to construction, location, maintenance and operation or best management practices in addition to any which may be stipulated in this chapter as may be deemed necessary and appropriate for the protection of adjacent properties and the public interest and welfare.

(9) Performance Standards . In order to reach a fair and objective decision, the City Council may utilize and give recognition to appropriate performance standards and methodologies which are available in model codes or ordinances or which may have been developed by planning, manufacturing, health, architectural, engineering, soil and agricultural agencies or other appropriate organizations, including those set forth in the "Shoreland Water Quality Improvement Technical Memorandum."

(10) Enforcement of Decision . In exercising the above-mentioned powers, such City Council may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Department of Public Works or the City Engineer may issue or direct the issue of a permit, provided that no such action shall have the effect of permitting best management practices in contradiction of the purpose of this chapter or the Wisconsin Statutes or cause pollution of or result in granting variances to any other state, county or local ordinance.

(11) Required Vote . The concurring vote of 6 members of the City Council shall be necessary to reverse any order, requirement, decision or determination of the Department of Public Works or the City Engineer, or to decide in favor of the applicant on any matters upon which it is required to pass under this chapter, or to effect any variation therefrom. The grounds of every such determination shall be stated.

(12) Further Appeal . Any person or persons, jointly or severally, aggrieved by any decision of the City Council, or any taxpayer, or any officer, department, board or bureau of the City may within 30 days after the filing of the decision in the office of the City Clerk, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from but may, on application, on notice to the City Council and on due cause shown, grant a restraining order. The City Council shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence, and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

19.16 - VALIDITY.

(a) REPEAL OF CONFLICTING ORDINANCES. This ordinance repeals all provisions of an ordinance previously enacted under §59.693, [Wis. Stats.], relating to construction site erosion control and storm water management regulations. Wherever there may be a conflict with other ordinances relating to erosion control, storm water management or site drainage, the more restrictive provision shall apply, as determined by the Common Council.

(b) DECLARATION OF SEVERABILITY. The several sections of this chapter are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.