

CHAPTER 23

STORM WATER AND EROSION CONTROL

(with amendments through 4-11-2019)

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23.01 TITLE AND AUTHORITY. This Ordinance shall be known as the "Village of West Baraboo, Wisconsin Storm Water and Erosion Control Ordinance." It is adopted under the authority granted by the Wisconsin Statutes, including sections 61.35 and 62.23(7) and Chapters 66 and 236.

23.02 DEFINITIONS. For the purposes of this chapter the following definitions are adopted:

BEST MANAGEMENT PRACTICE (BMP). A practice, technique or measure that is an effective, practical means of preventing or reducing soil erosion or water pollution, or both, from runoff during and after land-development activities as generally described in the Wisconsin Department of Natural Resource's Erosion Control and Storm Water Management Technical Standards. These can include structural, vegetative or operational practices.

CONSTRUCTION SITE CONTROL MEASURE. A control measure used to meet this chapter's erosion control requirements.

CONTROL MEASURE. A practice or combination of practices to control erosion and/or storm water and attendant pollution.

CONTROL PLAN. A written description of the number, locations, sizes and other pertinent information of control measures designed to meet this chapter's requirements submitted by the applicant for review and approval by the Village Engineer or his designated appointee.

DESIGN STORM. A precipitation event of 24-hour duration, having a certain return frequency or percentage chance of occurring in any year. (The most current edition of the rainfall atlas shall be used for actual depths.)

DETENTION FACILITY. Any structure designed to collect and store surface water for subsequent gradual discharge.

EROSION (SOIL EROSION). The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXCAVATION. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, exposed, removed, displaced, relocated or bulldozed.

EXISTING DEVELOPMENT. Buildings and other structures and impervious area existing prior to ordinance adoption.

FILL. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include the resulting conditions.

HYDROLOGIC SOIL GROUP (HSG). Has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

IMPERVIOUS SURFACE. Any land cover that prevents rain or melting snow from infiltrating into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this chapter, all road, driveway or parking surfaces including gravel surfaces, shall be considered impervious, unless specifically designed to encourage infiltration and approved by the local approval authority.

INFILL DEVELOPMENT. An undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

INFILTRATION. The entry and movement of precipitation or runoff into or through soil.

LAND-DISTURBING ACTIVITIES. Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

LAND USER. Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

MAJOR LAND DEVELOPMENT (DISTURBANCE) ACTIVITY. Any residential subdivision, commercial, industrial, institutional, multi-family or utility development at least one (1) acre (43,560 square feet) in area.

MINOR LAND DEVELOPMENT (DISTURBANCE) ACTIVITY. Any residential development comprised of one or two family units and any commercial, industrial, institutional, multi-family or utility development less than one (1) acre (43,560 square feet) in area.

NEW DEVELOPMENT. Any of the following activities:

- (1) Structural development, including construction of a new building or other structures;
- (2) Expanding or altering an existing structure that results in an increase in the surface dimensions of the building or structure;
- (3) Land-disturbing activities; or
- (4) Creating or expanding impervious surface.

PEAK FLOW. The maximum water flow rate at a given point in a channel or conduit resulting from the predetermined design storm or flood.

POST-DEVELOPMENT. Refers to the extent and distribution of land cover types anticipated to occur under conditions of full development of the submitted plan. This term is used to match pre and post-development storm water peak flows as required by this chapter.

PRE-DEVELOPMENT. Refers to the extent and distribution of land-cover types present before the initiating land-development activity, assuming all land uses prior to land-disturbing activity are in “good” condition as described in the US Department of Agriculture Natural Resources Conservation Service Technical Release 55. This also refers to existing conditions immediately prior to the proposed development project or pre-settlement conditions.

PRIVATE REGIONAL STORMWATER DETENTION FACILITY. Any RSDF constructed by a private entity and will be maintained by a private entity.

PUBLIC REGIONAL STORMWATER DETENTION FACILITY. Any RSDF constructed by the Village and/or a private entity, and upon completion of the facility the Village will resume ownership of it and maintain it for the remainder of its use.

REDEVELOPMENT. Any construction, alteration or improvement exceeding 4,000 square feet of land disturbance performed on sites where the entire existing site is predominantly developed for commercial, industrial, institutional or multi-family residential uses.

REGIONAL STORMWATER DETENTION FACILITY (RSDF). Any device and associated geographic water storage area which collects and retains regional storm water runoff, including all improvements necessary for such retention and conveyance of all storm water; the areas where such water is retained, the improvements to property necessary for such retainage, including tree cutting, ground profile changes, grading and leveling; for a facility servicing more than a single property.

REGIONAL STORMWATER DETENTION FACILITY PERMIT. A permit that is issued by the Village Board, which shall be necessary prior to any construction, use, and maintenance of any regional storm water detention facility as defined.

RUNOFF. The portion of rainfall, snowmelt or irrigation water flowing over the ground surface.

RUNOFF CURVE NUMBER (RCN). Has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

SAFE PASSAGE. When the storm water discharge from a site can be conveyed away from the site without damage to neighboring property.

SEDIMENT. Solid earth material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

SEDIMENTATION. Means the deposition of eroded soils at a site different from the one where the erosion occurred.

SITE. The entire area included in the legal description of the land on which the land disturbing or land-development activity is proposed in the permit application.

SLOPE. The net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous surface incline or decline over the area disturbed.

STORM WATER. The flow of water that results from, and occurs during and immediately following, a rainfall or snow- or ice-melt event.

STORM WATER MANAGEMENT. Any measures taken to permanently reduce or minimize the negative impacts of storm water runoff quantity and quality after land-development activities.

TOTAL MAXIMUM DAILY LOAD. It is a calculation of the maximum amount of a pollutant that a water body can received and still meets water quality standards, and an allocation of that load among the various sources of that pollutant.

TOTAL SUSPENDED SOLIDS (TSS). The total amount of solid particles suspended in water as a ratio of weight per quantity of water measured as grams per liter.

TR-55. USDA Natural Resources Conservation Service Technical Release 55. This document presents simplified procedures to calculate small watershed's storm water runoff volumes, peak rate of discharge, hydrographs, and storage volumes required for flood water reservoirs.

23.03 STORM WATER MANAGEMENT DESIGN CRITERIA.

(1) **PEAK FLOW MODELING.** All land disturbing activities governed by this Chapter, shall model the peak flows using TR-55 methods. NOAA-14 rainfall depths shall be used with the appropriate rainfall distributions in all models/calculations where required.

(2) **PEAK DISCHARGE MANAGEMENT DESIGN.**

(a) All projects shall meet WDNR requirements and standards per NR 151 of the Wisconsin Administrative Codes.

(b) BMPs shall be designed to reduce the indicated 24-hour storm post-developed peak discharge to pre-developed levels for the respective type of development:

(1) All Areas: New Development – 1, 2, 5, 10, 25, & 50-year storm (except East of W. Pine Street and South of Berkley

Boulevard – 1, 2, 5, & 10 year storm) (Amended 4/11/2019; Ord. 19-06)

(2) Redevelopment – 1, 2, 5 & 10-year storm

(3) In-fill Development 1, 2, 5, 10, & 25 year storm (except areas south of Tyler Street and East of W. Pine Street – 1, 2, 5, & 10-year storm). (Amended 4/11/2019; Ord. 19-06)

(c) Pre-development conditions shall assume “good hydrologic conditions” for appropriate land covers as identified in TR-55. However, when pre-development land cover is cropland the runoff curve numbers in Table 1 shall be used.

TABLE 1				
Maximum Pre-Development Runoff Curve Numbers				
Hydrologic Soil Group	A	B	C	D
Cropland	55	69	78	83
Woodland	30	55	70	77
Grassland	39	61	71	78

(d) Post-development conditions shall assume “good hydrologic conditions” for appropriate land covers as identified in TR-55.

(e) The BMPs shall be designed to provide safe passage for the 100-year peak storm event.

(c) The Village Engineer may require additional rate control requirements for sites where known issues are related to drainage and flooding, caused by the site in its existing condition.

(3) INFILTRATION DESIGN.

(a) BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable.

(b) All projects shall meet WDNR requirements and standards per NR 151 of the Wisconsin Administrative Codes.

(1) Low Imperviousness. For development up to 40% connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least

90% of the pre-development infiltration volume, based on an average annual rainfall. No more than 1% of the post-construction site is required as an effective infiltration area.

(2) Moderate Imperviousness. For development with more than 40% and up to 80% connected imperviousness, such as medium and high density residential, multi-family development, industrial, and institutional development, and office parks, infiltrate sufficient runoff volume so that the post development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. When designing appropriate infiltration systems to meet this requirement, no more than 2% of the post-construction site is required as an effective infiltration area.

(3) High Imperviousness. For development with more than 80% connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be a least 60% of the pre-development infiltration volume, based on an average annual rainfall. When designing appropriate infiltration systems to meet this requirement, no more than 2% of the post-construction site is required as an effective infiltration area.

(c) Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction areas that will enter an infiltration system. The pretreatment measures shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, bio-filtration, filtration, swales, or filter strips.

(4) TOTAL SUSPENDED SOLIDS

(a) During Construction. By design, BMPs shall reduce the sediment load in runoff by 80%.

(b) Post-Construction. BMPs shall be designed, installed, and maintained to control total suspended solids carried in runoff from the post-construction site. BMPs shall be designed in accordance with the following standards:

(1) New Development – minimum of 80% TSS removal

- (2) Redevelopment – minimum of 40% TSS removal
- (3) In-fill Development – minimum of 80% TSS removal.

(c) Maximum Extent Practical. If the design cannot meet a total suspended solids reduction performance standard, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.

(d) Since the above standards are considered “design” standards and secondary to “performing” standards, a conservation (safety factor) standard shall be used and applied to demonstrate compliance with standards in the absence of performance standards.

(e) Future Environmental Protection Agency (EPA) approved Total Daily Maximum Daily Loads (TDMLs) are being increased and TSS reduction requirements will be required at that time to meet the listed reductions above or the TMDLs, whichever is higher.

23.04 EROSION CONTROL PERMITS.

(1) PERMIT REQUIRED. No person shall undertake any activities subject to this section without first obtaining an erosion control permit. The fee for the permit is set forth in the Official Village Fee Schedule. An erosion control permit is required and all construction site erosion control provisions of this chapter shall apply, to any of the following activities in the Village:

(a) Any land-disturbing activity occurring anywhere within the territorial limits of the Village that involves an area in excess of 4,000 square feet;

(b) Land-disturbing activity on a slope of greater than six percent (6%) grade that may have off-site impacts;

(c) Activities unrelated to actual building construction such as, but not limited to, land disturbing activity prior to excavation for foundation work, landscaping, installation of driveways, parking areas and sidewalks, extensive earthwork on sites not directly related to structural concerns, development of ponds and channelized water courses,

commercial parks, and landing strips or airport runways, shall be subject to this chapter's requirements;

(d) Land-disturbing activity that involves the excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;

(e) Land-disturbing activity that disturbs more than 100 lineal feet of road ditch, grass waterway or other land area where surface drainage flows in a defined open channel, including the placement, repair or removal of any underground pipe, utility or other facility within the cross-section of the channel. In addition, a Village street opening/work in right-of-way permit will be required as part of the work described above

(f) Any new public or private roads or access drives longer than 125 feet.

(g) Laying, repairing, replacing or enlarging underground pipe or facility for a distance of 300 feet or more.

(h) Development that requires a subdivision plat.

(i) Land-disturbing activity that disturbs less than 4,000 square feet of land, including the installation of access drives, that the Village Engineer determines to have a high risk of soil erosion or water pollution, or that may significantly impact a lake, stream or wetland area. All such determinations made by the Village Engineer shall be in writing, unless waived by applicant.

23.05 STORM WATER CONTROL PERMITS.

(1) PERMIT REQUIRED. No person shall undertake any activities subject to this section without first obtaining a storm water control permit. The fee for the permit is set forth in the Official Village Fee Schedule. A storm water control permit is required and all construction site erosion control provisions of this chapter shall apply, to any of the following activities in the Village:

(a) Any development(s) after this chapter's adoption date that result(s) in the cumulative addition of one acre or more of impervious surface to the site;

(b) Any development that requires a subdivision plat under Chapter 18 of the Village ordinances;

(c) Any development that requires a certified survey map under Chapter 18 of the Village ordinances, for properties zoned: Commercial (C), Industrial (I), and Small Scale Retail and Office SRO-I and SRO-II.

(d) Redevelopment shall meet the storm water management performance requirements listed in this ordinance; and

(e) Other land-development activities, including but not limited to redevelopment or alteration of existing buildings and other structures, that the local approval authority determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact a lake, stream or wetland area. All such determinations shall be made in writing by the Village Engineer unless waived by the applicant.

(f) Other non-building activities unrelated to actual building construction, including but are not limited to:

(1) Land-disturbing activity prior to excavation for foundation work;

(2) Landscaping on an area greater than 4,000 square feet;

(3) Installation of driveways, parking areas and sidewalks greater than 4,000 square feet;

(4) Earthwork on an area greater than 4,000 square feet on sites not directly related to structural concerns; and

(5) Development of ponds and channelized water courses.

(g) This section applies to buildings and activities of municipalities and school districts.

(h) This section applies to new Village streets and street-related projects

(2) **ACTIVITIES EXEMPT FROM PERMITS AND CERTAIN STANDARDS.** The following activities are exempt from all of this chapter's requirements, except for the use of BMPs during construction:

(a) Any activity directly related to planting, growing and harvesting agricultural crops;

(b) Construction of single-family residential dwellings provided the resulting new total impervious surface area does not exceed 5,000 square feet;

(c) Reconstructed municipal streets. These projects shall follow State NR 151 requirements; and

(d) Village work/projects, but they shall meet the standards to the maximum extent practical.

23.06 REGIONAL STORM WATER FACILITIES

(1) GOALS AND PURPOSES FOR RSDFs.

(a) Regional Storm Water Detention is preferable to site specific detention providing sites are available for such regional stormwater facility in the same watershed. Such facilities may be developed either by the Village as a public facility or by a private entity.

(b) The RSDF uses watershed-wide approach to analyze potential flooding problems, identify appropriate mitigation measures, selected site locations, and design criteria for RSDF.

(c) The RSDF allows owners, developers, and builders to participate in the program rather than constructing the on-site detention controls required by this section, where the resulting use of a RSDF will not produce a significant adverse impact to other properties downstream of the development due to the increased runoff from the proposed development.

(d) Options available to owners, developers, and builders to participate in RSDF include:

(1) Payment of a fee in lieu of on-site detention that will be a one-time assessment applied to each property benefited based on the properties pervious/impervious area within in the parcel/development that will cover the costs to design and construct the RSDF;

(2) Construction of a RSDF to mitigate an existing flooding problem with contributions from the Village and/or other property owners;

(3) Participation in the construction of a RSDF by another owner, developer, or building so as to mitigate increased stormwater runoff anticipated by the ultimate development of the watershed; and

(4) Other methods authorized by the Village Board.

(2) GENERAL DESIGN CRITERIA AND STANDARDS.

(a) All RSDFs shall be designed for ultimate development based upon a 100-year storm, except if they are to serve and be located within the following area: East of W. Pine Street and South of Berkley Boulevard the RSDFs shall only be designed for the 10-year storm event. (Amended 4/11/2019; Ord. 19-06)

(b) All RSDF outflows/overflows shall be designed to safely convey all storms up through the 100-year storm.

(c) All facilities shall meet Wisconsin Department of Natural Resources Technical Standards for Storm Water Post-Construction to implement, detain, and convey the storm water.

(d) If conditions allow, the Village may require the RSDF to be designed above the WDNR standards to mitigate a potential flooding issue and allow for more infiltration to occur on the site.

(e) Any right-of-way and/or easements needed for the RSDF and/or conveyance of the storm water shall be large enough to incorporate at a minimum the 100-year floodplain.

(f) If a facility will be maintained by the Village after completion, a maintenance access easement or designated right-of-way to the RSDF is required for Village use. An unobstructed access right-of-way or easement connecting the drainage easement with an alley/roadway parallel to or near the RSDF shall be provided. The easement shall be a minimum 20' wide, and provide sufficient space to turn around or exit without backing up.

(3) PRIVATE REGIONAL STORMWATER DETENTION FACILITIES.

(a) Private facilities shall be privately owned and shall be maintained by the parties designated in the developers' agreement.

(b) Prior to any construction of a RSDF, private entities that are impacted and/or will receive a benefit from the use of the RSDF shall enter into a developer's agreement approved by the Village. The agreement shall be recorded with the Sauk County Register of Deeds.

(c) A maintenance schedule shall be submitted to the Village as part of the developer's agreement. All plans and maintenance schedules must be reviewed and approved by the Village Engineer and Director of Public Works.

(d) The Village shall have the right to do periodic inspections of privately owned and maintained facilities to ensure the maintenance schedule is being implemented and followed.

(4) PUBLIC REGIONAL STORMWATER DETENTION FACILITIES.

(a) General locations and sizes of regional detention facilities have been identified in the Village's official map. The creation of a public facility designated to service several developments is encouraged. In watersheds where public regional detention facilities exist, mitigation of increased stormwater runoff from new construction may utilize these facilities if the construction is eligible to participate in the public RSDF. Other locations for a public RSDF may be reviewed by the Village Engineer and Village Staff to determine if alternate locations are eligible to become a public facility.

(b) Temporary detention may be required for the development until sufficient capacity in the outfall channel is provided to accommodate increased flows. Maintenance of publicly owned facilities will be the responsibility of the Village.

(c) If the Village constructs the facility, a fee will be assessed to all benefited parties from the RSDF. The fee will be specially assessed back to the benefited parties. The regional stormwater detention fee covers the costs for planning, design, construction, administration, and operational management of the RSDF.

(d) The Village will assume the maintenance responsibility for the facility upon completion of the RSDF and all conveyance facilities. Depending on the level of maintenance, the Village may elect to assess annual maintenance fees back to the benefited properties.

23.07 MAINTENANCE AGREEMENT.

(1) The maintenance agreement required for storm water management practices under this chapter shall be an agreement between the Village and the permittee. The agreement shall be recorded as a property deed restriction by the permit applicant with the Sauk County Register of Deeds so it is binding upon all subsequent owners of land served by the storm water management practices.

(2) The maintenance agreement shall contain the following provisions:

(a) The landowner shall maintain storm water management practices in accordance with the storm water practice maintenance provisions contained in the approved storm water management plan submitted under this chapter.

(b) The Village will assume ownership and maintenance requirements of any storm water facilities installed/located within the right-of-way, as long as they are built with the materials required by the Village for maintenance reasons and installed per the Village's required means and methods for standardization and protection of the final product.

(c) The Village Engineer and Village Building Inspector are authorized to access the property to conduct inspections of storm water practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved storm water management plan.

(d) The Village Engineer shall maintain records of the results of the site inspections, shall inform the landowner responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the storm water management practice into proper working condition and a reasonable time frame during which the landowner must take corrective action.

(e) The Village is authorized to perform the corrected actions identified in the inspection report if the landowner does not make the

required corrections in the specified time period. The Village shall assess the landowner for the cost of such work and shall place a lien on the property, which the Village may collect as ordinary taxes.

(f) The maintenance agreement shall be terminated at such time as responsibility for maintaining the storm water management practice is legally transferred to the Village, through a written, binding agreement. The maintenance agreement's termination date shall be the date upon which the legal transfer of maintenance responsibility to the Village is made effective. This transfer shall be recorded at the Sauk County Register of Deeds.

23.08 PRELIMINARY LETTER REVIEW PROCEDURE.

(1) PURPOSE AND INTENT.

(a) A preliminary review letter provides a potential permit applicant with an initial simple evaluation of whether erosion and storm water control standards can be met for a proposed site, lot layout, construction design.

(b) This review is intended to assist applicants in preparing general site plans and other submittals necessary to obtain an erosion control and storm water permit. A preliminary review letter does not guarantee an erosion or storm water control plan will be approved or that a permit will be issued. Erosion and storm water control plans and permit applications must meet all applicable standards and criteria for approval.

(2) APPLICATION FOR LETTER REVIEW.

(a) Any person may apply for a preliminary review letter by submitting an application that contains the information required by the Village Engineer.

(b) A preliminary review letter shall be a prerequisite to filing an application for a Storm Water or Erosion Control Permit or an application for review of a certified survey map review or plat where any of the following apply:

(1) The proposal would involve one or more acres within either the current or proposed boundaries of a commercial or industrial zoning district;

(2) Proposed lot or rezone area configuration would necessitate driveways, access roads or other construction that would clearly require an erosion control plan or storm water management plan; or

(3) Natural features of the site, including but not limited to, slope, soils, wetlands or hydrology are such that, in the opinion of the Village Engineer, substantial risk of erosion, flooding or other environmental or public safety hazard exists.

(c) Unless expressly waived by the applicant, decisions by the Village Engineer to require a preliminary review letter shall be made in writing and shall detail the reasons why the Village Engineer believes there to be a substantial risk of erosion, flooding, or hazard.

23.09 STORMWATER CONTROL PLAN AND PERMIT PROCEDURE.

(1) CONTROL PLAN REQUIRED. No land owner or land user may commence a land disturbance or land development activity subject to this ordinance without receiving prior approval of a control plan for the site and a permit from the Village. At least one (1) landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Village Zoning Administrator. By submitting an application, the applicant is authorizing representatives of the Village to enter the site to obtain information required for the review of the control plan.

(2) CONTENT OF THE CONTROL PLAN. The control plan for all sites shall contain the following:

(a) A map of existing site conditions on a scale of at least one (1) inch equals fifty (50) feet but no more than one (1) inch equals twenty (20) feet including:

(1) Site boundaries and adjacent lands which accurately identify site location;

(2) Lakes, streams, wetlands, channels, ditches and other watercourses on the site and those off the site that may be affected by the land disturbing or land development activity;

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(3) One hundred (100) year floodplains, flood fringes and floodways as determined by the current FEMA Flood Maps;

(4) Drainage patterns;

(5) Location and type of predominant soils;

(6) Vegetative cover;

(7) Location and dimensions of stormwater drainage systems;

(8) Locations and dimensions of utilities, structures, roads, highways and paving; and

(9) Site topography at a contour interval not to exceed two (2) feet.

(b) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map including:

(1) Site boundaries and adjacent lands which accurately identify site location;

(2) Lakes, streams, wetlands, channels, ditches and other watercourses on the site and those off the site that may be affected by the land disturbing or land development activity;

(3) One hundred (100) year floodplains, flood fringes and floodways as determined by the current FEMA Flood Maps;

(4) Proposed drainage patterns;

(5) Location and type of predominant soils;

(6) Proposed vegetative cover;

(7) Locations and dimensions of proposed and remaining portions of existing stormwater drainage systems and stormwater management control measures; and hydraulic assumptions and computations;

(8) Locations and dimensions of proposed and remaining utilities, structures, roads, highways and paving;

(9) Proposed site topography at a contour interval not to exceed two (2) feet;

(10) Calculations of runoff volumes for all design storms; and

(11) Provisions for the long-term maintenance of the stormwater management control measures.

(c) Site Construction Plan. A site construction plan shall be included to show the following:

(1) Locations and dimensions of all proposed land disturbing activities;

(2) Locations and dimensions of all temporary soil stockpiles;

(3) Locations and dimensions of all construction site and stormwater management control measures necessary to meet the requirements of this ordinance;

(4) Schedule of anticipated starting and completion date of each land disturbing or land developing activities including the installation of construction site and stormwater management control measures needed to meet the requirements of this Chapter; and

(5) Provisions for maintenance of the construction site and stormwater management control measures during construction.

(3) **CONTENT OF CONTROL PLAN FOR RESIDENTIAL LOTS IN A SUBDIVISION DEVELOPMENT.** The control plan shall contain the following:

(a) Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals fifty (50) feet but no more than one (1) inch equals twenty (20) feet including:

(1) Site boundaries and adjacent lands which accurately identify site location;

(2) Lakes, streams, wetlands, channels, ditches and other watercourses on the site and those off the site that may be affected by the land disturbing or land development activity;

(3) Drainage patterns;

(4) Location of stormwater drainage systems;

(5) Locations and dimensions of utilities, structures, roads, highways and paving; and

(6) Site topography at a contour interval not to exceed two (2) feet.

(b) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map including:

(1) Site boundaries and adjacent lands which accurately identify site location;

(2) Lakes, streams, wetlands, channels, ditches and other watercourses on the site and those off the site that may be affected by the land disturbing or land development activity;

(3) Proposed drainage patterns;

(4) Remaining portions of existing stormwater drainage systems and proposed stormwater management control measures;

(5) Locations and dimensions of proposed utilities, structures, driveways; and

(6) Proposed site topography at a contour interval not to exceed two (2) feet.

(c) Site Construction Plan. A site construction plan including:

(1) Locations and dimensions of all proposed land disturbing activities;

(2) Locations of all temporary soil stockpiles;

(3) List of all construction site and stormwater management control measures necessary to meet the requirements of this Ordinance; and

(4) Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site and stormwater management control measures needed to meet the requirements of this Ordinance.

(4) CONTROL PLAN REVIEW AND ISSUANCE OF PERMIT.

(a) When the application, control plan and fee are received the Engineer shall review the application and control plan to determine if the requirements of this Chapter are met. The Village Engineer may request comments from other departments or agencies.

(b) If the requirements of this Chapter are met, the Village Engineer shall approve the plan, inform the applicant and issue a permit subject to the conditions in subsection (5).

(c) If the conditions are not met, the Village Engineer shall inform the applicant in writing and may either require needed information or disapprove the plan.

(d) When the additional information requested by the Village is received, the Village Engineer shall determine if the plan meets the requirements of this Chapter. If the plan is disapproved, the Village Engineer shall inform the applicant in writing of the reasons for the disapproval.

(5) PERMIT CONDITIONS.

(a) Surety Bond.

(1) As a condition of approval and issuance of the permit, the Village Board may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. If the Village Board requires the permittee to provide security, no land disturbing activities shall take place before the required security is provided to the Village.

(2) The Village Board shall release the surety bond or return the irrevocable letter of credit after verifying the completion of the control plan and satisfaction of permit conditions.

(b) Permit Conditions. Regardless of whether stated on the permit document, all permits shall require the permittee to:

(1) Notify the Village Building Inspector or Village Engineer five (5) work days prior to commencing any land disturbing activity;

(2) Notify the Village Building Inspector or Village Engineer of completion of any control measures within fourteen (14) days of completed installation;

(3) Obtain permission in writing from Village Building Inspector or Village Engineer prior to modifying the control plan;

(4) Install all control measures as identified in the approved control plan;

(5) Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan;

(6) Repair any damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;

(7) Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs;

(8) Pay any proportional share of the cost of off-site drainageway, stream channel or other modifications necessitated by the land development or land disturbing activity. (See regional site facilities section of this Chapter);

(9) Allow the Village Building Inspector or Village Engineer to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and

(10) Keep a copy of the control plan on the site.

(11) As-built (record drawings) of the completed storm water management devices shall be submitted to the Village Engineer for final review and approval that the plan(s) were followed and that the BMP(s) meet the performance/sediment storage as required and designed.

(c) Permit Duration. Permits shall be valid for a period of two hundred seventy (270) days from the date of issuance. The Village Board may extend the period one or more times for up to an additional one hundred eighty (180) days. The Village Board may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Ordinance.

23.10 INSPECTION. If land disturbing or land development activities are being carried out without a permit, Village staff may enter the land for purposes of inspection, issuance of stop work orders, and to ensure all activities conform to the Village's Ordinance.

23.11 ENFORCEMENT

(1) STOP- WORK ORDERS.

(a) The Village Building Inspector or Village Engineer may post a stop- work order if:

(1) Any land disturbing or land developing activity regulated under this ordinance is being undertaken without a permit;

(2) The control plan is not being implemented in a good faith manner;

(3) The conditions of the permit are not being met; or

(4) Emergency conditions require operations to cease.

(b) If the permittee does not cease the activity or comply with the control plan or permit conditions within twenty-four (24) hours, the Village Building Inspector or Village Engineer may revoke the permit.

(c) If the permittee comes into compliance, the Village Building Inspector or Village Engineer may rescind the stop-work order or reinstate the permit.

(d) Completion of work by Village.

(1) After twenty-four (24) hours from the posting a stop-work order, if the permittee has not come into compliance, the Village Building Inspector or Village Engineer may issue a notice to the permittee, land owner or land user of the Village's intent to perform the work necessary to comply with this chapter. The costs of the work performed by the Village, plus interest at the rate authorized by statute, shall be billed to the permittee, land owner and/or land user.

(2) In the event a permittee, land owner, or land user fails to pay the amount due within 30 days of issuance of the bill, the Village may enter the amount due on the tax rolls and collect as a special tax against the property.

(2) **VIOLATIONS AND FORFEITURES.** Any person violating any of the provisions of this chapter shall be subject to forfeiture as provided in chapter 25 of the Village code of ordinances and shall be liable for the Village's costs of prosecution. For purposes of forfeitures, each day a violation continues constitutes as a separate offense. Each section of this chapter that is violated constitutes as a separate offense.

(3) **INJUNCTIONS.** In addition to forfeitures, compliance with the provisions of this Chapter may be enforced by injunction.

(4) **APPEALS AND VARIANCES.** Any person aggrieved by any order, decision or determination made by the Village under this chapter may appeal to the Village board of zoning appeals. Any person subject to the requirements of this chapter may request a variance from the board of zoning appeals.