

1 ENROLLED ORDINANCE 159-120

2  
3 AMEND CHAPTER 14 OF THE WAUKESHA COUNTY CODE OF ORDINANCES  
4 BY REPEALING AND RECREATING STORM WATER MANAGEMENT  
5 AND EROSION CONTROL SECTION  
6

7 WHEREAS subsection 59.693 Wisconsin Statutes authorizes counties to adopt ordinances to  
8 regulate construction site erosion and post-construction storm water management, and  
9

10 WHEREAS on March 31, 1992 the Waukesha County Board adopted enrolled ordinance #146-  
11 158, establishing regulatory requirements for construction site erosion control, and  
12

13 WHEREAS on March 24, 1998 the County Board adopted enrolled ordinance # 152-147, which  
14 added post-construction storm water management requirements to the county's construction site  
15 erosion control regulations, and  
16

17 WHEREAS, these ordinances make up Article VIII., Sections 14-326 through 14-377, inclusive  
18 of Chapter 14 of the County Code of Ordinances , and  
19

20 WHEREAS Chapter NR 216 Wisconsin Administrative Code requires municipalities to adopt  
21 newly revised state storm water management and erosion control regulations to comply with  
22 pollution discharge elimination system permit requirements issued by the Wisconsin Department  
23 of Natural Resources, and  
24

25 WHEREAS the Department of Parks and Land Use, working with the Waukesha County Storm  
26 Water Advisory Committee, prepared a rewrite of the previously adopted ordinances that  
27 complies with the requirements of NR 216 and was unanimously approved by the Storm Water  
28 Advisory Committee on February 21, 2005.  
29

30 THE COUNTY BOARD OF SUPERVISORS OF WAUKESHA COUNTY HEREBY  
31 ORDAINS that  
32

33 SECTION 1. **Findings**

34 The Waukesha County Board finds that uncontrolled storm water runoff and construction site  
35 erosion from land development and land disturbing activity can have significant adverse impacts  
36 upon local water resources and the health, safety and general welfare of the community, and  
37 diminish the public enjoyment and use of natural resources. Specifically, uncontrolled soil  
38 erosion and storm water runoff can:  
39

- 40 1. Degrade physical stream habitat by increasing stream bank erosion, increasing  
41 stream bed scour, diminishing groundwater recharge, diminishing stream base  
42 flows and increasing stream temperatures;
- 43 2. Diminish the capacity of lakes and streams to support fish, aquatic life,  
44 recreational and water supply uses by increasing pollutant loadings of sediment,  
45 suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban  
46 pollutants;
- 47 3. Alter wetland communities by changing wetland hydrology and increasing  
48 pollutant loads;
- 49 4. Reduce the quality of groundwater by increasing pollutant loading;

- 50 5. Threaten public health, safety, property, and general welfare by increasing  
51 runoff volumes and peak flood flows and overburdening storm sewers, drainage  
52 ways and other storm drainage systems;  
53 6. Undermine floodplain management efforts by increasing the incidence and  
54 levels of flooding; and  
55 7. Generate airborne particulate concentrations that are health threatening or may  
56 cause other damage to property or the environment.  
57

58 **SECTION 2. Purpose and Intent**

59 The general purpose of this ordinance is to establish regulatory requirements for land  
60 development and land disturbing activities aimed to minimize the threats to public health, safety,  
61 welfare, and the natural resources of Waukesha County from construction site erosion and post-  
62 construction storm water runoff. Specific purposes are to:

- 63 1. Further the maintenance of safe and healthful conditions.  
64 2. Prevent and control the adverse effects of storm water; prevent and control soil  
65 erosion; prevent and control water pollution; protect spawning grounds, fish and  
66 aquatic life; establish erosion control and storm water standards for building sites,  
67 placement of structures and land uses; and preserve ground cover and scenic  
68 beauty.  
69 3. Control exceedance of the safe capacity of existing drainage facilities and  
70 receiving water bodies; prevent undue channel erosion; control increases in the  
71 scouring and transportation of particulate matter; and prevent conditions that  
72 endanger property.

73 Through a single storm water permit process, this ordinance is intended to meet the  
74 current construction site erosion control and post-construction storm water management  
75 regulatory requirements of Subchapter III of both NR 151 and NR 216 Wis. Admin. Code on the  
76 effective date of this ordinance.

77 Provisions have also been incorporated to coordinate the storm water permit requirements  
78 of this ordinance with other county and town zoning and land division regulations.  
79

80 **SECTION 3.** The County Board finds that the preferred method of addressing post-construction  
81 storm water runoff from land development activities is through the preparation and  
82 implementation of regional storm water management plans that cover hydrologic units, such as  
83 watersheds or subwatersheds. Accordingly, provisions have been incorporated into this  
84 ordinance to allow for the implementation of a regional storm water management plan in lieu of  
85 complying with certain on-site storm water management requirements.  
86

87 **SECTION 4.** Article VIII, Sections 14-326 through 14-377, inclusive of the County Code of  
88 Ordinances are repealed.  
89

90 **SECTION 5.** Article VIII is hereby recreated to read as follows:  
91

92 **Authority for Ordinance.**

93 This ordinance is adopted by the County Board under the authority granted by  
94 sections 59.693 and 92.07(15) and Chapter 236 Wisconsin Statutes  
95

96 **General Administration**

97 The Department of Parks and Land Use – Land Resources Division (“LRD”) is  
98 designated to administer and enforce this ordinance.  
99

100 **Jurisdiction**

101 (a) *Jurisdictional Boundaries.*

102 This ordinance applies to all unincorporated lands within the jurisdictional  
103 boundaries of Waukesha County, unless a town board:

- 104 1. Adopts an ordinance that complies with the minimum standards  
105 established by the Wisconsin Department of Natural Resources and is  
106 at least as restrictive as this ordinance, as determined by the LRD; and  
107 2. Provides reasonable notice to the LRD of the effective date of the town  
108 ordinance and the enforcement contract(s), if not the LRD.  
109

110 (b) *Newly Annexed Areas.*

111 If any area within the jurisdiction described in (a), above was annexed by a city or  
112 village on any date after May 5, 1992, the provisions of this ordinance apply and  
113 shall be enforced after annexation by the annexing city or village unless any of the  
114 following occurs:

- 115 1. The city or village enacts, administers and enforces an ordinance for  
116 the annexed area that complies with the minimum standards  
117 established by the Wisconsin Department of Natural resources and is  
118 at least as restrictive as this ordinance, as determined by the LRD; or  
119 2. After annexation, the city or village requests that this ordinance, as it  
120 applies to the annexed area, continues to be in effect and enforced by  
121 the LRD and the LRD agrees to enforce the ordinance.  
122

123 **Definitions.**

124 1. *Applicable review authorities* means the Town Planning Commission, the  
125 County Zoning Administrator or the County Park and Planning Commission,  
126 depending on the type of project and its location.

127 2. *Applicant* means any person or entity holding fee title to the property or their  
128 representative. The applicant shall become the permit holder” once a permit is  
129 issued. The applicant shall sign the initial permit application form in accordance  
130 with subs. A through B below, after which the applicant may provide the LRD  
131 written authorization for others to serve as the applicant’s representative:

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

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

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

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

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

141 3. *Best management practice* (or BMP”) means structural and non-structural  
142 measures, practices, techniques or devices employed to avoid or minimize  
143 sediment or other pollutants carried in runoff.

144 4. *Common plan of development* means all lands included within the boundary of  
145 a certified survey map or subdivision plat created for the purpose of development  
146 or sale of property where integrated, multiple, separate and distinct land  
147 developing activity may take place at different times by future owners.

148 5. *County mapping standards* means that the maps are drawn to national map  
149 accuracy standards using the Wisconsin State Plane Coordinate System,

150 Wisconsin South Zone, North American Datum 1927 (NAD27) and National  
 151 Geodetic Vertical Datum of 1929 (NGVD-29).  
 152 6. *County Zoning Administrator* means the Director of the Waukesha County  
 153 Department of Parks and Land Use or his/her designee.  
 154 7. *County Park and Planning Commission* means the zoning agency of Waukesha  
 155 County as defined under s. 59.69(2)(a) Wisconsin Statutes  
 156 8. *Design storm* means a hypothetical depth of rainfall that would occur for the  
 157 stated return frequency (i.e. once every 2 years or 10 years), duration (i.e 24-  
 158 hours) and timing of distribution (i.e. type II). All values are based on the  
 159 historical rainfall records for the area. Design storms used in this ordinance are  
 160 summarized in sec. 14-3\*\*(a).  
 161 9. *Dewatering* means the removal of trapped water from a construction site to  
 162 allow land development or utility installation activities to occur.  
 163 10. *Erosion* means the process of detachment, transport and deposition of soil,  
 164 sediment or rock fragments by action of water, wind, ice or gravity.  
 165 11. *Effective infiltration area* means the area of the infiltration system that is used  
 166 exclusively to infiltrate runoff and does not include the area used for site access,  
 167 berms or pretreatment.  
 168 12. *Environmental corridor* (primary and secondary) means a composite of the  
 169 best individual elements of the natural resource base including surface water,  
 170 streams, and rivers and their associated floodlands and shorelands; woodlands,  
 171 wetlands and wildlife habitat; areas of ground water discharge and recharge;  
 172 organic soils, rugged terrain and high relief topography; and significant geological  
 173 formations and physiographic features. A description of the process of defining  
 174 and delineating Environmental Corridors is set forth in the Southeastern  
 175 Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2  
 176 and is incorporated herein by reference.  
 177 13. *Environmentally sensitive area* means any area that, due to the natural  
 178 resources present or the lack of filtering capacity, is more susceptible to the  
 179 adverse impacts of sediment and other pollutants associated with erosion and  
 180 urban runoff. Examples include environmental corridors, direct hydrologic  
 181 connections to lakes, streams, wetlands, groundwater or other water resources, or  
 182 very coarse or shallow soils above groundwater or bedrock.  
 183 14. *Filtering layer* means soil that has at least a 3-foot deep layer with at least  
 184 20% that passes through a #200 sieve (fines); or at least a 5-foot deep layer with  
 185 at least 10% that passes through a #200 sieve (fines); or another medium exists  
 186 with an equivalent level of protection, as determined by the LRD.  
 187 15. *Final plat* means a map of a proposed condominium or subdivision to be  
 188 recorded with the Waukesha County Register of Deeds pursuant Wisconsin  
 189 Statutes.  
 190 16. *GIS system of Waukesha County* means the computerized mapping system that  
 191 Waukesha County makes available to the general public over the Internet.  
 192 17. *Groundwater recharge areas* means lands identified in a document published  
 193 by the Southeastern Wisconsin Regional Planning Commission as groundwater  
 194 recharge areas; or where, prior to any land disturbing or land development  
 195 activity, precipitation or runoff could only leave the area by infiltrating the  
 196 ground, thereby recharging the groundwater.  
 197 18. *Illicit connection* means any drain or conveyance, whether on the surface or  
 198 subsurface, which allows an illegal non-storm water discharge to enter the storm  
 199 drain system, including but not limited to: sewage, process wastewater and wash  
 200 water, any connections to the storm drain system from indoor drains and sinks,

201 regardless of whether said drain or connection had been allowed, permitted, or  
202 approved by a government agency, prior to the adoption of this ordinance.  
203 19. *Impervious surface* means an area that releases all or a large portion of the  
204 precipitation that falls on it, except for frozen soil. Conventional rooftops and  
205 asphalt or concrete sidewalks, driveways, parking lots and streets are typical  
206 examples of impervious surfaces. For purposes of this ordinance, typical gravel  
207 driveways and other examples listed shall be considered impervious unless  
208 specifically designed to encourage infiltration or storage of runoff.  
209 20. *Impracticable* means that complying with a specific requirement would cause  
210 undue economic hardship and that special conditions exist that are beyond the  
211 control of the applicant and would prevent compliance.  
212 21. *In-fill development* means land development that occurs where there was no previous  
213 land development and is surrounded by other existing land development;  
214 22. *Infiltration* means the entry of precipitation or runoff into or through the soil.  
215 23. *Infiltration system(s)* means a device or practice such as a basin, trench, rain garden  
216 or swale designed specifically to encourage infiltration, but does not include natural  
217 infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto  
218 lawns or minimal infiltration from practices, such as swales or road side channels  
219 designed for conveyance and pollutant removal only.  
220 24. *Karst features* means an area or surficial geologic feature subject to bedrock  
221 dissolution so that it is likely to provide a conduit to groundwater, and may include caves,  
222 enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or  
223 swallets.  
224 25. *Land development activity or land development* means any construction related  
225 activity that may ultimately result in the addition of impervious surfaces, such as the  
226 construction of buildings, roads, parking lots and other structures.  
227 26. *Land disturbing activity* (or disturbance) means any man-made alteration of the land  
228 surface that may resulting in a change in the topography or existing vegetative or non-  
229 vegetative soil cover, or may expose soil and lead to an increase in soil erosion and  
230 movement of sediment. Land disturbing activity includes clearing and grubbing for  
231 future land development, excavating, filling, grading, building construction or  
232 demolition, and pit trench dewatering.  
233 27. *LRD* means the Land Resources Division of the Waukesha County Department of  
234 Parks and Land Use. The LRD Manager supervises the daily activities of the division,  
235 including the administration of this ordinance.  
236 28. *Maximum Extent Practicable* or MEP means a level of implementing best  
237 management practices to achieve a performance standard specified in this ordinance that  
238 has been approved by the LRD. In determining when MEP has been achieved, the LRD  
239 shall take into account the best available technology, cost effectiveness and other  
240 competing issues such as human safety and welfare, endangered and threatened  
241 resources, historic properties and geographic features. MEP allows flexibility in the way  
242 to meet the performance standards and may vary based on the performance standard and  
243 site conditions.  
244 29. *Navigable* has the meaning given in the Waukesha County Shoreland and Floodland  
245 Protection Ordinance.  
246 30. *Nonmetallic mining* has the meaning specified under s. 295.11(3) Wisconsin Statutes  
247 31. *Off-site BMP* means best management practice(s) that are located outside of the  
248 boundaries of the site covered by a permit application. Off-site BMPs are usually  
249 installed as part of a regional storm water management plan approved by a local  
250 government.

251 32. *Ordinary high water mark* (OHWM) has the meaning given in s. NR115 Wis. Admin.  
252 Code.  
253 33. *Planned land use* means the land use designated in the latest version of the Waukesha  
254 County land use plan.  
255 34. *Plat* means a map of a proposed condominium or subdivision.  
256 35. *Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage,  
257 refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive  
258 substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial,  
259 municipal and agricultural waste discharged into water, as per s. 283.01(13) Wisconsin  
260 Statutes.  
261 36. *Pollution* means man-made or man induced alteration of the chemical, physical,  
262 biological or radiological integrity of water, as per s. 283.01(10) Wisconsin Statutes.  
263 37. *Preliminary plat* means a map showing the salient features of a proposed  
264 condominium or subdivision submitted to an approving authority for purposes of  
265 preliminary consideration.  
266 38. *Preventive action limit* has the meaning given in s. NR 140.05(17), Wis. Admin.  
267 Code.  
268 39. *Publicly funded* means a land development, such as a public road or municipal  
269 building that is being funded solely by a unit of government. It does not include new  
270 roads or other structures built with private funds, or a combination of public and private  
271 funds, and subsequently dedicated to a unit of government.  
272 40. *Redevelopment* means land development that replaces previous land development of  
273 similar impervious conditions.  
274 41. *Regional storm water management plan* means a planning document, adopted by a  
275 local unit of government, that coordinates storm water management activities for an  
276 entire drainage area or watershed, including future land development activities within the  
277 watershed. The plan may prescribe the use of BMPs for individual development sites and  
278 for selected points within the watershed to meet the goals and objectives of the plan.  
279 42. *Regulatory agency* means a public agency that the LRD recognizes as having the  
280 legal authority to review and approve erosion control and storm water management plans  
281 and enforce their implementation, with requirements at least as restrictive as this  
282 ordinance.  
283 43. *Responsible party* means any person or entity holding fee title to the property or  
284 acting as the owners representative, including any person, firm, corporation or other  
285 entity performing services, contracted, subcontracted or obligated by other agreement to  
286 design, implement, inspect, verify or maintain the BMPs and other approved elements of  
287 erosion control and storm water plans and permits under this ordinance.  
288 44. *Road* as used in this ordinance, means any access drive that serves more than two (2)  
289 residences or businesses.  
290 45. *Runoff* means water from rain, snow or ice melt, or dewatering that moves over the  
291 land surface via sheet or channelized flow.  
292 46. *Shoreland* has the meaning given in the Waukesha County Shoreland and  
293 Floodland Protection Ordinance.  
294 47. *Site* means the entire area included in the legal description of which the land  
295 disturbing or land development activity will occur.  
296 48. *Stabilized* means that all land disturbing activities are completed and that a  
297 uniform, perennial vegetative cover has been established on at least 70% of the  
298 soil surface or other surfacing material is in place and the risk of further soil  
299 erosion is minimal, as determined by the LRD.  
300 49. *Storm drainage system* means a publicly-owned facility by which storm water  
301 is collected and/or conveyed, including but not limited to any roads with drainage

302 systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping  
303 facilities, retention and detention basins, natural and human-made or altered  
304 drainage channels, reservoirs, and other drainage structures.

305 50. *Storm water* has the same meaning as the term runoff.

306 51. *Storm Water Advisory Committee* means a committee created and chaired by  
307 the LRD for the purpose of advising the LRD and the County Board on matters  
308 relating to the administration of this ordinance. At a minimum, the committee  
309 shall also contain representatives from the Land Use, Parks and Environment  
310 Committee of the County Board, the Wisconsin Department of Natural Resources,  
311 the Southeast Wisconsin Regional Planning Commission, local municipal  
312 engineers and the Metropolitan Builders Association. All committee meetings  
313 shall be posted in accordance with the Wisconsin Open Meetings Law.

314 52. *Storm water BMP* means any best management practice that is designed to  
315 collect or manage the quantity or quality of storm water runoff for an indefinite  
316 time period and is incorporated into an approved storm water management plan to  
317 meet the requirements of this ordinance. This term is a subset of the term best  
318 management practice and distinct in that the BMPs require long-term  
319 maintenance. Some examples include, but are not limited to wet or dry detention  
320 basin, infiltration trench or basin, bio-retention basin, stilling basin, green roof,  
321 filter strip, artificial wetland, rain garden or any combination of these or other  
322 permanent storm water management practices, as determined by the LRD.

323 53. *Storm water permit* means a written authorization made by the LRD to the  
324 applicant to conduct land disturbing or land development activities in accordance  
325 with the requirements of this ordinance. A storm water permit regulates both  
326 construction site erosion and post-construction storm water runoff from a site.

327 54. *Subdivision* means a division of a lot, parcel or tract of land by the owner  
328 thereof or the owner's agent for the purpose of sale or of building development  
329 that meets the subdivision definition criteria under s. 236.03(12) Wisconsin  
330 Statutes or a more restrictive definition adopted by a local unit of government.

331 55. *Technical standard* means a document that specifies design, predicted  
332 performance and operation and maintenance requirements for a material, device  
333 or method.

334 56. *Top of channel* means an edge, or point on the landscape, commencing  
335 landward from the ordinary high-water mark of a surface water of the state, where  
336 the slope of the land begins to be less than 12% continually for at least 50 feet. If  
337 the slope of the land is 12% or less continually for the initial 50 feet, landward  
338 from the ordinary high-water mark, the top of the channel is the ordinary high-  
339 water mark.

340 57. *Town planning commission* means the local town plan commission established  
341 under village powers pursuant to Chapter 62 Wisconsin Statutes, the Town Park  
342 Commission established pursuant to Chapter 60 Wisconsin Statutes, or any other  
343 agency created by the town board and authorized by statute to plan land use.

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

348 59. *Warm season and wetland plantings* mean seed or plant stock native to a  
349 prairie or wetland setting. These types of plantings usually take a couple of years  
350 to get established and require diligent removal of invasive species during this  
351 time. Upon maturity, warm season plants generally have a deep root system,  
352 which enhances infiltration.

353 60. *Waters of the state* has the meaning given in s. 281.01 (18), Wisconsin  
354 Statutes  
355 61. *Wetlands* means an area where water is at, near or above the land surface long  
356 enough to be capable of supporting aquatic or hydrophytic vegetation and which  
357 has soils indicative of wet conditions  
358 62. *Woodland* means an area where a grouping of 10 or more trees exist that have  
359 trunk diameters of at least 4 inches at four feet above the ground surface. The  
360 boundaries of a woodland shall be defined by the canopy, commonly referred to  
361 as the drip line.  
362 63. *Working day* means any day the office of the LRD is routinely and  
363 customarily open for business, and does not include Saturday, Sunday and any  
364 official county holidays.  
365

366 **Applicability and Exemptions**

367 (a) *Construction Site Erosion Control.*

368 Unless otherwise exempted under sub. (c) below, a storm water permit under sec.  
369 14-3\*\* shall be required and all erosion control and other provisions of this  
370 ordinance shall apply to all proposed land disturbing activity that meets any of the  
371 following:

- 372 1. Disturbs a total land surface area of 3,000 square feet or more;  
373 or
- 374 2. Involves excavation or filling, or a combination of excavation  
375 and filling, in excess of 400 cubic yards of material; or
- 376 3. Involves the laying, repairing, replacing, or enlarging of an  
377 underground utility, pipe or other facility, or the disturbance of  
378 road ditch, grass swale or other open channel for a distance of 300  
379 feet or more; or
- 380 4. Is a land disturbing activity, regardless of size, that the LRD  
381 determines is likely to cause an adverse impact to an environmentally  
382 sensitive area or other property, or may violate any other erosion control  
383 standard set forth in this ordinance.

384 (b) *Storm Water Management.*

385 Unless otherwise exempted in this ordinance, a storm water permit under sec. 14-  
386 3\*\* shall be required and all storm water management and other provisions of this  
387 ordinance shall apply to all proposed land development activity that meet any of  
388 the following:

- 389 1. Is a subdivision plat; or
- 390 2. Is a certified survey map or any other land development activity  
391 that may ultimately result in the addition of 0.5 acres or greater of  
392 impervious surfaces, including smaller individual sites that are part  
393 of a common plan of development that may be constructed at  
394 different times; or
- 395 3. Involves the construction of any new public or private road; or
- 396 4. Is a land development activity, regardless of size, that the LRD  
397 determines is likely to cause an adverse impact to an  
398 environmentally sensitive area or other property. For purposes of  
399 this section, adverse impacts shall include causing chronic wetness  
400 on other property due to reoccurring discharges of storm water, or  
401 violating any other storm water management standard set forth in  
402 this ordinance.

Note: The County Park and Planning Commission, County Zoning Administrator or Town Planning Commission may require a review and determination of sub. (a)4. or (b)4. above by the LRD as a condition of other zoning approvals.

(c) *Applicability Exemptions.*

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

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

B. Land development and land disturbing activities exempted by state or federal law, including highway construction and other projects conducted by a state agency, as defined under s. 227.01 (1), Wisconsin Statutes, or under a memorandum of understanding entered into under s. 281.33 (2), Wisconsin Statutes To recognize an exemption under this paragraph, the LRD may require documentation of the person(s) and regulatory agency charged with enforcing erosion control and storm water management for the project.

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

D. If another regulatory agency is enforcing erosion control and storm water management provisions that the LRD 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 apply for this exemption on a form provided by the LRD for that purpose. There will be a fee associated with reviewing the request in accordance with sec. 14-332(e). Based upon the scope of the requested exemption, the LRD 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 sec. 14-333(d) for all storm water BMPs constructed as part of the project.

v. A copy of a recorded maintenance agreement in accordance with sec. 14-337 for all storm water management facilities constructed as part of the project.

453 vi. Other items that the LRD determines are necessary to  
454 ensure compliance equal to the requirements of this  
455 ordinance.

*Note: Cooperative working agreements may be used to implement the provisions of this subsection.*

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

461 A. Those activities the LRD determines are required for the  
462 construction of individual one and two family residential buildings  
463 under COM. 21.125 Wis. Admin. Code.

*Note: The Wisconsin Uniform Dwelling Code (COM 21) includes erosion control requirements that apply statewide. The County Zoning Administrator or any Town may request a determination from the LRD under sub. A above as a condition of issuing a local building or zoning permit.*

466 B. Nonmetallic mining activities that are covered under a nonmetallic  
467 mining reclamation permit under NR 135 Wis. Admin. Code.

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

472 3. *Other Exemptions.* The LRD may exempt a site or a portion of  
473 a site from meeting certain technical requirements of this  
474 ordinance in accordance with sec. 14-3\*\*(e).

*Note: Cooperative working agreements may be used to administer this section for routine road maintenance and emergency utility work.*

477 **Storm Water Permit Process, Land Divisions and Zoning**

478 (a) *Permit Required.*

479 A storm water permit under sub. (c) shall be obtained before any person  
480 commences a land disturbing or land development activity, pursuant to the  
481 applicability and exemption provisions of Sec. 14-3\*\*. Based upon the scope of  
482 the project, a preliminary review letter under sub. (b) below and certification of  
483 compliance under sub. (d) below will also be required as part of the permit  
484 process.

485 (b) *Preliminary Storm Water Review Letter.*

486 1. Purpose and Intent. A preliminary storm water review letter is  
487 prepared by the LRD to ensure that early site-planning for any new  
488 development accounts for compliance with this ordinance.

489 Preliminary storm water planning will help resolve spatial and  
490 soils issues early in the site-planning phase, preventing a conflict  
491 with other permit requirements or the recording of land divisions.  
492 This will also assist the applicant in obtaining other permits or  
493 zoning approvals prior to finalizing detailed construction plans. A  
494 storm water permit is required prior to the start of any proposed  
495 land disturbing or land development activity.

496 2. Applicability and Requirements.

497 A. A preliminary storm water review letter from  
498 the LRD is required prior to the approval of a  
499 preliminary plat by the County Zoning  
500 Administrator and shall also be required prior to  
501 approval of a certified survey map, site plan,  
502 conditional use permit, zoning permit or zoning  
503 amendment by the County Park and Planning  
504 Commission or County Zoning Administrator for

505 any proposed land disturbing or land development  
506 activity that meets one or more of the following:  
507 i. Disturbs a total land surface area of  
508 1 acre or more;  
509 ii. Involves the construction of a  
510 new public or private road of any  
511 length;  
512 iii. Ultimately results in the addition  
513 of 0.5 acres or greater of impervious  
514 surfaces, including smaller  
515 individual sites that are part of a  
516 common plan of development; or  
517 iv. Other land disturbing or land  
518 development activities, as  
519 determined by the LRD under sec.  
520 14-3\*\* (a)4. or (b)4. above.

*Note: It is strongly recommended that town planning commissions also require a preliminary review letter from the LRD prior to approving any project that meets one of the criteria under sub. A. above.*

521 B. All project approvals described in sub. A. above  
522 shall be subject to the recommendations,  
523 requirements or objections contained in a  
524 preliminary review letter from the LRD, which may  
525 include requiring certification of compliance under  
526 sub. (d) below.  
527 C. For preliminary plats, a county interdepartmental review  
528 meeting shall not be scheduled prior to 10 working days  
529 after the application submittal date for a preliminary review  
530 letter in accordance with sub. (f)1. below.  
531

*Note: It is recommended that subdivisions and other projects that may result in the addition of 0.5 acres of impervious surface go through a concept-planning phase, including meeting with LRD and county zoning staff, prior to submitting a preliminary plat or CSM.*

### 532 3. Preliminary Review Letter Application.

533 A. To request a preliminary review letter, the applicant  
534 shall submit a complete application to the LRD, which shall  
535 include all of the following:  
536 i. A completed and signed application on a  
537 form provided by the LRD for that purpose;  
538 ii. The application fee, unless exempted  
539 under sub. (e) below;  
540 iii. A site plan map in accordance  
541 with sec. 14-335(c), which may be in  
542 a preliminary stage as prepared for  
543 zoning amendments and certified  
544 survey maps;  
545 iv. A preliminary erosion control plan in  
546 accordance with sec. 14-334(d);  
547 v. A preliminary storm water management plan in  
548 accordance with sec. 14-335(f) for those sites that  
549 propose to add a new road or add 0.5 acres or  
550 greater of impervious surfaces, including smaller  
551 individual sites that are part of a common plan of  
552 development; and  
553  
554  
555  
556

- 557 vi. A preliminary maintenance agreement for all
- 558 storm water BMP's proposed for the site.
- 559 B. The LRD may waive the requirement for a preliminary erosion
- 560 control or preliminary storm water management plan under sub. A
- 561 above if the LRD determines that it is not necessary to ensure
- 562 compliance with this ordinance based on the site map submitted.
- 563 However, all items required for a storm water permit shall apply.
- 564 C. The LRD may require map items listed above to
- 565 be submitted in a digital form, if available,
- 566 including georeferencing map data to the public
- 567 land survey system in accordance with county
- 568 mapping standards.
- 569 D. Review procedures for a preliminary
- 570 review letter application shall be in
- 571 accordance with sub. (f)1. below.

572 (c) *Storm Water Permit Application.*

- 573 1. To request a storm water permit under this ordinance, the
- 574 applicant shall submit a complete application, which shall include
- 575 all of the following:
- 576 A. A completed and signed application on a form
- 577 provided by the LRD for that purpose;
- 578 B. The applicable fee(s), unless
- 579 exempted under sub. (e) below;
- 580 C. A site plan map in accordance with sec. 14-3\*\*(c);
- 581 D. A final erosion control plan in accordance with sec. 14-3\*\*(e);
- 582 E. A final storm water management plan in
- 583 accordance with sec. 14-3\*\*(g) for those land
- 584 development activities that meet any of the
- 585 applicability criteria of sec. 14-3\*\* (b), and the
- 586 documentation required under sec. 14-3\*\*(e)2.D.
- 587 related to a off-site BMP's, if applicable;
- 588 F. A maintenance agreement in accordance with sec. 14-3\*\*; and
- 589 G. A financial assurance, in accordance with sec. 14-3\*\*(c).
- 590 2. The LRD may require map items listed above to be submitted in
- 591 a digital form, if available, including georeferencing map data to
- 592 the public land survey system in accordance with county mapping
- 593 standards.
- 594 3. Review procedures for a storm water permit application shall
- 595 be in accordance with sub. (f) below.

596 *Note: A permit application form under sub. A. above may not be necessary if the applicant has already*  
 597 *submitted an application for a Preliminary Review Letter.*

598 (d) Certification of Compliance for Final Plat or CSM.

- 599 1. *Applicability.* The LRD shall certify compliance with this
- 600 section prior to county approval of any final plat. In addition,
- 601 certification of compliance shall be required prior to county
- 602 approval of any certified survey map (CSM) that meets any one of
- 603 the following:
- 604 A. The site plan may ultimately result in the addition of .5 acres or
- 605 greater of impervious surfaces, including smaller individual sites
- 606 that are part of a common plan of development;
- 607 B. Includes the construction of any new public or private road; or

608 C. Other land development activities as determined by the LRD  
609 under sub. (b)2.B. above.

610 *Note: It is strongly recommended that a town plan commission require certification of compliance under this*  
611 *subsection before approving any CSM or other zoning approvals that may meet one of the criteria listed*  
612 *above.*

613 2. *Review Items.* To obtain certification of compliance, the  
614 applicant shall submit a final plat or CSM to the LRD for review.  
615 The LRD shall review submittals for compliance with all of the  
616 following items based on preliminary or final site plans and storm  
617 water management plans:

- 618 A. Location and size of drainage easements and other areas set  
619 aside for storm water management, and the associated language  
620 describing use restrictions;
- 621 B. Setback requirements from wells, structures, steep slopes, road  
622 right-of-ways and other items related to the location of storm water  
623 management facilities;
- 624 C. Location of access drives and associated  
625 easements and use restrictions to ensure adequate  
626 access to storm water management facilities for  
627 future maintenance;
- 628 D. Utility easements as they may affect the grading and erosion  
629 control plans;
- 630 E. The final maintenance agreement in accordance with sec. 14-  
631 337 for all storm water BMP's; and
- 632 F. Other items that the LRD determines are necessary to achieve  
633 compliance with this ordinance.

634 3. *Review Process.* Review procedures for certification of  
635 compliance for final plat or CSM shall be as described in sub. (f)1.  
636 below.

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

639 (e) *Fees.* Application and review fees under this ordinance shall be in  
640 accordance with the following:

- 641 1. All fees shall be established by the LRD and approved by the  
642 County Board through the annual budget process.
- 643 2. Fee amounts shall be based on the actual and direct LRD costs  
644 of administering this ordinance.
- 645 3. A fee schedule shall be available for review and public  
646 distribution.
- 647 4. All publicly funded land disturbing and land development  
648 activities within the jurisdiction of this ordinance shall be exempt  
649 from the fees under this section.

650 (f) *Application Review Processes.*

651 1. *Preliminary Storm Water Review Letter and Certification of*  
652 *Compliance.* Upon submittal of a complete application under sub.  
653 (b) above or a final plat or CSM under sub. (d) above, the applicant  
654 is authorizing the LRD to enter upon the subject site to obtain  
655 information needed to administer this ordinance and the following  
656 procedures shall apply:

- 657 A. The LRD shall have 10 working days from the  
658 date the LRD receives the application to issue a  
659 review letter to the applicable review authorities

660 and the applicant based on the requirements of this  
661 ordinance.  
662 B. If within the 10 working days, the LRD determines that the  
663 application is not complete or requests additional information from  
664 the applicant or another source (such as another regulatory  
665 agency), the LRD shall have 10 working days from the date  
666 additional information is received to issue a review letter. The  
667 LRD shall inform the applicant and the applicable review  
668 authorities when additional information is requested from another  
669 source.  
670 C. If the LRD does not notify the applicant of missing information  
671 or issue a review letter within the 10 working days, the applicant  
672 may continue pursuing other applicable approvals or deed  
673 recording without the preliminary storm water review letter or  
674 certification of compliance.  
675 D. If within the 10 working days, the LRD notifies the applicable  
676 review authorities that the application under sub. (b)3. above is not  
677 complete, information has been requested from another source, or  
678 recommended changes or objections to the application need to be  
679 addressed before other approvals can proceed, then the applicable  
680 review authorities may:  
681 i. At the request of the applicant, grant an extension to the  
682 review period, if needed, to allow more time for the LRD  
683 review process to be completed or to address LRD  
684 recommendations, requirements or objections to the  
685 application; or  
686 ii. Disapprove the application, plat or CSM.  
687 *2. Storm Water Permit, Less Than One Acre Land Disturbance and*  
688 *Applicability Exemptions.* Upon submittal of a complete permit  
689 application under sub. (c) above or applicability exemption  
690 application under sec. 14-3\*\*(c), the applicant is authorizing the  
691 LRD to enter upon the subject site to obtain information needed to  
692 administer this ordinance and the following procedures shall apply:  
693 A. Within 10 working days from the date the LRD receives the  
694 application, the LRD shall inform the applicant whether the  
695 application materials are approved or disapproved based on the  
696 requirements of this ordinance.  
697 B. If all requirements of this ordinance have been met through the  
698 application, the LRD shall approve the application and issue a  
699 permit or exemption. If all requirements of this ordinance have not  
700 been met, the LRD shall state in writing the reasons for  
701 disapproval.  
702 C. If within the 10 working days, the LRD determines that the  
703 application is not complete or requests additional information from  
704 the applicant or another source (such as another regulatory  
705 agency), the LRD shall have 10 working days from the date the  
706 additional information is received to review and act on the  
707 application. The LRD shall inform the applicant when additional  
708 information is requested from another source.  
709 D. Failure of the LRD to inform the applicant of missing  
710 information or of a decision within 10 working days shall be

711 deemed to mean approval of the application and the applicant may  
712 proceed as if a permit had been issued.

713 3. *Storm Water Permit Greater Than One Acre Land Disturbance*  
714 *and Technical Exemptions.* Upon submittal of a complete

715 application under sub. (c) above or a technical exemption  
716 application under sec. 14-3\*\*(e), the applicant is authorizing the  
717 LRD to enter upon the subject site to obtain information needed to  
718 administer this ordinance and the following procedures shall apply:

719 A. Within 20 working days from the date the LRD receives the  
720 application, the LRD shall inform the applicant whether the  
721 application materials are approved or disapproved based on the  
722 requirements of this ordinance.

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

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

734 D. Failure of the LRD to inform the applicant of missing  
735 information or of a decision within the 20 working days shall be  
736 deemed to mean approval of the application and the applicant may  
737 proceed as if a permit had been issued.  
738

739 **Storm Water Permit Requirements.**

740 (a) *General Permit Requirements.* Storm water permits shall be subject to all of  
741 the requirements of this section. Violation of any permit requirement shall cause  
742 the permit holder and any other responsible party to be subject to enforcement  
743 action under sec. 14-3\*\*. Upon issuance of a storm water permit, the permit  
744 holder and any other responsible party shall be deemed to have accepted these  
745 requirements. General requirements include all of the following:

746 1. *Other Permits.* Compliance with a storm water permit does not  
747 relieve the permit holder or other responsible party of the  
748 responsibility to comply with other applicable federal, state, and  
749 local laws and regulations. The LRD may require the applicant to  
750 obtain other permits or plan approvals prior to issuing a storm  
751 water permit.

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

756 3. *Plan Modifications.* The LRD shall be notified of any  
757 significant modifications proposed to be made to the approved  
758 plans. The LRD may require proposed changes to be submitted for  
759 review prior to incorporation into the approved plans or  
760 implementation. Any modifications made during plan

761 implementation without prior approval by the project engineer  
762 under sub. 6 below and the LRD are subject to enforcement action.  
763 4. *Notification.* The LRD shall be notified at least 2 working days  
764 before commencing any work in conjunction with approved plans.  
765 The LRD shall also be notified of proposed plan modifications  
766 under sub. 3 above, and within 1 working day of completing  
767 construction of a storm water BMP. The LRD may require  
768 additional notification according to a schedule established by the  
769 LRD so that practice installations can be inspected during  
770 construction.  
771 5. *LRD Access.* The LRD or its designee shall be permitted access  
772 to the site for the purpose of inspecting the property for  
773 compliance with the approved plans and other permit  
774 requirements.  
775 6. *Project Engineer/Landscape Architect.* The permit holder shall  
776 provide an engineer licensed in the state of Wisconsin to be  
777 responsible for achieving compliance with approved construction  
778 plans, including the implementation of the approved inspection  
779 plan and verification of construction in accordance with sub. (d)  
780 below. If warm season or wetland plantings are involved, the  
781 permit holder shall also provide a landscape architect or other  
782 qualified professional to oversee and verify the planting process  
783 and its successful establishment.  
784 7. *Inspection Log.* The permit holder shall provide a qualified  
785 professional to conduct inspections and maintain an inspection log  
786 for the site. All best management practices shall be inspected  
787 within 24 hours after each rain event of 0.5 inch or more that  
788 results in runoff, or at least once each week. The inspection log  
789 shall include the name of the inspector, the date and time of  
790 inspection, a description of the present phase of construction, the  
791 findings of the inspection, including an assessment of the condition  
792 of erosion and sediment control measures and the installation of  
793 storm water management BMPs, and any action needed or taken to  
794 comply with this ordinance. The inspection log shall also include a  
795 record of BMP maintenance and repairs conducted under subs. 8  
796 and 9 below. The permit holder shall maintain a copy of the  
797 inspection log at the construction site or via the Internet, and shall  
798 notify the LRD of the method of availability upon permit issuance.  
799 If the inspection log is maintained on site, the LRD may view or  
800 obtain a copy at any time during normal business hours until  
801 permit termination under sub. (b) below. If the inspection log is  
802 made available via the Internet, the permit holder shall notify the  
803 LRD of the appropriate Internet address and any applicable access  
804 codes, and shall maintain the availability of the log until permit  
805 termination under sub. (b) below.  
806 8. *BMP Maintenance.* The permit holder shall maintain and repair  
807 all best management practices within 24 hours of inspection, or  
808 upon notification by the LRD, unless the LRD approves a longer  
809 period due to weather conditions. All BMP maintenance shall be  
810 in accordance with approved plans and applicable technical  
811 standards until the site is stabilized and a permit termination letter

812 is issued under sub. (b) below. The permit holder, upon approval  
813 by the LRD, shall remove all temporary erosion control practices  
814 such as silt fence. The permit holder, in accordance with approved  
815 plans and applicable technical standards, shall maintain permanent  
816 storm water management practices until maintenance responsibility  
817 is transferred to another party or unit of government pursuant to  
818 the recorded maintenance agreement.

819 9. *Other Repairs.* The permit holder shall be responsible for any  
820 damage to adjoining properties, municipal facilities or drainage  
821 ways caused by erosion, siltation, runoff, or equipment tracking.  
822 The LRD may order immediate repairs or clean-up within road  
823 right-of-ways or other public lands if the LRD determines that such  
824 damage is caused by activities regulated by a permit under this  
825 ordinance. With the approval of the landowner, the LRD may also  
826 order repairs or clean-up on other affected property.

827 10. *Emergency Work.* The permit holder authorizes the LRD, in  
828 accordance with the enforcement procedures under sec. 14-339, to  
829 perform any work or operations necessary to bring erosion control  
830 or storm water management practices into conformance with the  
831 approved plans and consents to charging such costs against the  
832 financial assurance pursuant to sub. (c) below or to a special  
833 assessment or charge against the property as authorized under  
834 subch. VII of ch. 66, Wisconsin Statutes

835 11. *Permit Display.* The permit holder shall display the storm  
836 water permit in a manner that can be seen from the nearest public  
837 road and shall protect it from damage from weather and  
838 construction activities until permit termination under sub. (b)  
839 below.

840 12. *Other Requirements.* The LRD may include other permit  
841 requirements that the LRD determines are necessary to ensure  
842 compliance with this ordinance.

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

845 1. *Permit issuance.* The LRD shall issue a permit to the applicant  
846 after verifying that all applicable conditions of this ordinance and  
847 possibly other related permits have been met, including the  
848 submittal of contact information for all responsible parties and the  
849 submittal of the financial assurance under sub. (c) below. The  
850 LRD may delay issuance of a storm water permit if the LRD  
851 determines that the proposed construction timelines and best  
852 management practices will not comply with the erosion control  
853 plan requirements under sec. 14-3\*\* or the purposes of the  
854 ordinance under sec. 14-3\*\*, including proposed late season new  
855 road construction with grass swales.

856 *Note: The LRD has determined that it is difficult and/or costly to avoid adverse impacts to other property*  
857 *and the environment to construct new roads with grass swales after standard seeding deadlines for cool*  
858 *season grasses.*

859 2. *Permit duration.* The LRD shall establish an expiration date for  
860 all storm water permits based on the construction schedules in the  
861 approved erosion control and storm water management plans. The

862 applicant shall notify the LRD of any changes to the proposed  
863 schedule prior to permit issuance.  
864 3. *Permit amendments.* The LRD may amend any terms of a storm  
865 water permit, including extending the permit expiration date, if the  
866 LRD determines it is necessary to ensure compliance with this  
867 ordinance. The applicant shall request an amendment to a storm  
868 water permit at least 2 weeks before permit expiration on a form  
869 provided by the LRD for that purpose and shall pay the  
870 corresponding fee. The LRD may require additional erosion  
871 control or storm water management measures as a condition of  
872 granting a permit amendment.  
873 4. *Permit transfer.* The LRD may transfer a storm water permit  
874 issued under this ordinance to a new applicant upon a written  
875 request from the applicant and payment of the corresponding fee.  
876 The permit transfer shall not take effect until the LRD verifies in  
877 writing that the new applicant has satisfied all conditions of this  
878 ordinance, including an updated list of responsible parties and the  
879 submittal of a new financial assurance under sub. (c) below.  
880 5. *Permit termination.* The LRD shall issue a permit termination  
881 letter to the permit holder upon releasing the financial assurance  
882 under sub. (c) below, which shall serve as documentation that all  
883 conditions of this ordinance have been satisfied and the permit has  
884 been terminated. A copy of this letter shall also be sent to the  
885 Wisconsin Department of Natural Resources and shall serve as the  
886 “Notice of Termination” under s.s. NR 216.55 Wis. Admin. Code.

887 (c) *Financial Assurance.*

888 1. *Purpose.* The LRD may require the applicant to submit a  
889 financial assurance to ensure compliance with the approved  
890 erosion control and storm water management plans and other storm  
891 water permit requirements.  
892 2. *Type and Authority.* The LRD shall determine the acceptable  
893 type and form of financial assurance, which may include cash, a  
894 bond, an escrow account or irrevocable letter of credit. The LRD  
895 shall, upon written notice to the permit holder, be authorized to use  
896 the funds to complete activities required in the approved plans or  
897 this ordinance if the permit holder or other responsible party  
898 defaults or does not properly implement the requirements.  
899 3. *Amount.* The amount of the financial assurance shall be  
900 determined by the LRD and shall not exceed the estimated cost of  
901 completing the approved erosion control and storm water  
902 management plans.  
903 4. *Exemption.* Publicly funded land disturbing or land  
904 development activities shall be exempt from providing a financial  
905 assurance.  
906 5. *Security.* The LRD shall provide the permit holder or other  
907 responsible party a written statement outlining the purpose of the  
908 financial assurance, the applicable amount and type received and  
909 all of the conditions for release.  
910 6. *Conditions for Release.* The LRD shall release the financial  
911 assurance, and issue a termination letter in accordance with sub,

- 912 (b)5. above, only after determining full compliance with the permit  
913 and this ordinance, including the following:  
914 A. Accepting an “as-built” survey certified pursuant to sub. (d)1.  
915 below,  
916 B. Accepting verification of construction pursuant to sub. (d)2.  
917 below;  
918 C. Completing a satisfactory final inspection pursuant to sub (e)  
919 below;  
920 D. Receiving a copy of the recorded maintenance agreement  
921 pursuant to sec. 14-3\*\* of this ordinance.

922 7. *Partial Releases.* The permit holder may apply for a partial  
923 release of the financial assurance based on the completion or  
924 partial completion of various construction components or  
925 satisfaction of individual requirements noted above.

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

933 9. *Other Financial Assurances.* The financial assurance  
934 provisions of this ordinance shall be in addition to any other  
935 financial assurance requirements of the local community for other  
936 site improvements. Any arrangements made to share financial  
937 assurances with the local community shall be made at the  
938 discretion of the LRD and shall be at least as restrictive the  
939 requirements in this ordinance.

940 (d) *Construction and Planting Verification.*

941 1. *As-built Survey.* To ensure compliance with this ordinance and  
942 to serve as a basis for the engineering verification under sub. 2  
943 below, an as-built survey shall be completed in accordance with  
944 LRD standards and certified as accurate by a registered land  
945 surveyor or an engineer licensed in the State of Wisconsin. As-  
946 built plans shall be submitted to the LRD for all storm water  
947 management BMPs, bridges and culverts pursuant to sec. 14-  
948 3\*\*(d).6.D. below, and other permanent best management  
949 practices or practice components as deemed necessary by the LRD  
950 to ensure its long-term maintenance. The LRD may require a  
951 digital submittal of the as-built survey, in accordance with LRD  
952 standards.

953 2. *Verification.* A professional engineer licensed in the State of  
954 Wisconsin shall verify, in accordance with LRD standards, that the  
955 engineer has successfully completed all site inspections outlined in  
956 the approved plans and that the construction of all storm water  
957 management BMPs, as determined by the LRD, comply with the  
958 approved plans and applicable technical standards or otherwise  
959 satisfy all the requirements of this ordinance. If warm season or  
960 wetland plantings are involved, a landscape architect or other  
961 qualified professional shall verify the planting process and its  
962 successful establishment, in accordance with LRD standards.

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

968 (e) *Final Inspection.*

969 After completion of construction, the LRD shall conduct a final inspection of all  
970 permitted sites to determine compliance with the approved plans and other  
971 applicable ordinance requirements, including ensuring the site is stabilized. If,  
972 upon inspection, the LRD determines that any of the applicable requirements have  
973 not been met, the LRD shall notify the permit holder what changes would be  
974 necessary to meet the requirements. At the request of the permit holder, the LRD  
975 shall provide a notification of noncompliance or a report of final inspection in  
976 written or electronic form.

977  
978 **Erosion Control Plan Requirements.**

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

- 985 1. All erosion control plans and associated BMPs shall comply  
986 with the planning, design, implementation and maintenance  
987 requirements of this ordinance.
- 988 2. All erosion control plans shall by design, achieve to the  
989 maximum extent practicable, a reduction of 80% of the sediment  
990 load carried in runoff, on an average annual basis, as compared  
991 with no sediment or erosion controls, until the site is stabilized.
- 992 3. Erosion and sediment control BMPs may be used alone or in  
993 combination to meet the 80% sediment reduction goal. Plans that  
994 comply with the guiding principles described in sub. (b) below and  
995 the specific erosion control plan requirements described in sub. (c)  
996 below shall be determined by the LRD as meeting the 80%  
997 sediment reduction goal.
- 998 4. The LRD may recognize other methods for determining  
999 compliance with the 80% sediment reduction goals as they are  
1000 standardized, including any methods that may come from the  
1001 procedures under subch. V. of ch. NR 151, Wis. Adm. Code.

1002 *Note: Soil loss prediction tools are available that can estimate the sediment load leaving the construction*  
1003 *site under varying land and management conditions and the application of erosion control BMPs. An*  
1004 *example of such a tool is the Revised Universal Soil Loss Equation, published by the USDA-Natural*  
1005 *Resources Conservation Service.* (b) *Guiding Principles for Erosion Control.* To satisfy  
1006 the requirements of this section, an erosion control plan shall, to the maximum  
1007 extent practicable, adhere to the following guiding principles:

- 1008 1. Propose grading that best fits the terrain of the site, avoiding  
1009 steep slopes, wetlands, floodplains and environmental corridors;
- 1010 2. Minimize, through project phasing and construction sequencing,  
1011 the time the disturbed soil surface is exposed to erosive forces.
- 1012 3. Minimize soil compaction, the loss of trees and other natural  
1013 vegetation and the size of the disturbed area at any one time;

1014 4. Locate erosion control BMPs upstream from where runoff  
1015 leaves the site or enters waters of the state and outside of wetlands,  
1016 floodplains, primary or secondary environmental corridors or  
1017 isolated natural areas

1018 5. Emphasize the use of BMPs that prevent soil detachment and  
1019 transport over those aimed to reduce soil deposition  
1020 (sedimentation) or repair erosion damage.

1021 (c) *Specific Erosion Control Plan Requirements.* The following applicable  
1022 minimum requirements shall be addressed in erosion control plans to the  
1023 maximum extent practicable. The LRD may establish more stringent erosion and  
1024 sediment control requirements than the minimums set forth in this section if the  
1025 LRD determines that an added level of protection is needed to protect an  
1026 environmentally sensitive area or other property, or to address a change made  
1027 during plan implementation.

1028 1. *Access Drives and Tracking.* Provide access drive(s) for  
1029 construction vehicles that minimize tracking of soil off site using  
1030 BMPs such as stone tracking pads, tire washing or grates.  
1031 Minimize runoff and sediment from adjacent areas from flowing  
1032 down or eroding the access drive.

1033 2. *Diversion of Upslope Runoff.* Divert excess runoff from upslope  
1034 land, rooftops or other surfaces, if practicable, using BMPs such as  
1035 earthen diversion berms, silt fence and downspout extenders.  
1036 Prevent erosion of the flow path and the outlet.

1037 3. *Inlet Protection.* Protect inlets to storm drains, culverts and  
1038 other storm water conveyance systems from siltation until the site  
1039 is stabilized.

1040 4. *Soil Stockpiles.* Locate soil stockpiles away from channelized  
1041 flow and no closer than 25 feet from roads, ditches, lakes, streams,  
1042 ponds, wetlands or environmental corridors, unless otherwise  
1043 approved by the LRD. Control sediment from soil stockpiles. Any  
1044 soil stockpile that remains for more than 30 days shall be  
1045 stabilized.

1046 5. *Cut and Fill Slopes.* Minimize the length and steepness of  
1047 proposed cut and fill slopes and stabilize them as soon as  
1048 practicable.

1049 5. *Channel Flow.* Trap sediment in channelized flow before  
1050 discharge from the site using BMPS such as sediment traps and  
1051 sediment basins. Stabilize open channels in accordance with LRD  
1052 standards as soon as practicable.

1053 6. *Outlet Protection.* Protect outlets from erosion during site  
1054 dewatering and storm water conveyance, including velocity  
1055 dissipation at pipe outfalls or open channels entering or leaving a  
1056 storm water management facility.

1057 7. *Overland Flow.* Trap sediment in overland flow before  
1058 discharge from the site using BMPs such as silt fence and  
1059 vegetative filter strips.

1060 8. *Site Dewatering.* Treat pumped water to remove sediment prior  
1061 to discharge from the site, using BMPs such as sediment basins  
1062 and portable sediment tanks.

1063 9. *Dust Control.* Prevent excessive dust from leaving the  
1064 construction site through construction phasing and timely

1065 stabilization or the use of BMPs such as site watering and mulch –  
 1066 especially with very dry or fine sandy soils.  
 1067 10. *Topsoil Application.* Save existing topsoil and reapply a  
 1068 minimum of 4 inches to all disturbed areas for final stabilization,  
 1069 unless otherwise approved by the LRD, such as for temporary  
 1070 seeding or storm water infiltration BMPs. If adequate topsoil does  
 1071 not exist on the site to meet this requirement, it shall be imported  
 1072 or a topsoil substitute such as compost may be used, upon approval  
 1073 by the LRD.  
 1074 11. *Waste Material.* Recycle or properly dispose all waste and  
 1075 unused building materials in a timely manner. Control runoff from  
 1076 waste materials until they are removed or reused.  
 1077 12. *Sediment Cleanup.* By the end of each workday, clean up all  
 1078 off-site sediment deposits or tracked soil that originated from the  
 1079 permitted site. Flushing shall not be allowed unless runoff is  
 1080 treated before discharge from the site.  
 1081 13. *Final Site Stabilization.* All previous cropland areas where  
 1082 land disturbing activities will not be occurring under the proposed  
 1083 grading plans, shall be stabilized within 30 days of permit  
 1084 issuance. Stabilize all other disturbed areas within 7 days of final  
 1085 grading and topsoil application. Large sites shall be treated in  
 1086 stages as final grading is completed in each stage. Any soil  
 1087 erosion that occurs after final grading or the application of  
 1088 stabilization measures must be repaired and the stabilization work  
 1089 redone.  
 1090 14. *Temporary Site Stabilization.* Any disturbed site that remains  
 1091 inactive for greater than 7 days shall be stabilized with temporary  
 1092 stabilization measures such as soil treatment, temporary seeding or  
 1093 mulching. For purposes of this subsection, “inactive” means that  
 1094 no site grading, landscaping or utility work is occurring on the site  
 1095 and that precipitation events are not limiting these activities.  
 1096 Frozen soils do not exclude the site from this requirement.  
 1097 15. *Removal of Practices.* Remove all temporary BMPs such as  
 1098 silt fences, ditch checks and sediment traps as soon as all disturbed  
 1099 areas have been stabilized.  
 1100 16. *Site Drainage.* Site drainage plans shall comply with the  
 1101 provisions of sec. 14-3\*\*(d)6. below.  
 1102 (d) *Preliminary Erosion Control Plan Contents.* Preliminary erosion and  
 1103 sediment control plans shall contain the following items:  
 1104 1. A site map in accordance with sec. 14-3\*\* (c) below;  
 1105 2. A brief narrative describing the proposed land disturbing  
 1106 activity, construction timeline and sequencing, and a general  
 1107 review of the major erosion and sediment control BMPs proposed  
 1108 to be used to minimize off-site impacts during the construction  
 1109 phase and to stabilize the site following construction.  
 1110 3. Delineation of the following items on the map under par. 1  
 1111 above:  
 1112 A. The area and size (in acres) of the proposed land  
 1113 disturbance;  
 1114 B. The woodland and wetland areas, and the size (in  
 1115 acres) of each that is proposed to be lost during

1116 construction and a general description of the current  
1117 vegetation types and tree sizes;  
1118 C. The general location of major BMPs described in  
1119 sub. 1 above.

1120 (e) *Final Erosion Control Plan Contents*. The following shall be the minimum  
1121 requirements for items to be included in a final erosion and sediment control plan:

1122 1. *Sites Less than One Acre of Total Land Disturbance*.

1123 A. A narrative describing the proposed land  
1124 disturbing activity, construction timeline and  
1125 sequencing, temporary BMPs to be used to  
1126 minimize off-site impacts during the construction  
1127 phase, and proposed methods to stabilize the site  
1128 following construction in accordance with the  
1129 requirements of this ordinance;

1130 B. A survey map or scaled site plan drawing of  
1131 sufficient clarity showing a north arrow, the  
1132 location of proposed land disturbance, direction of  
1133 flow for runoff entering and leaving the disturbed  
1134 area, upslope drainage area (if known), proposed  
1135 BMPs, existing and proposed slopes, ground cover,  
1136 buildings, roads, access drives, property boundaries,  
1137 drainage ways, water bodies, trees, culverts, utilities  
1138 and other structures within 50 feet of the proposed  
1139 land disturbance;

1140 C. The name, address and daytime phone number of  
1141 the person(s) charged with installing and  
1142 maintaining all best management practices;

1143 D. For underground utility installations, the plans  
1144 must delineate where utilities will be installed, show  
1145 the location of the open cut and the topography in  
1146 the area, and list the total lineal feet to be installed  
1147 and the lineal feet that will be done by open cut; and

1148 E. Other information determined to be  
1149 necessary by the LRD to ensure compliance with  
1150 the requirements of this chapter.

1151 2. *Sites One Acre or Greater in Total Land Disturbance*.

1152 A. A site map in accordance with sec. 14-3\*\* (c) below;

1153 B. A map at a scale of 1 inch equals no more than  
1154 100 feet (unless otherwise noted), delineating and  
1155 labeling the following applicable items:

1156 i. North arrow, graphic scale, draft date,  
1157 name and contact information for project  
1158 engineer or planner and designation of  
1159 source documents for all map features.

1160 ii. Proposed site topography at contour  
1161 intervals not to exceed two feet, proposed  
1162 percent slope for all open channels and side  
1163 slopes and all proposed runoff discharge  
1164 points from the site;

1165 iii. Proposed building envelopes and other  
1166 land area to be disturbed and size in acres;

1167 iv. All woodland areas, those proposed to be  
1168 lost or transplanted during construction and  
1169 acres or numbers of each. For woodlands  
1170 proposed to be lost, show individual trees  
1171 larger than eight (8) inches in diameter that  
1172 are located within twenty (20) feet of  
1173 proposed grading boundaries;  
1174 v. Temporary access drive and specified  
1175 surface material and minimum depth;  
1176 vi. Temporary flow diversion devices for  
1177 upslope or roof runoff until site is stabilized;  
1178 vii. Temporary sediment trapping devices  
1179 for site perimeter and inlets to culverts and  
1180 storm drains;  
1181 viii. Temporary settling basin or other BMP  
1182 to be used for site dewatering during utility  
1183 or other subsurface work;  
1184 ix. Temporary soil stockpile sites indicating  
1185 setbacks from nearby water resources or  
1186 environmental corridors and the proposed  
1187 erosion protection methods;  
1188 x. Detailed drawings and cross-sections for  
1189 any sediment traps, basins or other major cut  
1190 or fill areas requested by the LRD, showing  
1191 side slopes and elevations;  
1192 xi. Final stabilization measures for open  
1193 channels and erosion protection for pipe and  
1194 channel inlets, outlets and emergency  
1195 spillways;  
1196 xii. Location of proposed utilities, including:  
1197 standard cross-section for buried utilities,  
1198 associated easements, labeling the type of  
1199 utility and notes on erosion control and  
1200 restoration plans;  
1201 xiii. Final site stabilization instructions for  
1202 all other disturbed areas, showing areas to be  
1203 stabilized in acres, depth of applied topsoil,  
1204 seed types, rates and methodology, fertilizer,  
1205 sod or erosion matting specifications,  
1206 maintenance requirements until plants are  
1207 well established, and other BMPs used to  
1208 stabilize the site;  
1209 xiv. Detailed construction notes clearly  
1210 explaining all necessary procedures to be  
1211 followed to properly implement the plan,  
1212 including estimated starting date of grading,  
1213 timing and sequence of construction or  
1214 demolition, any construction stages or  
1215 phases, utility installation, dewatering plans,  
1216 refuse disposal, inspection requirements, and

1217 the installation, use, and maintenance of best  
1218 management practices proposed in the plan;  
1219 xv. Location of soil evaluations with surface  
1220 elevations and unique references to  
1221 supplemental soil evaluations report forms  
1222 in accordance with sec. 14-3\*\*(e) below.  
1223 Also show estimated seasonal water table  
1224 depths and soil textures down to planned  
1225 excavation depths, which may be on a  
1226 separate map with sufficient references to  
1227 the proposed site plan.

*Note: Water table depths are needed to plan for dewatering activities for excavations and utility installations and to document compliance with water table separation requirements under sub. 14-335(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.*

1233 xvi. Other items specified by the  
1234 LRD as necessary to ensure  
1235 compliance with this ordinance.

1236 C. Supporting information for the plan reviewer only:

1237 i. A narrative summary of the  
1238 erosion control plan, briefly  
1239 explaining the overall plan and, any  
1240 unique information that led to the  
1241 selection of BMPs and how the plan  
1242 meets the guiding principles under  
1243 sub. (b) above and the specific  
1244 requirements under sub. (c) above;

*Note: This information may be combined with a narrative for the storm water management plan under sec. 14-334(c). The information may also be useful to the grading contractor and could be included in the construction notes on the plan map under sub. B(xiv) above.*

1248 ii. Summary of design data for any  
1249 structural BMP such as sediment  
1250 basins or sediment traps. A  
1251 professional engineer, licensed in the  
1252 State of Wisconsin, shall stamp and  
1253 sign a statement approving all  
1254 designs and certifying that they have  
1255 read the requirements of this  
1256 ordinance and that, to the best of  
1257 their knowledge, the submitted plans  
1258 comply with the requirements;

1259 iii. Open channel design and  
1260 stabilization data to support the  
1261 selected BMPs for stabilization;  
1262 iv. Soil evaluation reports, in  
1263 accordance with the standards in Sec.  
1264 14-3\*\*(e), with unique references  
1265 and elevations that match the map  
1266 under sub. B(xv) above.

1267 v. Estimated time soil stockpiles will  
1268 exist to support the selected BMPs  
1269 for erosion control;

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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.

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**Storm Water Management Plan Requirements.**

(a) General Storm Water Management Plan Requirements.

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.(b)

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

- A. Preserve natural watershed boundaries and drainage patterns;
- B. Reserve adequately sized areas for storm water infiltration, Odetention and treatment early in the site planning process;
- C. Locate storm water BMPs prior to runoff leaving the site or entering waters of the state, and outside of wetlands, floodplains, primary or secondary environmental corridors or isolated natural areas;
- D. Minimize soil compaction and maintain pre-development groundwater recharge areas;
- E. Minimize impervious surfaces and have them drain to vegetated areas for pollutant filtering and infiltration;
- F. Emphasize vegetated swales, warm season and wetland plantings, and low flow velocities for storm water conveyance, treatment and infiltration, especially for transportation related projects;

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

- G. Allow for different storm water management strategies for cleaner runoff (i.e. roofs) versus more polluted runoff (i.e. heavily used streets and parking lots);
- H. Provide for emergency overflow in all storm water BMP designs;
- I. Distribute storm water bioretention and infiltration BMPs throughout the site plan for large land developments;

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

1. Development title, graphic scale and north arrow;
2. Property location description by public land survey system (1/4 section, section, township, range, county);
3. Location map (smaller scale) showing the site location within a public land survey section or subdivision, oriented the same as par. 4 below;
4. Ownership boundaries, bearings, lengths and other survey references that will accurately identify the sites location, in accordance with s. 236 Wisconsin Statutes and county mapping standards for all land divisions;
5. Lot numbers and dimensions, including outlots for all land divisions;
6. Name and complete contact information for the applicant,

- landowner, developer and project engineer;
7. Surveyor’s certificate, signed, dated and sealed for all land divisions;
8. Sheet numbers and revision dates on every page;
9. Existing site topography at a contour interval not to exceed 2 feet, including spot elevations for physical features such as culvert (invert elevations), retaining walls, road and ditch centerlines and topographic high and low points;
10. Location and name, if applicable, of all lakes, streams, channels, ditches, and other water bodies or areas of channelized flow on or adjacent to the site;
11. Location and name, if applicable, of all wetlands and identification of source of delineation. For final land divisions, these boundaries shall be field verified;
12. Boundaries of shoreland zones and the ordinary high water mark (OHWM) for any navigable water body as defined by the Waukesha County Shoreland and Floodland Protection ordinance. For final land divisions, the OHWM boundaries shall be field verified;
13. Boundaries and elevation of the 100-year floodplains, flood fringes and floodways, as defined by the Waukesha County Shoreland and Floodland Protection ordinance. For final land divisions, these boundaries and elevations shall be field verified;
14. Boundaries and soil symbol for each soil mapping unit and the identification of all hydric soils as defined by the USDA-Natural Resources Conservation Service;
15. Locations of all available soil borings or soil profile evaluations with unique references to supplemental data report forms;
16. Location of primary and secondary environmental corridors, as defined by the Southeastern Wisconsin Regional Planning Commission. For final land divisions, these boundaries shall be field verified;
17. Location and description of isolated natural area boundaries as defined by the Southeastern Wisconsin Regional Planning Commission, woodland areas and other vegetative cover types;
18. Location and descriptive notes for existing and proposed structures within 50 feet of the property boundaries and their proposed use, including, but not limited to buildings and foundations, roads, parking areas, fence lines, access lanes, culverts (include size and type), above ground utilities and retaining walls;
19. Location and descriptive notes for other known existing site features including, but not limited to rock outcrops or other karst features, tile drains, buried utilities, dumps, landfills, manure or other waste storage facilities;
20. Boundaries and descriptive notes for all applicable setbacks and for “protective areas”, as specified in sec.14-335(d)4. of this ordinance;
21. Location and descriptive notes for any existing or proposed easements, right-of-ways, vision corners or other known site

- 1381 restrictions. Road right-of ways and building setbacks shall be in  
 1382 compliance with all applicable administrative codes, adopted plans  
 1383 and ordinances;  
 1384 22. Location and descriptive notes for existing and proposed public  
 1385 dedications of parcels or right-of-ways;  
 1386 23. Location and descriptive notes for preplanned building or  
 1387 waste disposal sites, when limited by site features;  
 1388 24. Location and documentation of any existing well and  
 1389 delineation of any applicable regulatory setbacks, in accordance  
 1390 with ch. NR 811 and 812 Wis. Admin. Code;  
 1391 25. Notes describing source documents, date and measure of  
 1392 accuracy for all applicable mapping features noted above;  
 1393 26. Other site information that the LRD determines is necessary to  
 1394 administer this ordinance.

*Note: The LRD will provide the applicant with a written checklist of the above items, including guidance on which items are applicable to the proposed project. Items may need to be displayed on more than one map for purposes of clarity.*

1398 **(d) Specific Storm Water Management Plan Requirements and Performance**  
 1399 **Standards.** All storm water management plans and associated BMPs shall meet  
 1400 the following minimum requirements to the maximum extent practicable. It is  
 1401 highly recommended that the applicant meet with the LRD prior to preparing a  
 1402 storm water management plan to determine the applicability of these requirements  
 1403 early in the site planning process.

1404 1. *Peak Discharge.*

1405 A. *Minimum requirement.* To minimize  
 1406 downstream bank erosion and the failure of  
 1407 downstream conveyance systems, the calculated  
 1408 post-development peak storm water discharge rate  
 1409 shall not exceed the calculated pre-development  
 1410 discharge rates for the 2-year, 10-year, and 100-  
 1411 year, 24-hour design storms. Modeling  
 1412 requirements for this provision are further described  
 1413 in sec. 14-3\*\* below.

1414 B. *Release Rate Per Acre.* The LRD may establish  
 1415 a maximum allowable release rate on a per acre  
 1416 basis that would supercede the requirements of sub.  
 1417 A. above for certain watersheds after the necessary  
 1418 hydrologic modeling is completed and the  
 1419 maximum release rate is approved by the Storm  
 1420 Water Advisory Committee.

1421 *Note: A detailed watershed-based hydrologic analysis can generate a more accurate peak discharge rate for*  
 1422 *the protection of downstream properties from increased flooding due to the addition of impervious surfaces.*  
 1423 *This method has been used very effectively in the Milwaukee area and other parts of the country and may be*  
 1424 *used in Waukesha County in the future.*

1425 C. *Peak Discharge Exemptions.* Certain sites or  
 1426 portions of sites may be exempted from the peak  
 1427 discharge requirements of this subsection in  
 1428 accordance with sub. (e) below.

1429 2. *Total Suspended Solids.*

1430 A. By design, each storm water management plan  
 1431 shall meet the following post-development total  
 1432 suspended solids reduction targets, based on

1433 average annual rainfalls, as compared to no runoff  
1434 management controls:  
1435 i. For new land development, 80%  
1436 reduction in total suspended solids  
1437 load;  
1438 ii. For redevelopment, 40% reduction  
1439 of total suspended solids load;  
1440 iii. For in-fill development that  
1441 occurs prior to October 1, 2012, 40  
1442 % reduction total suspended solids  
1443 load;  
1444 iv. For in-fill development that  
1445 occurs after October 1, 2012, 80%  
1446 reduction of total suspended solids  
1447 load.

1448 *Note: The first flush of storm water runoff from an urban landscape contains the vast majority of pollutants,*  
1449 *which tend to be associated with suspended solids. Pollutant loading models such as SLAMM, P8 or*  
1450 *equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended*  
1451 *solids under sub. A above.*

1452 3. *Infiltration.* BMPs shall be designed, installed, and maintained  
1453 to infiltrate runoff in accordance with the following requirements,  
1454 except as provided in subs. E. through H. below.

1455 A. *Residential.* For residential developments one of  
1456 the following shall be met:

- 1457 i. Infiltrate sufficient runoff volume  
1458 so that the post-development  
1459 infiltration volume shall be at least  
1460 90% of the pre-development  
1461 infiltration volume, based on an  
1462 average annual rainfall. However,  
1463 when designing appropriate  
1464 infiltration systems to meet this  
1465 requirement, no more than 1% of the  
1466 project site is required as an effective  
1467 infiltration area.  
1468 ii. Infiltrate 25% of the post-  
1469 development runoff volume from the  
1470 2-year, 24-hour design storm with a  
1471 type II distribution. Separate runoff  
1472 curve numbers for pervious and  
1473 impervious surfaces shall be used to  
1474 calculate runoff volumes, not  
1475 composite curve numbers, as  
1476 prescribed in sec. 14-3\*\*. However,  
1477 when designing appropriate  
1478 infiltration systems to meet this  
1479 requirement, no more than 1% of the  
1480 project site is required as an effective  
1481 infiltration area.

1482 B. *Nonresidential.* For non-residential  
1483 development, including commercial, industrial and  
1484 institutional development, one of the following shall

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be met:

- i. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.
- ii. Infiltrate 10% of the post-development runoff volume from the 2-year, 24-hour design storm. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, not composite curve numbers, as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

C. *Modeling.* Refer to sec. 14-3\*(a) for details on calculating runoff volumes and pre-development conditions.

D. *Pretreatment.* Pretreatment shall be required before infiltrating parking lot and road runoff from commercial, industrial and institutional areas. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. H below. Pretreatment options may include, but are not limited to, oil/grease separators, sedimentation or bioretention basins, filtration swales or filter strips. All designs shall comply with the technical standards in sec. 14-3\*\*(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.*

E. *Infiltration Exclusions.* Infiltration of runoff shall 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. Admin. Code.
- ii. Runoff from fueling and vehicle maintenance areas, not including rooftops and canopies.
- iii. Infiltration of runoff within 1000

1537 feet upgradient or within 100 feet  
1538 downgradient of karst features.  
1539 iv. Infiltration of runoff from any  
1540 area except rooftops with less than 3  
1541 feet separation distance from the top  
1542 of the filtering layer to the elevation  
1543 of seasonal high groundwater or the  
1544 top of bedrock.  
1545 v. Infiltration of runoff from  
1546 industrial, commercial and  
1547 institutional parking lots and roads  
1548 and residential arterial roads with  
1549 less than 5 feet separation distance  
1550 from top of the filtering layer to the  
1551 elevation of seasonal high  
1552 groundwater or the top of bedrock.  
1553 vi. Areas within 400 feet of a  
1554 community water system well as  
1555 specified in s. NR 811.16(4), Wis.  
1556 Adm. Code, or within 100 feet of a  
1557 private well as specified in s. NR  
1558 812.08(4), Wis. Adm. Code, for  
1559 runoff infiltrated from commercial,  
1560 industrial and institutional land uses  
1561 or regional devices for residential  
1562 development, not including rooftop  
1563 runoff.  
1564 vii. Areas where contaminants of  
1565 concern, as defined in s. NR  
1566 720.03(2), Wis. Adm. Code are  
1567 present in the soil through which  
1568 infiltration will occur.

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

1570 **F. Infiltration Exemptions.** The infiltration  
1571 requirements of this subsection do not apply to  
1572 frozen soil conditions and may be exempted if soils  
1573 have a measured infiltration rate of less than 0.6  
1574 inches per hour and the LRD determines it would be  
1575 impracticable to modify existing soil conditions.  
1576 Other sites may be exempted in accordance with  
1577 sub.(e). below.

1578 **G. Alternate runoff uses.** Where storage and reuse  
1579 of runoff are employed, such as to support green  
1580 roofs, landscape watering, toilet flushing, laundry or  
1581 irrigation, such alternate uses shall be given equal  
1582 credit toward the infiltration volume required by  
1583 this section.

1584 **H. Groundwater protection.**

1585 i. Infiltration systems designed in  
1586 accordance with this subsection  
1587 shall, to the extent technically and

1588 economically feasible, minimize the  
1589 level of pollutants infiltrating to  
1590 groundwater and shall maintain  
1591 compliance with the preventive  
1592 action limit at a point of standards  
1593 application in accordance with  
1594 Chapter NR 140 Wis. Adm. Code.  
1595 However, if site-specific information  
1596 indicates that compliance with a  
1597 preventive action limit is not  
1598 achievable, the infiltration BMP may  
1599 not be installed or shall be modified  
1600 to prevent infiltration to the  
1601 maximum extent practicable.  
1602 ii. The discharge from BMPs shall  
1603 remain below the enforcement  
1604 standard at the point of standards  
1605 application.  
1606 iii. No storm water BMP shall be  
1607 installed that meets the definition of  
1608 an injection well under Chapter NR  
1609 812 Wis. Admin. Code.  
1610 iv. All storm water BMPs shall  
1611 comply with the provisions of any  
1612 applicable wellhead protection plan  
1613 for a community water supply under  
1614 Chapter NR 811 Wis. Admin. Code.

1615 4. *Protective Areas.*

1616 A. *Definitions.* “Protective area” means an area of  
1617 land that commences at the top of the channel of  
1618 lakes, streams and rivers, or at the delineated  
1619 boundary of wetlands, and that is the greatest of the  
1620 following widths, as measured horizontally from the  
1621 top of the channel or delineated wetland boundary  
1622 to the closest impervious surface. However, in this  
1623 section, “protective area” does not include any area  
1624 of land adjacent to any stream enclosed within a  
1625 pipe or culvert, such that runoff cannot enter the  
1626 enclosure at this location.

1627 i. For outstanding resource waters  
1628 and exceptional resource waters, and  
1629 for wetlands in areas of special  
1630 natural resource interest as specified  
1631 in Chapter NR 103 Wis. Admin.  
1632 Code, 75 feet.

1633 ii. For perennial and intermittent  
1634 streams identified on the Waukesha  
1635 County GIS system, 50 feet. If there  
1636 is a discrepancy between the  
1637 Waukesha County GIS system and  
1638 the applicable United States

1639 Geological Survey 7.5-minute series  
1640 topographic map, the more stringent  
1641 stream identification shall apply.  
1642 iii. For lakes, 50 feet.  
1643 iv. For highly susceptible wetlands,  
1644 as determined by the LRD, 50 feet.  
1645 Highly susceptible wetlands include  
1646 the following types: fens, sedge  
1647 meadows, bogs, low prairies, conifer  
1648 swamps, shrub swamps, other  
1649 forested wetlands, fresh wet  
1650 meadows, shallow marshes, deep  
1651 marshes and seasonally flooded  
1652 basins. Wetland boundary  
1653 delineations shall be made in  
1654 accordance with Chapter NR 103  
1655 Wis. Admin. Code. This paragraph  
1656 does not apply to wetlands that have  
1657 been completely filled in accordance  
1658 with all applicable state and federal  
1659 regulations. The protective area for  
1660 wetlands that have been partially  
1661 filled in accordance with all  
1662 applicable state and federal  
1663 regulations shall be measured from  
1664 the wetland boundary delineation  
1665 after fill has been placed.  
1666 v. For less susceptible wetlands, 10  
1667 percent of the average wetland  
1668 width, but no less than 10 feet nor  
1669 more than 30 feet. Less susceptible  
1670 wetlands include degraded wetlands  
1671 dominated by invasive species such  
1672 as reed canary grass.  
1673 vi. In subd. A.(i), (iv) and (v),  
1674 determinations of the extent of the  
1675 protective area adjacent to wetlands  
1676 shall be made on the basis of the  
1677 sensitivity and runoff susceptibility  
1678 of the wetland in accordance with the  
1679 standards and criteria in Chapter NR  
1680 103 Wis. Admin. Code.  
1681 vii. For concentrated flow channels  
1682 with drainage areas greater than 130  
1683 acres, 10 feet.

1684 **B. Requirements.** The following requirements shall  
1685 be met for all land development activity located  
1686 within a protective area:

1687 i. Impervious surfaces shall be kept  
1688 out of the protective area, except for  
1689 bathhouses and walkways authorized

1690 under shoreland and floodland  
1691 zoning. The erosion control plan  
1692 shall contain a written site-specific  
1693 explanation for any parts of the  
1694 protective area that are disturbed  
1695 during construction.  
1696 ii. Where land disturbing activity  
1697 occurs within a protective area, and  
1698 where no impervious surface is  
1699 present, adequate sod or self-  
1700 sustaining vegetative cover of 70%  
1701 or greater shall be established and  
1702 maintained. The adequate sod or  
1703 self-sustaining vegetative cover shall  
1704 be sufficient to provide for bank  
1705 stability, maintenance of fish habitat  
1706 and filtering of pollutants from  
1707 upslope overland flow areas under  
1708 sheet flow conditions. Non-  
1709 vegetative materials, such as rock  
1710 riprap, may be employed on the bank  
1711 as necessary to prevent erosion, such  
1712 as on steep slopes or where high  
1713 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".*

1719 iii. Best management practices such  
1720 as filter strips, swales, or wet  
1721 detention basins, that are designed to  
1722 control pollutants from non-point  
1723 sources may be located in the  
1724 protective area, but shall not  
1725 encroach into wetlands, floodplains  
1726 or primary or secondary  
1727 environmental corridors.

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

1730 **C. Protective Area Exemptions.** The protective area  
1731 requirements of this subsection may be exempted in  
1732 accordance with sub. (e). below and do not apply to  
1733 the following:

1734 i. Structures that cross or access  
1735 surface waters such as boat landings,  
1736 bridges and culverts;  
1737 ii. Structures constructed in  
1738 accordance with s. 59.692(1v),  
1739 Wisconsin Statutes; and  
1740 iii. Sites where runoff does not enter  
1741 the surface water, except to the

1742 extent that vegetative ground cover  
1743 is necessary to maintain bank  
1744 stability.

*Note: A vegetated protective area to filter runoff pollutants from post-construction sites described in sub. 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.*

1749 **5. Fueling and Vehicle Maintenance Areas.**

1750 Fueling and vehicle maintenance areas shall have BMPs designed,  
1751 installed and maintained to reduce petroleum within runoff, such  
1752 that the runoff that enters waters of the state contains no visible  
1753 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.*

1757 **6. Site Drainage.** Measures shall be implemented to ensure proper  
1758 site drainage, prevent property damage and protect public health  
1759 and safety, including the following minimum requirements:

1760 **A. Drainage easement.** Perpetual drainage  
1761 easements or other deed restrictions shall be  
1762 recorded on the property to preserve major storm  
1763 water flow paths and permanent storm water BMP  
1764 locations. Covenants in these areas shall not allow  
1765 buildings or other structures and shall prevent any  
1766 grading, filling or other activities that interrupt or  
1767 obstruct flows in any way. Covenants shall also  
1768 specify maintenance responsibilities and authorities  
1769 in accordance with sec. 14-3\*\*.

1770 **B. Site grading.** Site grading shall ensure positive  
1771 flows away from all buildings, roads, driveways and  
1772 septic systems, be coordinated with the general  
1773 storm water drainage patterns for the area, and  
1774 minimize adverse impacts on adjacent properties.

1775 **C. Street drainage.** All street drainage shall be  
1776 designed to prevent concentrated flows from  
1777 crossing the traffic lanes to the maximum extent  
1778 practicable. Design flow depths at the road  
1779 centerline for on-street drainage, shall not exceed  
1780 six (6) inches during the peak flows generated by  
1781 the 100-year, 24 hour design storm, using planned  
1782 land use conditions for the entire contributing  
1783 watershed area.

1784 **D. Bridges and cross-culverts.** All new or modified  
1785 bridges and cross-culverts shall comply with  
1786 applicable design standards and regulations,  
1787 facilitate fish passage and prevent increased  
1788 flooding or channel erosion upstream or  
1789 downstream from the structure. Design flow depths  
1790 at the road centerline for all crossings shall not  
1791 exceed six (6) inches during the peak flows  
1792 generated by the 100-year, 24-hour design storm,  
1793 using planned land use conditions for the entire

1794 contributing watershed area. All predevelopment  
1795 runoff storage areas within the flow path upstream  
1796 of bridges and cross-culverts shall be preserved and  
1797 designated as drainage easements, unless  
1798 compensatory storage is provided and accounted for  
1799 in modeling. As-built documentation shall be  
1800 submitted in accordance with sec.14-3\*\* for all new  
1801 or modified structures that are located within a  
1802 mapped floodplain or that the LRD determines to be  
1803 necessary to maintain floodplain modeling for the  
1804 applicable watershed.

1805 E. *Subsurface drainage*. Basement floor surfaces  
1806 shall be built one (1) foot above the seasonal high  
1807 water table elevation, as documented in the  
1808 submitted soil evaluations, and shall avoid hydric  
1809 soils as much as possible. The LRD shall be  
1810 notified of any drain tiles that are uncovered during  
1811 construction, which the LRD may require to be  
1812 restored or connected to other drainage systems.  
1813 No discharge of groundwater from tile lines, sump  
1814 pumps or other means shall be allowed onto another  
1815 persons land or any public space without the written  
1816 approval of the owner or unit of government.

1817 F. *Open channels*. All open channel drainage  
1818 systems shall at a minimum be designed to carry the  
1819 peak flows from a 10-year, 24-hour design storm  
1820 using planned land use for the entire contributing  
1821 watershed area. Side slopes shall be no steeper than  
1822 3h:1v unless otherwise approved by the LRD for  
1823 unique site conditions. Open channels that carry  
1824 runoff from more than 130 acres shall at a minimum  
1825 be designed to carry the peak flows from a 25-year,  
1826 24-hour design storm.

1827 G. *Storm sewers*. All storm sewers shall be  
1828 designed in accordance with applicable community  
1829 technical standards and specifications.

1830 H. *Structure protection and safety*. Flows generated  
1831 by the 100-year, 24-hour design storm under  
1832 planned land use conditions may exceed the design  
1833 capacity of conveyance systems, but shall not come  
1834 in contact with any buildings. For buildings  
1835 designed for human occupation on a regular basis,  
1836 the following additional requirements shall apply:

1837 i. The lowest elevation of the  
1838 structure that is exposed to the  
1839 ground surface shall be a minimum  
1840 of two (2) feet above the maximum  
1841 water elevation produced by the 100-  
1842 year, 24 hour design storm, including  
1843 flows through any storm water BMP  
1844 that may temporarily or permanently

1845 store water at a depth of greater than  
1846 one (1) foot; and  
1847 ii. The structure shall be set back at  
1848 least 50 feet horizontally from any  
1849 storm water BMP that may  
1850 temporarily or permanently store  
1851 water at a depth of greater than one  
1852 (1) foot. Setback distance shall be  
1853 measured from the closest edge of  
1854 water at the elevation produced by  
1855 the 100-year, 24-hour design storm.

1856 7. *Additional Requirements.* The LRD may establish more  
1857 stringent requirements than the minimums set forth in this section,  
1858 such as addressing thermal impacts of storm water or chronic  
1859 wetness conditions, if the LRD determines that an added level of  
1860 protection is needed to protect:

1861 A. A cold water stream, outstanding water  
1862 resource\* or exceptional water resource\*\*, as listed  
1863 below:

- 1864 i. Brandy Brook
- 1865 ii. Coco Creek
- 1866 iii. Genesee Creek\*\*
- 1867 iv. Jericho Creek
- 1868 v. Mason Creek
- 1869 vi. McKeawn Spring Creek
- 1870 v. Mill Brook
- 1871 vi. Mukwonago River\*\*
- 1872 vii. Oconomowoc River (between North Lake and Okauchee  
1873 Lake)\*\*
- 1874 viii. Paradise Springs Creek
- 1875 ix. Pebble Creek
- 1876 x. Rosenow Creek
- 1877 xi. Scuppernong River
- 1878 xii. South Branch Scuppernong River
- 1879 xiii. Spring Brook
- 1880 xiv. Spring Lake\*

1881 B. An environmentally sensitive area;

1882 C. A downstream property;

1883 D. Public health or safety.

1884 (e) *Technical Exemptions.*

1885 1. *Exemption Criteria.* Following the provisions of this subsection,  
1886 the LRD may exempt a site or a portion of a site from meeting  
1887 certain technical requirements of this section if the LRD  
1888 determines that one or more of the following applies:

1889 A. *Off-Site BMP(s).* The requirement has been  
1890 satisfied through the use of off-site BMP(s). Off-  
1891 site BMPs could be installed beyond the boundaries  
1892 of the property covered by the application as part of  
1893 a regional storm water management plan or through  
1894 other legal arrangements. However, to be eligible

1895 for this exemption, the off-site BMP(s) must treat  
 1896 runoff from the site covered by the application;  
 1897 B. Internally Drained Sites. The site is internally  
 1898 drained and will not discharge runoff from the site  
 1899 after development occurs; or  
 1900 C. Site Conditions. It is impracticable to meet the  
 1901 requirement due to site conditions such as slopes,  
 1902 soils, proximity to structures or desirable trees,  
 1903 limited site dimensions, surrounding land uses, the  
 1904 potential for groundwater contamination, public  
 1905 health or safety problems, or other factors beyond  
 1906 the control of the applicant. No site shall be entitled  
 1907 to an exemption under this paragraph due solely to  
 1908 the size of the proposed land development activity  
 1909 in relation to the parcel size. However, the LRD  
 1910 shall provide special consideration in granting  
 1911 exemptions under this paragraph for the following  
 1912 sites:

- 1913 i. Redevelopment sites.
- 1914 ii. In-fill development areas less than 5 acres.
- 1915 iii. Highway projects where limited public right-of-way  
 1916 land is available for the installation of storm water BMPs.

1917 *Note: The LRD may use cooperative working agreements to administer exemptions for municipal road*  
 1918 *construction or reconstruction projects.*

- 1919 iv. Land developments with less than  
 1920 10% of the site planned to be  
 1921 impervious surfaces and the total  
 1922 cumulative area of all impervious  
 1923 areas is less than 1 acre using the  
 1924 final build-out condition.

1925 2. *Application for Exemption.* An exemption under sub. 1. above  
 1926 may only be granted by the LRD upon the applicant submitting the  
 1927 following items to the LRD, which shall constitute a completed  
 1928 application:

- 1929 A. A written request describing the provisions of this subsection  
 1930 for which an exception is being requested and an explanation of  
 1931 why;
- 1932 B. A site plan in accordance with sub. (c) above, including the  
 1933 delineation of the area and size (in acres) to which the exemption  
 1934 would apply and any other storm water BMPs required to meet this  
 1935 ordinance or as recommended in a regional storm water  
 1936 management plan;
- 1937 C. The necessary technical documentation to demonstrate that the  
 1938 site meets one or more of the criteria for which an exemption is  
 1939 being applied, including documentation of the applicable  
 1940 provisions of any regional storm water management plan that may  
 1941 be involved;
- 1942 D. For off-site BMP(s) under sub. 1.A. above:
  - 1943 i. Documentation that the necessary BMP(s) have been  
 1944 properly installed, including as-built plans, construction

1945 certification and design summaries in accordance with sec.  
 1946 14-3\*\*(d);  
 1947 ii. A copy of the recorded maintenance agreement in  
 1948 accordance with sec. 14-3\*\*, and any other easements or  
 1949 legal arrangement that may be involved to ensure the long-  
 1950 term maintenance of the off-site BMP(s).  
 1951 iii. Documentation of payment of any applicable fees that  
 1952 may be required by a unit of governmental charged with  
 1953 implementing a regional storm water management plan.

*Note: Fees may be through a storm water utility district or other unit of government and would usually be based on an equitable distribution of costs for land acquisition, engineering design, construction, certification and maintenance of storm water BMPs implemented through the regional storm water management plan.*

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

3. *Review Procedure.*

The LRD shall review all exemption application materials submitted under sub. 2 above, determine compliance with this section and notify the applicant of a decision within 20 working days of the submittal date, in accordance with the procedures under sec. 14-3\*\*(f) above. The LRD Manager shall approve all exemptions under sub. 1.C. above. In consideration of all exemption requests, the LRD shall ensure that the applicant meets the requirements of this section to the maximum extent practicable.

4. *Exemption Fee.*

For those sites that are exempted under this subsection, and are not publicly funded, the applicant shall pay a fee to the LRD to be used exclusively for storm water BMP implementation or stream restoration expenses within the same watershed, community or county. The fee amount 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 LRD shall publish a fee schedule for this purpose, to be periodically updated to reflect current BMP costs.

5. *Appeal.* If the applicant does not agree with any determination of the LRD under this subsection, the applicant may appeal the decision pursuant to the procedures in sec. 14-3\*\*(c).

(f) *Preliminary Storm Water Management Plan Requirements.* Preliminary 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. Delineation of existing and proposed watersheds, subwatersheds and major flow paths within the site and draining into the site from adjacent properties;
3. Location, type and preliminary design of proposed storm water BMPs needed to comply with this ordinance;
4. Location and type of major storm water conveyance systems proposed for the site;
5. Existing and proposed storm water discharge points;
6. Location and preliminary dimensions of proposed drainage easements;

- 1997 7. Location of soil borings and soil profile evaluations with surface
- 1998 elevations and unique references to supplemental data sheets, as
- 1999 needed to determine feasibility of any proposed storm water BMP
- 2000 and to comply with applicable BMP technical standards;
- 2001 *Note: The required location, depth and type of soil evaluations will depend on the storm water BMPs*
- 2002 *proposed for the site. In general, soil profile evaluations usually need to extend to a depth of 3-10 feet below*
- 2003 *the proposed bottom elevation of storm water BMPs. Refer to BMP technical standards for details.*
- 2004 8. Preliminary location of access lanes for maintenance of storm
- 2005 water BMPs;
- 2006 9. Support documentation for the plan reviewer, including:
- 2007 A. A preliminary plan narrative describing site
- 2008 drainage, ultimate receiving water body for off-site
- 2009 discharges, major site restrictions, and how the
- 2010 preliminary storm water management plan will meet
- 2011 the requirements of this ordinance and other
- 2012 objectives identified by the project engineer;
- 2013 B. Summary of watershed, subwatershed and land use data in acres
- 2014 and the preliminary results of any hydrology calculations;
- 2015 C. Soil profile evaluation data in accordance with BMP
- 2016 technical standards;
- 2017 D. Proposed ownership and maintenance
- 2018 responsibilities for all proposed storm water BMPs.

*Note: Mapping elements may be included in the site plan map.*

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

- 2021 1. Drafting date and contact information for the project engineer, with all
- 2022 other mapping elements and scale consistent with the site plan map;
- 2023 2. Location of existing and proposed storm water discharge points;
- 2024 3. Delineation and labeling of all proposed impervious areas and
- 2025 accompanying area computations;
- 2026 4. Final design drawings of all proposed storm water BMPs with
- 2027 unique references to support documentation, prepared in
- 2028 accordance with minimum LRD standards and of sufficient clarity
- 2029 for those responsible for site grading, including:
- 2030 A. Plan views showing the location of proposed BMPs in
- 2031 combination with the site plan map at a scale of 1 inch
- 2032 equals no more than 100 feet;
- 2033 B. Additional detail plan view drawings at a scale of 1 inch
- 2034 equals no more than 40 lineal feet, showing proposed 2 foot
- 2035 contours and all critical design features and elevations;
- 2036 C. Detailed cross-sections and profiles of each BMP
- 2037 showing all critical design features, side slopes, structures,
- 2038 soil profiles and applicable elevations, including seasonal
- 2039 high water table;
- 2040 D. Detailed drawings or material specifications for inlets or outlets.
- 2041 5. Type, size, location and cross-sections of all pipes, open
- 2042 channels, grade stabilization structures and other proposed storm
- 2043 water conveyance systems, with unique references to support
- 2044 documentation;
- 2045 6. Location and dimensions of proposed drainage easements;
- 2046 7. Location, dimensions and surfacing material or soils data of
- 2047 proposed access lanes and delineation of easements needed to
- 2048

2049 allow future maintenance of all storm water BMPs in accordance  
2050 with sec. 14-3\*\*(b) below. The minimum width of any access  
2051 easement shall be 15 feet;  
2052 8. Location of soil borings and soil profile evaluations with surface  
2053 elevations and unique references to supplemental data sheets, as  
2054 needed to determine feasibility of any proposed storm water BMP  
2055 and to comply with applicable technical standards;  
2056 9. Detailed construction notes explaining all necessary procedures  
2057 to be followed to properly implement the plan, including planting  
2058 and landscaping specifications, timing and sequencing of  
2059 construction and any temporary measures needed to protect BMPs  
2060 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.*

2061 10. A detailed construction inspection plan, outlining the critical  
2062 elements in the plan that need to be surveyed or inspected by a  
2063 representative of the project engineer, the LRD or the municipality,  
2064 and the timing and notification requirements involved.

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

2065 11. A final storm water BMP maintenance agreement in  
2066 accordance with sec. 14-3\*\*;

2067 12. Support documentation summarized in accordance with LRD  
2068 standards, including but not limited to:

2069 A. A narrative summary of the storm water management  
2070 plan, briefly explaining any unique information that led to  
2071 the selection of BMPs, how the proposed plan meets the  
2072 guiding principles under sub. (b) above, and the specific  
2073 storm water planning requirements under sub. (d) above.

*Note: The narrative can be combined with the narrative for erosion control planning under sec. 14-334 above. Some provisions may also be included in the construction notes under sub. 9. above.*

2080 B. Maps of existing and proposed watersheds, subwatersheds,  
2081 Tc/Tt flow paths, soil types, hydrologic soil groups, land  
2082 uses/cover type and accompanying runoff curve numbers within  
2083 the site and draining into the site from adjacent properties, with  
2084 unique references to hydrology data summaries and a description  
2085 of the ultimate receiving water body(s) for off-site discharges;

2086 C. Pre-development and post-development  
2087 hydrology and pollutant loading (if applicable) data  
2088 for each watershed, such as peak flows and runoff  
2089 volumes, as needed to meet the requirements of this  
2090 ordinance. All major assumptions used in  
2091 developing input parameters shall be clearly stated  
2092 and cross-referenced to the maps under par. B.  
2093 above;

2094 D. Impervious surface maps and calculations of  
2095 runoff volumes and effective infiltration areas, in  
2096 accordance with sub. (d).3. above.

2097 E. Hydraulic and hydrologic data summaries for all  
2098 existing and proposed pipes, open channels, grade  
2099 stabilization structures and other storm water  
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2102 conveyance systems, and the necessary  
 2103 documentation to demonstrate compliance with the  
 2104 site drainage requirements under sub. (d).6. above.  
 2105 F. BMP design data for each proposed BMP, showing how it  
 2106 complies with applicable technical standards and the requirements  
 2107 of this ordinance;  
 2108 G. Soil evaluation reports, following the standards in sec. 14-  
 2109 336(e), with matching references to map features showing their  
 2110 location and elevations;  
 2111 H. A cover sheet stamped and signed by a professional engineer  
 2112 registered in the State of Wisconsin indicating that all plans and  
 2113 supporting documentation have been reviewed and approved by  
 2114 the engineer and certifying that they have read the requirements of  
 2115 this ordinance and that, to the best of their knowledge, the  
 2116 submitted plans comply with the requirements  
 2117 I. Cost estimates for the installation of proposed storm water  
 2118 BMPs, which shall serve as a basis for the financial assurance  
 2119 under sec. 14-3\*\*(c) above. The applicant may use average costs  
 2120 for BMP installations in the county rather than specific estimates,  
 2121 upon approval by the LRD.  
 2122 J. For sites where changes are proposed in storm water flow paths,  
 2123 or where proposed storm water discharges may otherwise have a  
 2124 significant negative impact on downstream property owner(s), the  
 2125 LRD may require the applicant to submit written authorization or  
 2126 complete other legal arrangements with the affected property  
 2127 owner(s); and  
 2128 13. Other items deemed necessary by the LRD to ensure compliance with  
 2129 the requirements of this ordinance.

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 2131 **Technical Standards and Specifications.**

2132 (a) *Hydrologic and Hydraulic Computations.*

2133 1. *Models.* All computations of runoff volumes and peak flow  
 2134 rates used in the development of erosion control and storm water  
 2135 management plans in accordance with this ordinance shall be  
 2136 based on United States Department of Agriculture - Natural  
 2137 Resources Conservation Service (NRCS) methodology. Models  
 2138 such as SLAMM, P8 or other LRD approved models may be used  
 2139 to evaluate the efficiency of the design in reducing total suspended  
 2140 solids to meet this ordinance. Models such as RECARGA or other  
 2141 LRD approved models may be used to evaluate the efficiency of  
 2142 the design in meeting the infiltration requirements of this  
 2143 ordinance.

2144 2. *Rainfall depths.* To determine compliance with this ordinance,  
 2145 the following design storm rainfall depths shall be used, which are  
 2146 derived from NRCS publications and extrapolated for Waukesha  
 2147 County:  
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Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
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Rainfall Depth	2.3 inches	2.7 inches	4.0 inches	5.6 inches
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3. *Runoff curve numbers.* All computations of pre-development conditions as specified in this ordinance shall use those NRCS runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. For lands where the pre-development land use was cropland, the following NRCS curve number values shall be used as maximums:

Soil Hydrologic Group	A	B	C	D
NRCS Runoff Curve Number	56	70	79	83

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*Note: Soil hydrologic groups are available from the LRD 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 Waukesha County.

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

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5. *Rainfall distribution.* All peak flow calculations shall use Type II 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 LRD. Revisions or updates to the rainfall depths and distribution prescribed above may be allowed upon approval by the applicable regulatory agencies, the Storm Water Advisory Committee and the LRD.

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(b) *Best Management Practice (BMP) Design Standards.*

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

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

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(c) *Technical Guidelines.* The LRD may adopt technical guidelines to facilitate the consistent administration of certain provisions of this ordinance. The LRD shall seek the expertise and input from the Storm Water Advisory Committee and other agencies in the development and maintenance of technical guidelines under this subsection.

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*Note: Examples of technical guidelines that the LRD has published in the past include sample storm water BMP maintenance agreements, channel & slope stabilization design charts, hydrology and BMP design data summary tables, as-built survey specifications, outlet design guidance, sample cross-sections and sample storm water management plan documents.*

2196

(d) *Construction Specifications.* The construction or installation of all BMPs and

2197 BMP components shall comply with all applicable manufacturers and industry  
2198 standards and specifications, including but not limited to those published by  
2199 ASTM and the USDA - Natural Resources Conservation Service (NRCS).  
2200 (e) *Soil Evaluations.* All soil profile evaluations and forms submitted for review  
2201 by the LRD under the provisions of this ordinance shall be completed in  
2202 accordance with Chapter COM 85 Wis. Admin. Code and any applicable  
2203 standards under sub. (b) above. Where there are no specific standards for the  
2204 number, location or depth of soil profile evaluations for a proposed BMP, the  
2205 LRD shall determine the minimum requirements based on the design of the BMP  
2206 and the likely variability of the on-site soils.  
2207 (f) *Availability.* Copies of all technical references made in this section shall be  
2208 available for review and distribution through the LRD office during normal  
2209 business hours, or over the Internet. Fees may be charged for hard copies of these  
2210 items.  
2211 (g) *Future Revisions or Updates.* The technical references in this section are  
2212 made a part of this ordinance and shall be updated periodically in order to keep  
2213 current with field experiences, research, technological advances and the  
2214 development of related technical standards by other agencies and units of  
2215 government. Any future revisions of the documents incorporated herein are also  
2216 made part of this ordinance unless otherwise acted upon by the LRD.

2217  
2218 **Maintenance of Storm Water BMPs.**

2219 (a) *Maintenance Agreement Required.* A maintenance agreement shall be  
2220 required for all permanent storm water BMPs installed to comply with the  
2221 requirements of this ordinance. The maintenance agreement shall be independent  
2222 of all other restrictions or covenants and shall comply with all provisions of this  
2223 section.

2224 (b) *Agreement Provisions.* The maintenance agreement shall, at a minimum,  
2225 contain the following information and provisions:

2226 1. *Ownership.* Identification of the owner(s) of the land  
2227 parcel(s) where the storm water BMP(s) is located. Ownership  
2228 shall be the same as those assigned maintenance responsibilities  
2229 under sub. 6. below, unless otherwise designated in a regional  
2230 storm water management plan and approved by the applicable  
2231 unit(s) of government. For subdivisions, all storm water BMPs  
2232 that collect runoff from more than one lot shall be located on  
2233 outlots. For all privately owned outlots, ownership shall be by  
2234 proportional undividable interest for all properties that are within  
2235 the control of the applicant and drain to the BMP. However, the  
2236 applicant may combine ownership of more than one BMP within  
2237 the site;

2238 2. *Location.* A legal description and survey map of the  
2239 storm water BMP location(s), showing associated drainage or  
2240 access easements required to maintain the BMP;

2241 3. *Design.* Detailed drawings of each storm water BMP  
2242 and a general description of its purpose and design, including but  
2243 not limited to BMP dimensions and elevations, inlet and outlet  
2244 designs and elevations and the drainage area served by the BMP.

2245 If possible, use as-built survey information.

2246 *Note: As-built information may not yet be available for new land divisions, depending on the timing of*  
2247 *recording. In this case, use design information. See sub. (c)3. below for details on recording procedures.*

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

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

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

7. *Inspections.* Authorization for access to the property by representatives of the local municipality or their designee and Waukesha County to conduct inspections of the BMP, monitor its performance and maintenance, and notify the designated entity when maintenance or repair activities are necessary. A statement shall also be included that says, upon written notification by the local municipality or their designee, that the entity under sub. 6. above shall, at their own cost and within a reasonable time period, have a BMP inspection conducted by a qualified professional, file a report and complete any maintenance or repair work recommended in the report; Municipal maintenance. Authorization for the local municipality or their designee to carry out any maintenance activities and associated inspections if the entity identified under par. 6 above does not perform the required activity within the specified time period in the notification or if the local municipality does not accept the work conducted by the designated entity; Special assessment. A statement that the applicable local unit of government may exercise their statutory authority to levy and collect a special assessment or charge pursuant to subch. VII of ch. 66 Wisconsin Statutes, or s. 60.0627, Wisconsin Statutes for towns, for any services carried out relating to sub. 7 or 8 above; 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. Agreement modifications. Sole authorization for the unit of government named under sub. 9. above to modify the provisions of the agreement upon 30-day notice to the current owner(s) and other parties responsible for maintenance of the

2299 storm water BMP. Any changes made to the agreement shall  
2300 maintain the minimum items listed in this subsection and ensure  
2301 the long term maintenance of the BMP; Other. Other information  
2302 as determined to be necessary by the LRD to ensure compliance  
2303 with this ordinance. Note: Many of the above noted activities may  
2304 be carried out in accordance with an intergovernmental working  
2305 agreement under s. 66.30 Wisconsin Statutes

2306 (c) *Agreement Form, Approval and Recording.*

2307 1. *Form.* The LRD shall provide the applicant with sample  
2308 maintenance agreement forms that comply with the requirements  
2309 of this section.

2310 2. *Approval.* The LRD shall review and approve the form and  
2311 content of all maintenance agreements proposed under this  
2312 ordinance and ensure compliance with all provisions of this  
2313 section. If the agreement does not comply, the LRD shall notify  
2314 the applicant what changes are needed in order to comply, in  
2315 accordance with the plan review procedures in sec. 14-3\*\*(f)  
2316 above.

2317 3. *Recording.* Upon certification of compliance with subs. 1. and  
2318 2. above by the LRD, the maintenance agreement shall be recorded  
2319 at the Waukesha County Register of Deeds referencing any plat,  
2320 certified survey or other ownership transfer device pertaining to  
2321 land which contains the subject storm water BMP or is subject to  
2322 maintenance responsibility in the approved agreement. For new  
2323 land divisions, the recording of the maintenance agreement shall  
2324 occur simultaneously with the recording of the land division.

2325 However, no storm water BMP maintenance agreement shall be  
2326 recorded prior to LRD approval. The LRD may require that the  
2327 County Zoning Administrator or the LRD record the agreement.

2328 4. *Copy.* The permit holder shall provide a copy of the recorded  
2329 agreement, including evidence of the actual recording(s), to the  
2330 LRD as a condition of release of the financial assurance under sec.  
2331 14-3\*\*(c) above.

2332 (d) *Maintenance Responsibilities Prior to a Maintenance Agreement.*

2333 The permit holder and other responsible party shall be responsible for the  
2334 maintenance of all storm water BMPs prior to permit termination under sec. 14-  
2335 3\*\*(b).

2336 **Illicit Discharges**

2337 (a) *Prohibitions.*

2339 1. *Discharges.* Except for storm water and other discharges  
2340 specifically exempted under sub. (b) below, no discharge, spilling  
2341 or dumping of substances or materials shall be allowed into  
2342 receiving water bodies or onto driveways, sidewalks, parking lots  
2343 or other areas that drain into the storm drainage system.

2344 2. *Connections.* The construction, use, maintenance or continued  
2345 existence of illicit connections to the storm drainage system is  
2346 prohibited. This prohibition expressly includes, without limitation,  
2347 illicit connections made prior to the adoption of this ordinance,  
2348 regardless of whether the connection was permissible under law or  
2349 practice applicable or prevailing at the time of connection.

2350 (b) *Exemptions.* The following activities are exempt from the provisions of this  
 2351 section unless found to have an adverse impact on the storm water:  
 2352 1. Discharges authorized by a permit issued by the Wisconsin  
 2353 Department of Natural Resources.  
 2354 2. Discharges resulting from fire fighting activities.  
 2355 3. Discharges from uncontaminated ground water, potable water  
 2356 source, roof drains, foundation drain and sump pump, air  
 2357 conditioning condensation, springs, lawn watering, individual  
 2358 residential car washing, water main and hydrant flushing and  
 2359 swimming pools if the water has been dechlorinated.

2360 (c) *Notice of Violation.* Whenever the LRD finds a violation of this section, the  
 2361 LRD may order compliance by written notice of violation to the responsible party.  
 2362 Such notice may require without limitation:  
 2363 1. The elimination of illicit connections or discharges;  
 2364 2. That violating discharges, practices, or operations shall cease  
 2365 and desist;  
 2366 3. The abatement or remediation of storm water pollution or  
 2367 contaminated hazards and the restoration of any affected property;  
 2368 4. Any responsible party that fails to comply with a notice of  
 2369 violation under this section, shall be subject to further enforcement  
 2370 action under the provisions of sec. 14-3\*\* below.

2371  
 2372 **Enforcement**

2373 (a) *Prohibited Practices.* Not complying with any requirement of this ordinance  
 2374 shall be deemed a violation, and shall subject the responsible party to enforcement  
 2375 action under this section. Prohibited practices shall include but not limited to the  
 2376 following:  
 2377 1. Commencing any land disturbing or land development activity  
 2378 prior to:  
 2379 A. Obtaining a storm water permit;  
 2380 B. Notifying the LRD a minimum of 2 working  
 2381 days in advance for sites that have obtained a storm  
 2382 water permit; or  
 2383 C. Installing those BMPs identified in the approved  
 2384 plans to be installed prior to any land disturbing or  
 2385 land developing activity.  
 2386 2. Failing to apply for a LRD preliminary storm water review letter  
 2387 in accordance with subsection 14-3\*\*(b) of this ordinance.  
 2388 3. Failing to obtain LRD certification of compliance for a final plat  
 2389 or certified survey map in accordance with subsection 14-3\*\*(d) of  
 2390 this ordinance.  
 2391 4. Failing to comply with all permit conditions, erosion control or  
 2392 storm water management requirements and approved plans in  
 2393 accordance this ordinance.  
 2394 5. Failing to maintain BMPs until permit termination.  
 2395 6. Failing to comply with any notice of violation.

2396 (b) *Violations.* The LRD shall notify the permit holder of any violation in writing,  
 2397 and copy any other known responsible party involved in the violation. The  
 2398 written notice shall be hand delivered to the permit holder or sent to the last  
 2399 known address, with a reasonable attempt to verify that the permit holder received  
 2400 it. The notice shall describe the violation, remedial action(s) needed and a

2401 schedule for all remedial action to be completed. Any enforcement measures  
2402 shall continue until compliance is achieved or as ordered by the court. The LRD  
2403 is authorized to use the following methods of enforcement in any combination  
2404 thereof against any applicant or responsible party that is found to be in violation  
2405 of any provision of this ordinance:

2406 1. *Forfeiture.* Any violator shall be subject to a forfeiture of not  
2407 less than \$100 or more than \$1000 plus the cost of prosecution for  
2408 each violation. Each day that a violation exists shall constitute a  
2409 separate offense.

2410 2. *Stop Work Order.* Any violator is subject to an order to stop all  
2411 work except that which is needed as a corrective action to bring the  
2412 site into compliance.

2413 3. *Permit Revocation.* The LRD may revoke a permit issued under  
2414 this ordinance. Upon loss of the permit, all construction shall  
2415 cease and the site shall be stabilized, with any costs incurred by the  
2416 County to be charged against the financial assurance.

2417 4. *Injunction.* The County, or any person affected by activities  
2418 regulated under this ordinance, may enforce the provisions of this  
2419 ordinance by a temporary restraining order, injunction and other  
2420 such relief as a court may order.

2421 5. *Declared nuisances.* Any land disturbing or land development  
2422 activity carried out in violation of the provisions of this Ordinance  
2423 is hereby declared to be a nuisance *per se*, and the county may  
2424 apply to any court of competent jurisdiction to restrain or abate  
2425 such nuisance.

2426 6. *Emergency Action.* The LRD may enter upon the property and  
2427 take any necessary emergency action if the LRD determines that  
2428 the site in violation is an immediate threat to public health, safety,  
2429 welfare, the environment or downstream property, or if the permit  
2430 holder or other violator refuses to take the corrective action as  
2431 ordered by the LRD. Any cost incurred by the LRD as a result of  
2432 this action shall be billed to the permit holder or other responsible  
2433 party or subtracted from the financial assurance. The LRD shall  
2434 provide reasonable notice to the permit holder and other  
2435 responsible party after exercising this authority.

2436 7. *Citation.*

2437 A. The County elects to also use the citation method  
2438 of enforcement under Section 66.0113 of the  
2439 Wisconsin Statutes for violations of this ordinance,  
2440 including those for which a statutory counterpart  
2441 exists. The procedures contained in Section  
2442 66.0113(3) of the Wisconsin Statutes, relating to the  
2443 options of an alleged violator and default are  
2444 adopted and incorporated herein by reference.

2445 B. Authority to issue a citation under this ordinance  
2446 shall be limited to the LRD Manager or his/her  
2447 designee. The authority delegated to such official  
2448 or employees to issue citations may only be granted  
2449 or revoked by the County Board. This subsection  
2450 does not preclude the County or any authorized  
2451 officer from proceeding under any other ordinance

2452 or law or by any other enforcement method to  
 2453 enforce any ordinance regulation or order.  
 2454 C. The schedule of cash deposits including penalty  
 2455 assessment, jail assessment, crime lab assessment,  
 2456 drug/law enforcement assessment, any applicable  
 2457 domestic abuse or consumer information  
 2458 assessments or any other assessment applicable by  
 2459 law for use with citations issued under this section  
 2460 shall be as adopted by the County Board from time  
 2461 to time and such schedule shall be on file in the  
 2462 Offices of the Sheriff, LRD, County Clerk and  
 2463 Clerk of Court and receipts shall be given for cash  
 2464 deposits. The citation shall contain the following  
 2465 information:

- 2466 i. The name and address of the
- 2467 alleged violator.
- 2468 ii. The factual allegations describing
- 2469 the alleged violation.
- 2470 iii. The time and place of the offense.
- 2471 iv. The section of the ordinance
- 2472 violated.
- 2473 v. A designation of the offense in
- 2474 such a manner as can be reasonably
- 2475 understood by a person making a
- 2476 reasonable effort to do so.
- 2477 vi. The time at which the alleged
- 2478 violator may appear in court.
- 2479 vii. A statement which, in essence,
- 2480 informs the alleged violator:

- 2481 • That a cash deposit based on the schedule established by the County Board, from time to time,  
 2482 and on file in the office of the County Clerk, be made to and deposited with the Clerk of the  
 2483 Waukesha County Circuit Court or the Sheriff's Department prior to the time of the scheduled court  
 2484 appearance.
- 2485 • That if a deposit is made, no appearance in court is necessary unless he is subsequently  
 2486 summoned or the citation requests a court appearance.
- 2487 • That if a cash deposit is made and the alleged violator does not appear in court, he will be  
 2488 deemed to have entered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail  
 2489 assessment crime lab assessment and drug/law enforcement assessment and any applicable domestic  
 2490 abuse or consumer information assessments of, if the court does not accept the plea of no contest, a  
 2491 summons will be issued commanding him or her to appear in court to answer the complaint.
- 2492 • That if no cash deposit is made and the alleged violator does not appear in court at the time  
 2493 specified, the court may issue a summons or a warrant for the defendant's arrest or consider the  
 2494 nonappearance to be a plea of no contest and enter judgment or an action may be commenced to  
 2495 collect the forfeiture, penalty assessment, jail assessment, crime lab assessment and drug/law  
 2496 enforcement assessment and any applicable domestic abuse or consumer information assessments.
- 2497 • That if the court finds that the violation involves an ordinance that prohibits conduct that is the  
 2498 same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both,  
 2499 and that the violation resulted in damage to the property of or physical injury to a person other than  
 2500 the alleged violator, the court may summon the alleged violator into court to determine if restitution  
 2501 shall be ordered.

2502 viii. A direction that if the alleged  
2503 violator elects to make a cash  
2504 deposit, the statement which  
2505 accompanies the citation shall be  
2506 signed to indicate that the statement  
2507 required under sub. 7. above has  
2508 been read. Such statement shall be  
2509 sent or brought with the cash deposit.  
2510 ix. Such other information as the  
2511 County deems necessary.

2512 (c) *Appeals*

- 2513 1. *Authority.* The Board of Adjustment shall act as the review and  
2514 appeal authority for any order, requirement, decision or  
2515 determination by the LRD under this ordinance.  
2516 2. *Procedure.* The rules, procedures, duties and powers of the  
2517 Board of Adjustment shall be as provided in the County Code of  
2518 Ordinances and the provisions of §59.694, Wisconsin Statutes shall  
2519 apply to any review or appeal under this ordinance.  
2520 3. *Variances.* Upon appeal, the Board of Adjustment may  
2521 authorize variances from the provisions of this ordinance which are  
2522 not contrary to the public interest or the purposes of this ordinance,  
2523 and where owing to special conditions beyond the control of the  
2524 applicant, a literal enforcement of this ordinance will result in  
2525 unnecessary hardship.  
2526 4. *Who May Appeal.* Appeals to the Board of Adjustment may be  
2527 taken by any aggrieved person or by an officer, department, board,  
2528 or bureau of the County affected by any decision of the LRD.  
2529

2530 **Validity**

2531 (a) *Repeal of Conflicting Ordinances.*

2532 This ordinance repeals all provisions of an ordinance previously enacted under s.  
2533 59.693, Wis. Stats. relating to construction site erosion control and storm water  
2534 management regulations. Wherever there may be a conflict with other county  
2535 ordinances relating to erosion control, storm water management or site drainage,  
2536 the more restrictive provision shall apply, as determined by the LRD.  
2537  
2538

2538 (b) *Declaration of severability.*  
2539 The several sections, subsections and paragraphs of this ordinance are hereby  
2540 declared to be severable. If any section, subsection, or paragraph or subparagraph  
2541 of this ordinance shall be declared by a decision of a court of competent  
2542 jurisdiction to be invalid, such decision shall not affect the validity of the other  
2543 provisions of the ordinance, or of the section of which the invalid portion or  
2544 paragraph may be a part.

2545  
2546 SECTION 6. This ordinance shall be effective upon approval and publication.

2547  
2548 SECTION 7. The provisions of this ordinance shall be included and incorporated in the Code of  
2549 Ordinances of the County of Waukesha, Wisconsin, as an addition or amendment thereto and  
2550 shall be appropriately renumbered to conform to the numbering system contained therein.

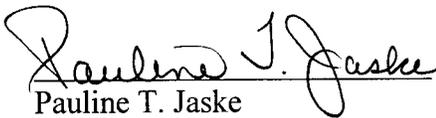
2551  
2552 SECTION 8. Any code section or part of a section in conflict with this ordinance is  
2553 hereby repealed and declared null and void and of no effect.

AMEND CHAPTER 14 OF THE WAUKESHA COUNTY CODE OF ORDINANCES  
BY REPEALING AND RECREATING STORM WATER MANAGEMENT  
AND EROSION CONTROL SECTION

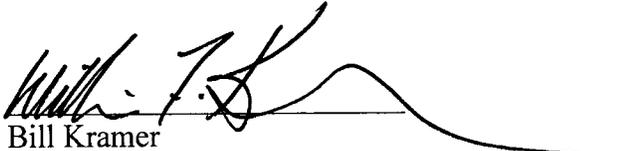
Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

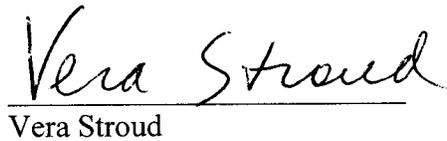
  
Kathleen M. Cummings

  
Pauline T. Jaske

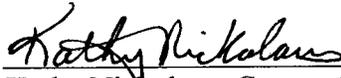
  
Scott J. Klein

  
Bill Kramer

  
Absent  
Daniel Pavelko

  
Vera Stroud

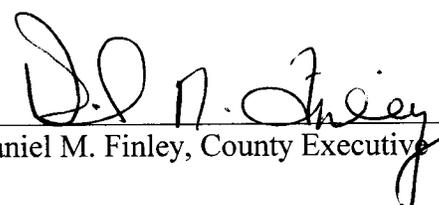
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 3-28-05,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:

Vetoed:

Date: 3-22-05,   
Daniel M. Finley, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-03/22/05

(ORD) NUMBER-1590027

1 K. HERRO.....AYE

2 R. THELEN.....AYE

3 D. STAMSTA.....AYE

4 R. HUTTON.....AYE

5 J. MARCHESE.....AYE

6 D. BROESCH.....AYE

~~7 J. JESKEWITZ.....AYE~~

~~8 J. DWYER.....AYE~~

9 P. HAUKOHL.....AYE

10 S. WOLFF.....AYE

~~11 K. HARENDA.....AYE~~

~~12 J. GRIFFIN.....AYE~~

13 J. MORRIS.....AYE

14 A. KALLIN.....AYE

15 D. SWAN.....AYE

16 R. MANKE.....AYE

17 J. BEHREND.....AYE

18 B. MORRIS.....AYE

19 W. MITCHELL.....AYE

20 M. KIPP.....AYE

21 W. KOLB.....AYE

22 G. BRUCE.....AYE

23 J. TORTOMASI.....AYE

24 B. KRAMER.....AYE

25 K. CUMMINGS.....AYE

26 S. KLEIN.....AYE

27 D. PAULSON.....AYE

28 P. JASKE.....AYE

29 T. BULLERMANN.....AYE

30 K. NILSON.....AYE

31 V. STROUD.....AYE

32 P. GUNDRUM.....AYE

33 D. PAVELKO.....AYE

34 R. SINGERT.....NAY

35 C. SEITZ.....NAY

TOTAL AYES-32

TOTAL NAYS-02

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-34