

VILLAGE OF HARTLAND

ORDINANCE NO. 839-16

AN ORDINANCE TO AMEND CHAPTER 76
OF THE VILLAGE OF HARTLAND MUNICIPAL CODE
PERTAINING TO STORMWATER MANAGEMENT

THE VILLAGE BOARD OF THE VILLAGE OF HARTLAND DO ORDAIN AS FOLLOWS:

Section 1: Chapter 76 of the Village of Hartland Municipal Code of Ordinances pertaining to Stormwater Management is hereby repealed in its entirety and replaced with the following.

ARTICLE I. - IN GENERAL

Sec. 76-1. - Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate sod, or self-sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

Administering authority means a governmental employee, or a regional planning commission empowered under Wis. Stats. § 62.234 that is designated by the village.

Agricultural facilities and practices has the meaning given in Wis. Stats. § 281.16 (1).

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical.

Best management practice or BMP means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Business day means a day the office of the director of public works/building inspector/village engineer is routinely and customarily open for business.

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

Connected imperviousness means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

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

Director of public works means the Village of Hartland Director of Public Works or

designee.

Division of land means either a subdivision or minor land division, as defined by chapter 50, Land subdivision.

Effective infiltration area means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Erosion and sediment control plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Exceptional resource waters means waters listed in § NR 102.11, Wis. Adm. Code.

Extraterritorial jurisdiction means extraterritorial plat approval jurisdiction as defined by section 50-2 of the Village of Hartland Land Subdivision Ordinance.

Filtering layer means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the director of public works by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

Governing body means the village board of trustees.

Illicit connection means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this article.

Impervious surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.

In-fill area means an undeveloped area of land located within existing development.

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

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

Karst feature means an area or geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Land development activity means any construction related activity that results in the

addition or replacement of impervious surfaces such as rooftops, roads, parking lots, and other structures. Measurement of areas impacted by land development activity includes areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

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

Maintenance agreement means a legal document that provides for long-term maintenance of stormwater management practices.

MEP or maximum extent practicable means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

New development means development resulting from the conversion of previously undeveloped land or agricultural land uses.

Off-site means located outside the property boundary described in the permit application.

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

Ordinary high-water mark has the meaning given in Wis. Admin. Code § NR 115.03(6).

Outstanding resource waters means waters listed in Wis. Admin. Code § NR 102.10.

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

Performance standard means a narrative or and objective, measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization issued by the director of public works/building inspector/village engineer to an applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit administration fee means a sum of money paid to the [administering authority] by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting either as the owner or as the owner's agent.

Pervious surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant has the meaning given in Wis. Stat. § 283.01(13).

Pollution has the meaning given in Wis. Stat. § 281.01(10).

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Pre-development condition means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to

development activity are managed in an environmentally sound manner.

Preventive action limit has the meaning given in Wis. Admin. Code § NR 140.05(17).

Redevelopment means areas where development is replacing older development.

Responsible party means a landowner or any entity holding fee title, an easement or other interest in the property, which allows the person to undertake land disturbing construction activity or maintenance of storm water BMPs on the property.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity occurred or is proposed is the permit application.

Stop work order means an order issued by the director of public works/building inspector/village engineer that requires all construction activity on the site be stopped.

Storm drain system means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater management plan means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.

Stormwater management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

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

Top of the channel means an edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

Type II distribution means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973". The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Waters of the state has the meaning given in Wis. Stats. § 281.01 (18).

Sec. 76-2. - Authority.

(a) This article is adopted by the Village of Hartland under the authority granted by Wis. Stats. § 61.354. This article supersedes all provisions of an ordinance previously enacted under Wis. Stats. § 61.35 that relate to stormwater management regulations. Except as otherwise specified in Wis. Stats. § 61.354, Wis. Stats. § 61.35 applies to this article and to any amendments to this article.

(b) The provisions of this article are deemed not to limit any other lawful regulatory powers of the same governing body.

(c) The Village of Hartland hereby designates the director of public works/village engineer/building inspector, or their respective designees, to administer and enforce the provisions of this article.

(d) The requirements of this article do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:

(1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.

(2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code.

Sec. 76-3. - Findings of fact.

The Village of Hartland finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loading.

(5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

(6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

Sec. 76-4. - Purpose and intent.

(a) Purpose. The general purpose of this article is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(1) Further the maintenance of safe and healthful conditions.

(2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life;

control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

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

(4) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

(5) Limit nonpoint runoff pollution in order to achieve water quality standards.

(b) Intent. It is the intent of the Village of Hartland that this article regulates post-construction stormwater discharges to waters of the state. This article may be applied on a site-by-site basis. The Village of Hartland recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this article is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge from the site(s). Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16 for regional stormwater management measures and have been approved by the Village of Hartland, it is the intent of this article that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 76-5. - Applicability and jurisdiction.

(a) Applicability.

(1) Where not otherwise limited by law, this article applies to land development activity that results in one or more acres of land disturbing construction activity.

(2) A site that meets any of the criteria in this paragraph is exempt from the requirements of this article:

a. A site having less than ten percent impervious area based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre. However the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.

b. Nonpoint discharges from agricultural facilities and practices conducted 50 or more feet from any navigable stream or waterway.

c. Nonpoint discharges from silviculture activities conducted 50 or more feet from any navigable stream or waterway.

d. Underground utility construction such as but not limited to water, sewer and other lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

(3) Notwithstanding the applicability requirements in paragraph (a) this article applies to land development activity of any size that, in the opinion of the director of public works, village engineer, or building inspector, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(b) Jurisdiction. This article applies to land development activities within the boundaries and jurisdiction of the Village of Hartland, as well as the division of land in the village's

extraterritorial jurisdiction.

Sec. 76-6. - Technical standards and design methods.

All drainage facilities and practices required to comply with this article shall incorporate technical standards and design methods specified in the document Village of Hartland Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the director of public works/village engineer. Where not superseded by stricter requirements in Village of Hartland Erosion Control and Stormwater Management Requirements, the following standards are also incorporated by reference:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code or the current state runoff program administrative codes.
- (2) Other technical standards not identified or developed in subsection (1), may be used provided that the methods have been approved by the director of public works/village engineer.

Sec. 76-7. - Performance standards.

(a) *Responsible party.* The entity holding fee title to the property shall be responsible for either developing and implementing a stormwater management plan, or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with section 76-8, which incorporates the requirements of this section.

(b) *Plan.* A written plan shall be developed in accordance with section 76-8 and implemented for applicable land development activities.

(c) *Stormwater management performance standards.* All drainage facilities and practices required to comply with this article shall meet performance standards specified in the document Village of Hartland Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the director of public works/village engineer.

(d) *Location and regional treatment option.*

(1) Stormwater management facilities required to meet this article may be located on-site or off-site as part of a stormwater device, practice or system.

(2) The director of public works/village engineer may approve off-site management measures provided that all of the following conditions are met:

a. The director of public works/village engineer determines that the post-construction runoff is covered by a stormwater management system plan that is approved by Village of Hartland and that contains management requirements consistent with the purpose and intent of this article.

b. The off-site facility meets all of the following conditions:

1. The facility will be in place before the need for the facility arises as a result of on-site construction activities.

2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this article.

3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

4. Where a regional stormwater management option exists such that the director of public works/village engineer may exempt the applicant from all or part of the

minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined by the director of public works/village engineer. In determining the fee for post-construction runoff, the director of public works/village engineer shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(e) *Alternate requirements.* The director of public works/village engineer may establish alternative stormwater management requirements to those set forth in the village's erosion control and stormwater management requirements, if the director of public works/village engineer determines that an added level of protection is needed for to address downstream stormwater management issues; or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to stormwater management requirements set forth in this article and the village's erosion control and stormwater management requirements shall be considered in accordance with section 76-12.

Sec. 76-8. - Permitting requirements, procedures, and fees.

(a) *Permit required.* No responsible party may undertake a land disturbing construction activity without receiving a stormwater management permit from the building inspector/ director of public works prior to commencing the proposed activity.

(b) *Permit application and fees.* Unless specifically excluded by this article, any responsible party desiring a permit shall submit to the building inspector/director of public works a permit application made on a form provided by village for that purpose.

(1) Unless otherwise excepted by this article, a permit application must be accompanied by a stormwater management plan, a maintenance agreement (where required) and, where not otherwise covered by a developer's agreement, a non-refundable permit administration fee. The permit administration fee, where applicable, shall be consistent with a fee schedule maintained by the village.

(2) The stormwater management plan shall be prepared to meet the requirements of sections 76-6 and 76-8, the maintenance agreement shall be prepared to meet the requirements of 76-9, the financial guarantee shall meet the requirements of 76-10, and fees shall be those established by the village as set forth in the schedule of fees established by the village board from time-to-time.

(c) *Review and approval of permit application.* The building inspector/ director of public works shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(1) The village staff may request additional information if required for a complete permit application.

(2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the village staff shall issue the permit.

(3) If the stormwater permit application, plan or maintenance agreement is disapproved, the village staff shall detail in writing the reasons for disapproval.

(4) Prior to commencing the land development activity, the project may be subject to additional approvals under the village's code.

(d) *Permit requirements.* All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The building inspector/director of public works may suspend or

revoke a permit for violation of a permit condition by issuing written notification to the responsible party. An action to suspend or revoke a permit may be appealed in accordance with section 76-15.

(1) Compliance with a permit issued under this article does not relieve the responsible party of the responsibility to comply with any other applicable federal, state, and local laws and regulation(s).

(2) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.

(3) The responsible party shall notify the director of public works/village engineer/building inspector at least two business days before commencing any work in conjunction with the stormwater management plan, and within three business days upon completion of the stormwater management practices.

(4) Installations required as part of this article shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the director of public works/village engineer or their designee to determine compliance with the approved stormwater management plan and ordinance. The director of public works/village engineer or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

(5) The responsible party shall notify the director of public works/village Engineer of any proposed modifications to an approved stormwater management plan prior to incorporation into the stormwater management plan.

(6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the village, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(7) The responsible party authorizes the village to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of Wis. Stats. ch. 66, or to charging such costs against the financial guarantee posted under section 76-10.

(8) Activities that are not in compliance with the approved stormwater management plan shall constitute a public nuisance and the responsible party shall repair, at the responsible party's own expense, all damage to adjoining facilities and drainage ways caused by runoff, where such damage is caused by such activities.

(9) The responsible party shall permit property access to the director of public works/village engineer or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

(10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the village board may require the responsible party to make appropriate legal arrangements with affected property owners.

(11) The responsible party is subject to the enforcement actions and penalties detailed in section 76-13, if the responsible party fails to comply with the terms of a permit issued under this chapter.

(e) *Permit conditions.* Permits issued under this subsection may include conditions

established by the village related to the requirements needed to meet the performance standards in 76-6 or a financial guarantee as provided for in section 76-10.

(f) Permit duration. Permits issued under this section shall be valid from the date of issuance through the date the village notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection (d)(4). The permit shall be invalid if work is not commenced within one year of permit issuance.

Sec. 76-9. - Stormwater management plan.

(a) *Plan requirements.* A stormwater management plan shall be prepared and submitted to the village director of public works/village engineer. The stormwater management plan shall include, at a minimum, information required in the village's erosion control and stormwater management requirements, maintained and periodically updated by the director of public works/village engineer. The director of public works may waive certain submittal requirements if reasonably determined by the director of public works/village engineer to be unnecessary to demonstrate compliance with ordinance standards.

(b) *Alternate requirements.* The director of public works/village engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection 76-7(e) or section 76-13.

Sec. 76-10. - Maintenance agreement.

(a) *Maintenance agreement required.* The maintenance agreement required under subsection 76-7(b) for stormwater management practices shall be an agreement between the village and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the Waukesha County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.

(b) *Agreement provisions.* The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by subsection 76-7(b).

(1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under subsection 76-7(b).

(3) Identification of the property or easement owner, organization or county, or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under subsection 76-7(b).

(4) Requirement that the responsible party(s), organization, or county, or town shall maintain stormwater management practices in accordance with the schedule included under subsection (b)(2) above.

(5) Authorization for the village staff or contractors to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(6) Agreement that the party designated under subsection (b)(3), as responsible for long term maintenance of the stormwater management practices, shall be notified by the village of maintenance problems which require correction. The specified corrective actions shall be

undertaken within a reasonable time frame as set by the village.

(7) Authorization for the village to perform the corrected actions identified in the inspection report if the responsible party designated under subsection (b)(3) does not make the required corrections in the specified time period. The village finance director shall enter the amount due on the tax rolls and collect the money as a special assessment or charge against the property pursuant to subch. VII of Wis. Stats. Ch. 66 as amended from time-to-time.

Sec. 76-11. - Financial guarantee.

(a) *Establishment of the guarantee.* The village board may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the village attorney. The financial guarantee shall be in an amount determined by the director of public works/village engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period initial construction phase of the underlying development. The financial guarantee shall give the village the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the administering authority that the requirements of this article have not been met.

(b) *Conditions for release.* Conditions for the release of the financial guarantee are as follows:

(1) The village board shall release the portion of the financial guarantee established under this section, less any costs incurred by the village to complete installation of practices, upon submission of "as built plans" by a Wisconsin licensed professional engineer. The director of public works/village engineer may recommend provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(2) The director of public works/village engineer shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices and facilities, less any costs incurred by the village, at such time that the practice or facility and underlying development are completed.

Sec. 76-12. - Fee schedule.

The fees referred to in other sections of this article shall be established by the village and may from time to time be modified by resolution. A schedule of fees shall be available at the village clerk's office.

Sec. 76-13. - Exceptions and waivers.

(a) *Generally.* Where the village finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions and waivers to these regulations so that substantial justice may be done and the public interest secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the director of public works/village engineer shall not approve exceptions and waivers unless they shall make findings based upon the evidence presented to them that all of the following conditions are met by the petitioner.

(1) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

(2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

(3) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

(4) The relief sought will not materially alter the provisions of any existing stormwater management plan within the village except that this document may be amended in the manner prescribed by law;

(5) The granting of the exception or waiver will not result in a violation of state or federal laws or permits.

(b) *Conditions.* In approving exceptions or waivers, the director of public works/village engineer may require such conditions as will, in their judgment, reasonably secure substantially the purposes described in this article and accompanying written stormwater management and erosion control requirements.

(c) *Procedures.* A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the director of public works/village engineer. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Sec. 76-14. - Inspection and enforcement.

(a) The director of public works/village engineer/building inspector, or designee may access the site periodically to inspect stormwater management practices and facilities to evaluate compliance with the approved stormwater management plan.

(b) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this article by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this article.

(c) The director of public works/building inspector shall provide written notice to the responsible party by of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(d) Upon receipt of written notification from the director of public works under subsection (b) above, the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the director of public works/village engineer in the notice.

(e) If the violations to a permit issued pursuant to this article are likely to result in damage to properties, public facilities, or waters of the state, the director of public works/village engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the village plus interest and legal costs shall be billed to the responsible party as a special charge under Wis. Stats. Ch. 66.

(f) The director of public works/building inspector/village engineer are authorized to post a stop work order on all land disturbing construction activity that is in violation of this article, or to request the village attorney to obtain a cease and desist order in any court with jurisdiction.

(g) The director of public works/village engineer/building inspector may revoke a permit issued under this article for non-compliance with ordinance provisions.

(h) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the director of public works, village engineer, building inspector, village administrator, or village attorney, the village board of trustees, or by a court with jurisdiction.

(i) The director of public works/village engineer/building inspector are authorized to refer any violation of this article, or of a stop work order, or of a cease and desist order issued pursuant to this article, to the village attorney for the commencement of further legal proceedings in any court with jurisdiction.

(j) Any person, firm, association, or corporation violating the provisions of this article shall be subject to penalties as provided in section 1-4 of this Code. Each day of each violation shall constitute a separate offense.

(k) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

(l) When the director of public works/village engineer/building inspector determines that the holder of a permit issued pursuant to this article has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the director of public works/village engineer/building inspector, or their designee, may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The director of public works/village engineer/building inspector shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to section 76-11 of this article. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 76-15. - Appeals.

(a) *Board of zoning appeals.* The board of zoning appeals, created pursuant to section 46-121 of this Code pursuant to Wis. Stats. § 61.35(7)(e) shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the director of public works/village engineer/building inspector in administering this article. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this article that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(b) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, or board of the Village of Hartland affected by any decision of the director of public works/village engineer/building inspector.

Sec. 76-16. - Severability.

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

Secs. 76-17—76-30. - Reserved.

ARTICLE II. - ILLICIT STORMWATER DISCHARGES AND CONNECTIONS

Sec. 76-31. - Definitions.

The words, terms and phrases as defined in Section 76-1 of this chapter, shall have the meanings ascribed to them when used in this section, except where the context clearly indicates a different meaning.

Sec. 76-32. - Discharges prohibited.

No person shall discharge, spill or dump substances or materials that are not entirely composed stormwater into receiving bodies of water or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system. Unless otherwise approved by the director of public works/village engineer, no person shall discharge roof drains, yard drains or sump pumps onto streets, sidewalks, or other areas within village right-of-way that drain into the storm drainage system. Roof drains, yard drains, and sump pumps shall discharge onto pervious areas at grade on private property.

Sec. 76-33. - Connections prohibited.

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this article, regardless of whether the connections was permissible under law or practice applicable or prevailing at the time of connection. Unless otherwise approved by the director of public works/village engineer, roof drain and sump pump discharge connections to the storm drainage system shall be prohibited.

Sec. 76-34. - Exemptions.

The following activities are exempt from the provisions of this section unless found to have an adverse impact on the stormwater:

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

Sec. 76-35. - Enforcement.

(a) Any person, firm, association, or corporation violating the provisions of this article shall be subject to penalties as provided in section 1-4 of this Code. Each day of each violation shall constitute a separate offense.

(b) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

Secs. 76-36—76-50. - Reserved.

ARTICLE III. - CONSTRUCTION SITE EROSION CONTROL

Sec. 76-51. - Definitions.

The words, terms and phrases as defined in Section 76-1 of this chapter, shall have the meanings ascribed to them when used in this section, except where the context clearly indicates a different meaning.

Sec. 76-52. - Authority.

(a) This article is adopted under the authority granted by Wis. Stats. § 61.354 and 281.33, Wis. Stats. This article supersedes all provisions of any previously enacted ordinance related to construction site erosion control. Except as otherwise specified in Wis. Stats. §§ 61.35 and 61.354 applies to this article and to any amendments to this article.

(b) The provisions of this article are deemed not to limit any other lawful regulatory powers of the same governing body.

(c) The village hereby designates the director of public works/building inspector/village engineer to administer and enforce the provisions of this article.

(d) The requirements of this article do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.

(2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.004 or the current state runoff program administrative codes

Sec. 76-53. - Findings of fact.

The village finds that runoff from land disturbing construction activity may carry a significant amount of sediment and other pollutants into ground and surface waters and waterways in the village.

Sec. 76-54. - Purpose.

It is the purpose of this article to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to ground and surface waters and waterways in village.

Sec. 76-55. - Applicability and jurisdiction.

(a) Any land disturbing activity shall be subject to erosion and sediment control provisions of this article, if:

(1) A subdivision plat would result, or if construction of buildings on platted lots results;

(2) A certified map would result, or if construction of buildings on certified survey map lots results;

(3) An area of 4,000 square feet or greater will be disturbed by excavation, grading, filling, or other earth moving activities, resulting in a loss or removal of protective ground cover,

vegetations;

(4) Excavation, fill, or any combination thereof, will exceed 400 cubic yards; or more than 15 cubic yards within areas specified by the Waukesha County Shoreland and Floodland Protection Ordinance;

(5) Any public (federal, state or local) street, road or highway is to be constructed, enlarged, relocated, or substantially reconstructed;

(6) Any watercourse is to be changed, enlarged or materials are removed from a river, stream, swamp, or lake bed; or

(7) Any utility work in which underground conduits, piping, wiring, water lines, sanitary sewers, storm sewers or similar structures will be laid, repaired, replaced or enlarged, if such work involves more than 300 linear feet of each disturbance;

(8) Grading, removal of protective ground cover or vegetation, excavation, landfilling or land disturbing activity within 200 feet of a lake, stream, or wetland when work affects more than ten cubic yards of material.

(b) This article does not apply to the following:

(1) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

(2) Nonpoint discharges from agricultural facilities and practices that are conducted more than 50 feet from any navigable waterway or wetlands.

(3) Nonpoint discharges from silviculture activities that are conducted more than 50 feet from any navigable waterway or wetlands.

(4) Routine maintenance for project sites under one-half-acre of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in paragraph (a), this article applies to construction sites of any size that, in the opinion of the village staff, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

Sec. 76-56. - Jurisdiction.

This article applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Hartland.

Sec. 76-57. - Technical standards.

(a) Design criteria, standards and specifications. All drainage facilities and practices required to comply with this article shall incorporate technical standards and design methods specified in the document Village of Hartland Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the director of public works/village engineer. Where not superseded by stricter requirements in Village of Hartland Erosion Control and Stormwater Management Requirements, the following standards are also incorporated by reference:

(1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of Wis. Admin. Code chapter

NR 151.

(2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

(b) Other standards. Other technical standards not identified or developed in subsection (a), may be used provided that the methods have been approved by the director of public works/village engineer/building inspector.

Sec. 76-58. - Performance standards.

(a) Responsible party. The entity holding fee title to the property shall be responsible for either developing and implementing an erosion and sediment control plan, or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with section 76-60, that incorporates the requirements of this section.

(b) Plan. A written plan shall be developed in accordance with section 76-9 and implemented for applicable land development activities.

(c) Erosion and sediment control performance standards. All drainage facilities and practices required to comply with this article shall meet performance standards specified in the document Village of Hartland Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the director of public works/village engineer.

(d) Location. The BMPs used to comply with this section shall be located prior to runoff entering any lake, stream, river, swamp, or wetlands or any stormwater management system.

(e) Alternate requirements. The director of public works/building inspector/village engineer may establish alternative erosion and sediment control requirements to those set forth in Village of Hartland Erosion Control and Stormwater Management Requirements, if the director of public works/building inspector/village engineer determines that an added level of protection is needed or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to requirements set forth in this article and Village of Hartland Erosion Control and Stormwater Management Requirements shall be considered in accordance with section 76-13.

Sec. 76-59. - Permitting requirements, procedures and fees.

(a) *Permit required.* No responsible party may commence a land disturbing construction activity subject to this article without receiving prior approval of an erosion and sediment control plan for the site and a permit from the director of public works/building inspector/village engineer.

(b) *Permit application and fees.* The responsible party desiring to undertake a land disturbing construction activity subject to this article shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of section 76-8. The applicant shall pay an application fee consistent with the fee schedule maintained by the village clerk. By submitting an application, the applicant is authorizing the village staff to enter the site to obtain information required for the review of the erosion and sediment control plan.

(c) *Review and approval of permit application.* The director of public works/building inspector/village engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(1) The director of public works/building inspector/village engineer may request additional information if required for a complete application within 15 business days of receipt

of any permit application. Within 30 business days of the receipt of a complete permit application, including all items as required by subsection (b), the director of public works/building inspector/village engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this article.

(2) If the permit application and plan are approved, the director of public works/building inspector/village engineer shall issue the permit.

(3) If the permit application or plan is disapproved, the director of public works/building inspector/village engineer shall state in writing the reasons for disapproval.

(d) *Financial guarantee.* As a condition of approval and issuance of the permit, the director of public works/building inspector/village engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions. The amount of financial guarantee required under this section shall be established by the director of public works/building inspector/village engineer, in his or her discretion, taking into consideration the projected cost of the BMPs and other facilities required in the approved erosion control plan together with a reasonable estimate of the cost of site stabilization and/or cleanup in the event of noncompliance with the approved erosion control plan.

(e) *Permit requirements.* All permits shall require the responsible party to:

(1) Notify the director of public works/building inspector/village engineer three full village business days prior to commencing any land disturbing construction activity.

(2) Notify the director of public works/building inspector/village engineer of completion of any BMPs within three full village business days after their installation.

(3) Obtain permission in writing from the director of public works/building inspector/village engineer prior to any modification pursuant to subsection 76-9(b) of the erosion and sediment control plan.

(4) Install all BMPs as identified in the approved erosion and sediment control plan.

(5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

(6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log. Remove accumulated sediment from downstream culverts, storm sewers, and other drainage facilities. Remove accumulated sediment from waterways upon obtaining of necessary permit(s) from the Wisconsin Department of Natural Resources.

(7) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(8) Allow the village staff to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.

(f) *Permit conditions.* Permits issued under this section may include conditions established by director of public works/building inspector/village engineer in addition to the requirements set forth in subsection (e), where needed to assure compliance with the

performance standards in section 76-7.

(g) *Permit duration.* Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The permit duration may be extended one or more times for up to an additional 180 days. The director of public works/building inspector/village engineer may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this article.

(h) *Maintenance.* The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this article until the site has undergone final stabilization.

Sec. 76-60. - Erosion and sediment control plan and amendments.

(a) *Plan requirements.* An erosion and sediment control plan shall be prepared and submitted to the director of public works/building inspector/village engineer. The erosion and sediment control plan shall include, at a minimum, information required in the Village of Hartland Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the director of public works/village engineer.

(b) *Amendments.* The applicant shall submit an amended plan for review and approval by the village director of public works/building inspector/village engineer together with the amended plan review fee established under section 76-9 within three days of the occurrence of any of the following events:

(1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.

(2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(3) The director of public works/building inspector/village engineer notifies the applicant of changes needed in the plan to comply with this article or the Village of Hartland Erosion Control and Stormwater Management Requirements.

Sec. 76-61. - Fee schedule.

The fees referred to in other sections of this article shall be established by the village board and may from time to time be modified by resolution. A schedule of the fees established by the village board shall be available at the village clerk's office

Sec. 76-62. - Inspection.

(a) The director of public works/village engineer, building inspector, or designee may access the site for the purpose of inspecting installation and construction of best management practices at any time between initiation of construction activities and final inspection/release of the project guarantee.

(b) If land disturbing construction activities are being carried out without a permit required by this article, the director of public works/building inspector/village engineer may enter the land pursuant to the provisions of Wis. Stats. §§ 66.0119(1), (2), and (3).

Sec. 76-63. - Exceptions and waivers.

(a) *General.* Where the director of public works/building inspector/village engineer finds

that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, they may approve exceptions and waivers to these regulations so that substantial justice may be done and the public interest secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the director of public works/village engineer shall not approve exceptions and waivers unless they shall make findings based upon the evidence presented to it that all of the following conditions are met by the petitioner.

(1) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

(2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

(3) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

(4) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner prescribed by law.

(5) The granting of the exception or waiver will not result in a violation of state or federal laws or permits.

(b) *Conditions.* In approving exceptions or waivers, the director of public works/building inspector/village engineer may require such conditions as will in their judgment secure substantially the purposes described in this article and accompanying written stormwater management and erosion control requirements.

(c) *Procedures.* A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the director of public works/building inspector/village engineer. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Sec. 76-64. - Enforcement.

(a) The director of public works/building inspector/village engineer may post a stop-work order if any of the following occurs:

(1) Any land disturbing construction activity regulated under this article is being undertaken without a permit.

(2) The erosion and sediment control plan is not being implemented in a good faith manner.

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

(b) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the director of public works/building inspector/village engineer may revoke the permit.

(c) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the director of public works/building inspector/village engineer, or if a responsible party violates a stop-work order posted under subsection (a), the director of public works/building inspector/village engineer may request the village attorney to obtain a cease and desist order in any court with jurisdiction together with applicable penalties under subsection (f).

(d) The board of zoning appeals may retract a stop-work order issued under subsection (a) or a permit revocation under subsection (b).

(e) After posting a stop-work order under subsection (a), the director of public works/building inspector/village engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this article. Village staff or contractors may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the village board, plus interest at the rate authorized by the village board shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to subch. VII of Wis. Stats. ch. 66.

(f) Any person violating any of the provisions of this article shall be subject to penalties under section 1-4 of this Code of Ordinances. Each day a violation exists shall constitute a separate offense.

(g) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

Sec. 76-65. - Appeals.

(a) *Board of zoning appeals.* The board of zoning appeals created pursuant to section 46-121 et seq. pursuant to Wis. Stats. § 61.35(7)(e).

(1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the director of public works/building inspector/village engineer in administering this article except for cease and desist orders obtained under section 76-14.

(2) Upon appeal, may authorize variances from the provisions of this article which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

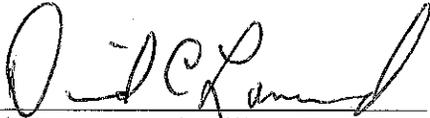
(b) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or the Village of Hartland affected by any decision or order of the director of public works/building inspector/village engineer within 30 days of such decision or order.

Section 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 3: This Ordinance shall take effect and be in full force after adoption and proper publication.

Adopted this 23rd day of May, 2016.

VILLAGE OF HARTLAND

By: 
David C. Lamerand, Village President

ATTEST:


Darlene Igl, MMC, WCPC, Village Clerk

