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4 VILLAGE OF HARTLAND
5 ORDINANCE NO. 849-17
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7 AN ORDINANCE TO AMEND CHAPTER 76
8 OF THE VILLAGE OF HARTLAND MUNICIPAL CODE
9 PERTAINING TO STORMWATER MANAGEMENT
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11 THE VILLAGE BOARD OF THE VILLAGE OF HARTLAND DO ORDAIN AS FOLLOWS:
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13
14 **Section 1:** Chapter 76 of the Village of Hartland Municipal Code of Ordinances pertaining to
15 Stormwater Management is hereby repealed in its entirety and replaced with the following.
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17 **ARTICLE I. - IN GENERAL**
18

19 **Sec. 76-1. - Definitions.** The following words, terms and phrases, when used in this chapter, shall
20 have the meanings ascribed to them in this section, except where the context clearly indicates a
21 different meaning:
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23 *Adequate sod, or self-sustaining vegetative cover* means maintenance of sufficient vegetation
24 types and densities such that the physical integrity of the streambank or lakeshore is preserved.
25 Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and
26 woody debris.
27

28 *Administering authority* means a governmental employee, or a regional planning commission
29 empowered under Wis. Stats. § 62.234 that is designated by the village.
30

31 *Agricultural facilities and practices* has the meaning given in Wis. Stats. § 281.16 (1).
32

33 *Atlas 14* means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14
34 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in
35 2013 or any subsequently published edition.
36

37 *Average annual rainfall* means a typical calendar year of precipitation as determined by the
38 Wisconsin Department of Natural Resources for users of models such as WINSLAMM, P8 or
39 equivalent methodology. The average annual rainfall is chosen from a department publication for
40 the location closest to the Village.
41

42 *Best management practices or BMPs* means structural or non-structural measures, practices,
43 techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff
44 to waters of the state.
45

46 *Business day* means a day the office of the Director of Public Works/is routinely and
47 customarily open for business.
48

49 *Cease and desist order* means a court-issued order to halt land disturbing construction activity

50 that is being conducted without the required permit.

51

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

54

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

59

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

62

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

65

66 *Director of public works* means the Village of Hartland Director of Public Works or designee.

67

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

70

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

73

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

76

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

80

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

82

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

85

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

89

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

94

95 *Financial guarantee* means a performance bond, maintenance bond, surety bond, irrevocable

96 letter of credit, or similar guarantees such as a cash deposit submitted to the Director of Public
97 Works by the responsible party to assure that requirements of the article are carried out in
98 compliance with the stormwater management plan.

99
100 *Governing body* means the Village Board of Trustees.
101

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

108
109 *Impervious surface* means an area that releases as runoff all or a large portion of the
110 precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved
111 parking lots and streets are examples of areas that typically are impervious.

112
113 *In-fill area* means an undeveloped area of land located within an existing development.
114

115 *Infiltration* means the entry of precipitation or runoff into or through the soil.
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117 *Infiltration system* means a device or practice such as a basin, trench, rain garden or swale
118 designed specifically to encourage infiltration, but does not include natural infiltration in pervious
119 surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from
120 practices, such as swales or road side channels designed for conveyance and pollutant removal
121 only.

122
123 *Karst feature* means an area or geologic feature subject to bedrock dissolution so that it is
124 likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine
125 features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

126
127 *Land development activity* means any construction related activity that results in the addition
128 or replacement of impervious surfaces such as rooftops, roads, parking lots, and other structures.
129 Measurement of areas impacted by land development activity includes areas that are part of a larger
130 common plan of development or sale where multiple separate and distinct land disturbing
131 construction activities may be taking place at different times on different schedules but under one
132 plan.

133
134 *Land disturbing construction activity* means any man-made alteration of the land surface
135 resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that
136 may result in runoff and lead to an increase in soil erosion and movement of sediment into waters
137 of the state. Land disturbing construction activity includes activities such as clearing and grubbing,
138 demolition, excavating, pit trench dewatering, filling, grading and other similar activities.

139
140 *Maintenance agreement* means a legal document that provides for long-term performance
141 and upkeep of stormwater management practices.

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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 applicable performance standard and site conditions.

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

NRCS MSE3 distribution means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

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 Village of Hartland by the permit applicant for the purpose of recouping expenses incurred by the authority in administering the permit.

Person means any individual, association, organization, partnership, firm, corporation, Limited Liability Company 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).

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

189

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

192

193 *Pre-development condition* means the extent and distribution of land cover types present
194 before the initiation of land disturbing construction activity, assuming that all land uses prior to
195 development activity are managed in an environmentally sound manner.

196

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

198

199 *Protective area* means an area of land that commences at the top of the channel of lakes, streams
200 and rivers, or at the delineated boundary of wetlands, and that is the greatest of those widths, as
201 measured horizontally from the top of the channel or delineated wetland boundary to the closest
202 impervious surface.

203

204 *Redevelopment* means areas where development is replacing older development.

205

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

209

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

212

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

215

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

219

220 (1) Is designed or used for collecting water or conveying runoff.

221

222 (2) Is not part of a combined sewer system

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224 (3) Is not draining to a stormwater treatment device or system.

225

226 (4) Discharges directly or indirectly to waters of the state.

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228 *Silviculture activity* means activities including tree nursery operations, tree harvesting
229 operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and
230 grubbing of an area of a construction site is not a silviculture activity.

231

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

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235 *Stop work order* means an order issued by the Director of Public Works, or building inspector
that requires all construction activity on the site be stopped.

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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, culverts, 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 influence or 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.

Total maximum daily load or TMDL means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP-40 means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Wisconsin Department of Natural Resources pursuant to s. 281.33, Wis. Stats.

TSS means total suspended solids.

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.

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281 *Waters of the state* has the meaning given in Wis. Stats. § 281.01 (20).
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284 **Sec. 76-2. - Authority.**
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286 (a) This article is adopted by the Village of Hartland under the authority granted by Wis.
287 Stats. § 61.354. This article supersedes all provisions of an ordinance previously enacted under
288 Wis. Stats. § 61.35 that relate to stormwater management regulations. Except as otherwise
289 specified in Wis. Stats. § 61.354, Wis. Stats. § 61.35 applies to this article and to any amendments
290 to this article.

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292 (b) The provisions of this article are deemed not to limit any other lawful regulatory powers
293 of the same governing body.
294

295 (c) The Village of Hartland hereby designates the Director of Public Works, its village
296 engineer and its building inspector, or their respective designees, to administer and enforce the
297 provisions of this article.
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299 (d) The requirements of this article do not pre-empt more stringent stormwater management
300 requirements that may be imposed by any of the following:
301

302 (1) Wisconsin Department of Natural Resources administrative rules, permits or
303 approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33 or any amendments
304 thereto.
305

306 (2) Targeted non-agricultural performance standards promulgated in rules by the
307 Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code.
308

309 **Sec. 76-3. - Findings of fact.**
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311 The Village of Hartland finds that uncontrolled, post-construction runoff has a significant impact
312 upon water resources and the health, safety and general welfare of the community and diminishes
313 the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction
314 runoff can:
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316 (1) Degrade physical stream habitat by increasing stream bank erosion, increasing
317 streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing
318 stream temperature.
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320 (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and
321 water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy
322 metals, bacteria, pathogens and other urban pollutants.
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324 (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant
325 loads.

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- (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 regulate 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.

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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 10,000 square feet or more 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. Land disturbing construction activity that includes the construction of a one or two family residential site less than one acre and is otherwise regulated by the Wisconsin Department of Safety and Professional Services.

b. 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 article.

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

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

e. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

f. 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.

(c) Exclusions. This article is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but excludes any governmental unit which is subject to the

418 state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis.
419 Stats.

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421 **Sec. 76-6. - Technical standards and design methods.**
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423 All drainage facilities and practices required to comply with this article shall incorporate technical
424 standards and design methods specified in the document “Village of Hartland Erosion Control and
425 Stormwater Management Requirements”, maintained and periodically updated by the Director of
426 Public Works or village engineer. Where not superseded by stricter requirements in Village of
427 Hartland Erosion Control and Stormwater Management Requirements, the following standards are
428 also incorporated by reference:

429
430 (1) Design guidance and technical standards identified or developed by the Wisconsin
431 Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code or the
432 current state runoff program administrative codes.

433
434 (2) Other technical standards not identified or developed in subsection (1), may be used
435 provided that the methods have been approved by the Director of Public Works.

436
437 **Sec. 76-7. - Performance standards.**
438

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

443
444 (b) *Plan.* A written plan shall be developed in accordance with section 76-8 and
445 implemented for applicable land development activities.

446
447 (c) REQUIREMENTS. The plan required under sec. 76-7(b) shall include the following:
448

449 (1) POLLUTANT CONTROL. BMPs shall be designed, installed and maintained to
450 control total suspended solids and phosphorus carried in runoff from the post-construction site as
451 follows:

452
453 (a) BMPs shall be designed in accordance with Table 1 or to the maximum
454 extent practicable as provided in sec. 76-7(b). The design shall be based on an average annual
455 rainfall, as compared to no runoff management controls.

456
457 **Table 1: Pollutant Reduction Standards**

Development Type	Total Suspended Solids Reduction	Phosphorus
New Development	80%	30%
In-fill development	80%	30%
Redevelopment	60% of load from parking areas and roads	30%

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(b) Maximum Extent Practicable. If the design cannot meet a total suspended solids or phosphorus reduction performance standard of Table 1, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids or phosphorus reduction performance standard cannot be met and why the pollutant loads will be reduced only to the maximum extent practicable.

(c) Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(2) PEAK DISCHARGE.

(a) Unless otherwise provided for in this section, all land development activities subject to this section shall establish on-site management practices to control peak flow rates of storm water discharged from the site. On site management practices shall be used to meet the following minimum performance standards:

(1) The peak flow rates of storm water runoff from the development shall not exceed those calculated for the series of design storms specified in 76-7(c)(2)(a)(2) occurring under development conditions specified in 76-7(c)(2)(a)(4). Discharge velocities must be non-erosive to discharge locations, outfall channels, and receiving streams. Safe overland conveyance must be provided for discharges from the development.

(2) The storm water management facilities shall contain sufficient storage to contain the runoff from the 100-year, 24-hour rainfall event under developed conditions, while utilizing a peak discharge rate from the developed site which does not exceed the peak runoff rate from the site for a 10-year, 24-hour rainfall event under pre-development conditions.

(3) By design, BMPs shall be employed to maintain or reduce the 10-year, 24-hour post-construction peak runoff discharge rates to the 2-year, 24-hour pre-development peak runoff discharge rate.

(4) Pre-development conditions shall assume “good hydrologic conditions” for appropriate land covers as identified in TR-55 or an equivalent methodology. The meaning of “hydrologic soil group” and “runoff curve number” are as determined in TR-55. However, when predevelopment land cover is woodland, grassland, or cropland, rather than using TR-55 values for these land use types, the runoff curve numbers in Table 2 shall be used. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 precipitation distribution. On a case-by-case basis, the Director of Public Works may allow the use of TP-40 precipitation depths and the Type II distribution.

Table 2 – Maximum Pre-Development Runoff Curve Numbers

Hydrologic Soil Group	A	B	C	D
Woodland Curve Number	30	55	70	77
Grassland Curve Number	39	61	71	78

Cropland Curve Number	55	69	78	83
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(b). This subsection of the article does not apply to any of the following:

- (1) A redevelopment post-construction site.
- (2) An in-fill development area less than 1 acre.

(3) INFILTRATION. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in secs. (3) (f) through (i).

(a) *Low Imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent 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 one percent of the post-construction site is required as an effective infiltration area.

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

(c) *High Imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial *downtowns*, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent 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 percent of the post-construction site is required as an effective infiltration area.

(d) Pre-development condition shall be the same as in Table 2 of the Peak Discharge section of this article.

(e) Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with par. (k). Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

544 (f) Exclusions. Runoff from the following areas may not be infiltrated and do not
 545 qualify as contributing to meeting the requirements of this section unless demonstrated to meet the
 546 conditions of sec. (3) (k):

547
 548 (1) Areas associated with tier 1 industrial facilities identified in s. NR
 549 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.

550
 551 (2) Storage and loading areas of tier 2 industrial facilities identified in s.
 552 NR 216.21(2)(b), Wis. Adm. Code.

553
 554 (3) Fueling and vehicle maintenance areas. Runoff from rooftops of
 555 fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory
 556 authorities.

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 558 (g) Location of Practices. Infiltration practices may not be located in the
 559 following areas:

560
 561 (1) Areas within 1000 feet upgradient or within 100 feet
 562 downgradient of direct conduits to groundwater.

563
 564 (2) Areas within 400 feet of a community water system well as
 565 specified in s. NR 811.12(5)(d), Wis. Adm. Code, or within the separation distances listed in s. NR
 566 812.08, Wis. Adm. Code, for any private well or non-community well for runoff infiltrated from
 567 commercial (including multi-family residential), industrial and institutional land uses or regional
 568 devices for one and two family residential development.

569
 570 (3) Areas where contaminants of concern, as defined in s. NR
 571 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.

572
 573 (h) Separation Distances.

574
 575 (1) Infiltration practices shall be located so that the characteristics of the
 576 soil and the separation distance between the bottom of the infiltration system and the elevation of
 577 seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Table 3. Separation Distances and Soil Characteristics

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particle Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable

All Source Areas	Other Impervious	3 feet or more	Filtering Layer
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(2) Notwithstanding sec. (3) (h), applicable requirements for injection wells classified under ch. NR 815, Wis. Adm. Code, shall be followed.

(i) Exemptions. Runoff from the following areas may be credited towards meeting the requirements when infiltrated, but the decision to infiltrate under these conditions is optional:

(1) Areas where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches/hour using a scientifically credible field test method.

(2) Areas where the least permeable soil horizon is 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

(3) Parking areas and access roads less than 5,000 square feet for commercial development.

(4) Parking areas and access roads less than 5,000 square feet for industrial development are not subject to the prohibitions/exclusions under sec. (3) (f).

(5) Redevelopment post-construction sites except as provided under sec. 76-7(c)(7)(c).

(6) In-fill development areas less than 1 acre.

(7) Roads in commercial, industrial and institutional land uses, and arterial residential roads.

(j) Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

(k) Groundwater Standards.

(1) Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants in filtration to groundwater and shall be in compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

623 (2) Notwithstanding sec. 3 (k) (1), the discharge from BMPs shall
624 remain below the enforcement standard at the point of standards application.

625
626 (1) Maximum Extent Practicable. Where the conditions of sec. (3) (f) through
627 (i) limit or restrict the use of infiltration practices, the infiltration performance standard of sec. 76-
628 7(c)(3) shall be met to the maximum extent practicable.

629
630 (4) PROTECTIVE AREAS.

631
632 (a) "Protective area" means an area of land that commences at the top of the
633 channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the
634 greatest of the following widths, as measured horizontally from the top of the channel or delineated
635 wetland boundary to the closest impervious surface. However, in this section, "protective area"
636 does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such
637 that runoff cannot enter the enclosure at such location.

638
639 (1) For outstanding resource waters and exceptional resource waters,
640 75 feet.

641
642 (2) For perennial and intermittent streams identified on a United States
643 Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more
644 current, 50 feet.

645
646 (3) For lakes, 50 feet.

647
648 (4) For wetlands not subject to par. (5) or (6), 50 feet.

649
650 (5) For highly susceptible wetlands, 75 feet. Highly susceptible
651 wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs,
652 low prairies, coniferous swamps, lowland hardwood swamps and ephemeral ponds.

653
654 (6) For less susceptible wetlands, 10 percent of the average wetland
655 width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded
656 wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils; and any
657 gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

658
659 (7) In sec. (4) (a) (4) through (6), determinations of the extent of the
660 protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff
661 susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03, Wis.
662 Adm. Code. 9

663
664 (8) Wetland boundary delineations shall be made in accordance with s.
665 NR 103.08(1m), Wis. Adm. Code. This paragraph does not apply to wetlands that have been
666 completely filled in accordance with all applicable state and federal regulations. The protective area
667 for wetlands that have been partially filled in accordance with all applicable state and federal
668 regulations shall be measured from the wetland boundary delineation after fill has been placed.

669 Where there is a legally authorized wetland fill, the protective area standard need not be met in that
670 location.

671
672 (9) For concentrated flow channels with drainage areas greater than 130
673 acres, 10 feet.

674
675 (10) Notwithstanding sec. (4) (a) (1) to (9), the greatest protective area
676 width shall apply where rivers, streams, lakes and wetlands are contiguous.

677
678 (b) This paragraph applies to post-construction sites located within a Protective
679 area, except those areas exempted pursuant to sec. (4) (d).

680
681 (c) The following requirements shall be met:

682
683 (1) Impervious surfaces shall be kept out of the Protective area
684 entirely or to the maximum extent practicable. If there is no practical alternative to locating an
685 impervious surface in the Protective area, the storm water management plan shall contain a written
686 site-specific explanation.

687
688 (2) Where land disturbing construction activity occurs within a Protective
689 area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover
690 of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetative
691 cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of
692 pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials,
693 such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep
694 slopes or where high velocity flows occur.

695
696 (3) Best management practices such as filter strips, swales, or wet
697 detention basins that are designed to control pollutants from non-point sources may be located in the
698 Protective area.

699
700 (d) This paragraph does not apply to:

701
702 (1) In-fill development areas less than 1 acre.

703
704 (2) Structures that cross or access surface waters such as boat landings,
705 bridges and culverts.

706
707 (3) Structures constructed in accordance with s. 59.692(1v), Wis. Stats.

708
709 (4) Areas of post-construction sites from which runoff does not enter the
710 surface water, including wetlands, without first being treated by a BMP to meet the local ordinance
711 requirements for total suspended solids and peak flow reduction, except to the extent that vegetative
712 ground cover is necessary to maintain bank stability.

713

714 (5) FUELING AND VEHICLE MAINTENANCE AREAS. Fueling and vehicle
715 maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and
716 maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state
717 contains no visible petroleum sheen.
718

719 (6) SITE DRAINAGE. Measures shall be implemented to ensure proper site drainage,
720 prevent property damage and protect public health and safety, including the following minimum
721 requirements;
722

723 (a) Drainage Easement. Perpetual drainage easements or other deed restrictions
724 shall be recorded on the property to preserve major storm water flow paths and permanent storm
725 water BMP locations. Covenants in these areas shall not allow buildings or of other structures and
726 shall prevent any grading, filling or other activities that interrupt or obstruct flows in any way.
727 Covenants shall also specify maintenance responsibilities and authorities in accordance with Section
728 10.
729

730 (b) Site Grading. Site grading shall ensure positive flows away from all
731 buildings, roads, driveways and septic systems, be coordinated with the general storm water
732 drainage patterns for the area, and minimize adverse impacts on adjacent properties.
733

734 (c) Street Drainage. All street drainage shall be designed to prevent
735 concentrated flows from crossing the traffic lanes to the maximum extent practicable. Design flow
736 depths at the road centerline for on-street drainage shall not exceed 6 inches during the peak flows
737 generated by the 100-year, 24-hour design storm, using planned land use conditions for the entire
738 contributing watershed area.
739

740 (d) Bridges and Cross-Culverts. All new or modified bridges and cross-
741 culverts shall comply with applicable design standards and regulations, facilitate fish passage and
742 prevent increased flooding or channel erosion upstream or downstream from the structure. All
743 bridges and cross-culverts on collector and arterial roadways shall be designed to convey the 100-
744 year, 24-hour design storm. All bridges and cross-culverts on local roadways shall be designed to
745 convey 10-year, 24-hour design storm, while providing an overland flow path that does not impact
746 any structures for the 100-year, 24-hour design storm. A floodplain analysis shall be required for
747 all developments impacting a navigable waterway. This analysis must demonstrate no adverse
748 offsite impacts, in accordance with State and Federal regulations and may require larger structures
749 than those specified above. Design flow depths at the road centerline for all crossings shall not
750 exceed 6 inches during peak flows generated by the 100-year, 24-hour design storm, using planned
751 land use conditions for the entire contributing watershed area. All predevelopment run-off storage
752 areas within the flow path upstream of bridges and cross-culverts shall be preserved and designated
753 as drainage easements, unless compensatory storage is provided and accounted for in modeling.
754 As-built documentation shall be submitted for all new or modified structures that are located within
755 a mapped floodplain or that the Director of Public Works, or village engineer determines to be
756 necessary to maintain floodplain modeling for the applicable watershed.
757

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

761
762 (1) Basement floor surfaces shall be built a minimum of one foot above
763 the highest groundwater table elevation, as documented in the submitted soil evaluations provided
764 by the responsible party. On sloped sites, basements may be allowed partially below the highest
765 groundwater table only on the upslope side if they meet this article's drainage system standards
766 for design, discharge, engineering oversight, and long-term maintenance. For these sites, the 1-
767 foot groundwater separation will be enforced at the furthest downslope point of the basement.

768
769 (2) Avoid hydric soils as much as possible.

770
771 (3) The Director of Public Works shall be notified of any drain tiles that
772 are uncovered during construction, which the Village may require to be restored or connected to
773 other drainage systems.

774
775 (4) No discharge of groundwater from tile lines, sump pumps or other
776 means shall be allowed onto another person's land or any public space without the written approval
777 of the Director of Public Works and the property owner.

778
779 (f) Open Channels. All open channel drainage systems shall at a minimum be
780 designed to carry the peak flows from a 100-year, 24-hour design storm using planned land use
781 for the entire contributing watershed area. Side slopes shall be no steeper than 4h:1v unless
782 otherwise approved by the Director of Public Works for unique site conditions. Water surface
783 elevations for the 100-year, 24-hour design storm shall be calculated for all existing and proposed
784 open channels.

785
786 (g) Storm Sewers. All storm sewers shall be designed to convey the 10-year,
787 24-hour design storm while providing an overland flow path that does not impact any structures
788 for the 100-year, 24-hour design storm, unless otherwise allowed by the Director of Public Works,
789 or village engineer.

790
791 (h) Changes to storm water discharges. For sites where the Director of Public
792 Works, or village engineer determines the post-development storm water discharge flow paths will
793 be significantly different than pre-development conditions, or where proposed storm water
794 discharges may otherwise have a significant negative impact on downstream property owner(s),
795 the Director of Public Works may require the applicant to submit written authorization, record a
796 drainage easement, or complete other legal arrangements with the affected property owner(s) prior
797 to permit issuance.

798
799 (i) Structure Protection and Safety. Flows generated by the 100-year, 24-hour
800 design storm under the planned land use conditions may exceed the design capacity of conveyance
801 systems, but shall not come in contact with any buildings. For buildings designed for human
802 occupation on a regular basis, the following additional requirements shall apply:
803

804 (1) The lowest elevation of the structure that is exposed to the ground
805 surface shall be a minimum of 2 feet above the maximum water surface elevation produced by the
806 100-year, 24-hour design storm, including flows through any storm water BMP that may
807 temporarily or permanently store water at a depth of greater than one foot; and
808

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

817
818 (7) SWALE TREATMENT FOR TRANSPORTATION FACILITIES.
819

820 (a) Applicability. Except as provided in sec. (7) (b)., transportation facilities
821 that use swales for runoff conveyance and pollutant removal meet all of the water quality
822 requirements of this section, if the swales are designed to the maximum extent practicable to do all
823 of the following:
824

825 (1) Be vegetated. However, where appropriate, non-vegetative
826 measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap
827 stabilization or check dams.
828

829 (2) Swales shall comply with the current version at the time of
830 application of the Wisconsin Department of Natural Resources Technical Standard 1005
831 "Vegetated Infiltration Swales". Transportation facility swale treatment does not have to comply
832 with other sections of technical standard 1005.
833

834 (b) Exemptions. The Director of Public Works may, consistent with water
835 quality standards, require that other provisions be met on a transportation facility with an average
836 daily travel of vehicles greater than 2,500 and where the initial surface water of the state that the
837 runoff directly enters is any of the following:
838

- 839 (1) An outstanding resource water.
- 840 (2) An exceptional resource water.
- 841 (3) Waters listed in s. 303(d) of the federal Clean Water Act that are
842 identified as impaired in whole or in part, due to nonpoint source
843 impacts.
- 844 (4) Waters where targeted performance standards are developed under s.
845 NR 151.004, Wis. Adm. Code, to meet water quality standards.
846

847 (c) The transportation facility authority shall contact the Director of Public
848 Works to determine if additional BMPs beyond a water quality swale are needed under this
849 subsection.

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(D) GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORM WATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:

(1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

(2) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(3) Unless deemed not possible by the Director of Public Works, storm water facilities shall be located on outlots with direct access to adjacent public streets.

(E) LOCATION AND REGIONAL TREATMENT OPTION.

(1) BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be in accordance with s. NR 151.003, Wis. Adm. Code.

(2) The Director of Public Works may approve off-site management measures provided that all of the following conditions are met:

(a) The Director of Public Works determines that the post-construction runoff is covered by a storm water management system plan that is approved by the 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 is in place.

(2) The facility is designed and adequately sized to provide a level of storm water 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 treatment option exists such that the Director of Public Works exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined by the Director of Public Works. In determining the fee for post-construction runoff, the Director of Public Works shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

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(f) *Alternate requirements.* The Director of Public Works 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 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, or 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, or 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.

942 (4) Prior to commencing the land development activity, the project may be subject to
943 additional approvals under the village's code.
944

945 (d) *Permit requirements.* All permits issued under this article shall be subject to the
946 following conditions, and holders of permits issued under this article shall be deemed to have
947 accepted these conditions. The building inspector, or Director of Public Works may suspend or
948 revoke a permit for violation of a permit condition by issuing written notification to the responsible
949 party. An action to suspend or revoke a permit may be appealed in accordance with section 76-15.
950

951 (1) Compliance with a permit issued under this article does not relieve the responsible
952 party of the responsibility to comply with any other applicable federal, state, and local laws and
953 regulation(s).
954

955 (2) The responsible party shall design and install all structural and non-structural
956 stormwater management measures in accordance with the approved stormwater management plan
957 and this permit.
958

959 (3) The responsible party shall notify the Director of Public Works, or village
960 engineer, or building inspector at least two business days before commencing any work in
961 conjunction with the stormwater management plan, and within three business days upon
962 completion of the stormwater management practices.
963

964 (4) Installations required as part of this article shall be certified "as built" by a licensed
965 professional engineer. Completed stormwater management practices must pass a final inspection
966 by the Director of Public Works, village engineer or his/her designee to determine compliance
967 with the approved stormwater management plan and this article. The Director of Public Works, or
968 village engineer or his/her designee shall notify the responsible party in writing of any changes
969 required in such practices to bring them into compliance with the conditions of this permit.
970

971 (5) The responsible party shall notify the Director of Public Works, or village Engineer
972 of any proposed modifications to an approved stormwater management plan prior to incorporation
973 into the stormwater management plan.
974

975 (6) The responsible party shall maintain all stormwater management practices in
976 accordance with the stormwater management plan until the practices either become the
977 responsibility of the village, or are transferred to subsequent private owners as specified in the
978 approved maintenance agreement.
979

980 (7) The responsible party authorizes the village to perform any work or operations
981 necessary to bring stormwater management measures into conformance with the approved
982 stormwater management plan, and consents to a special assessment or charge against the property
983 as authorized under subch. VII of Wis. Stats. ch. 66, or to charging such costs against the financial
984 guarantee posted under section 76-10.
985

986 (8) Activities that are not in compliance with the approved stormwater management
987 plan shall constitute a public nuisance and the responsible party shall repair, at the responsible

988 party's own expense, all damage to adjoining facilities and drainage ways caused by runoff, where
989 such damage is caused by such activities.

990
991 (9) The responsible party shall permit property access to the Director of Public Works,
992 or village engineer or his or her designee for the purpose of inspecting the property for compliance
993 with the approved stormwater management plan and this permit.

994
995 (10) Where site development or redevelopment involves changes in direction, increases
996 in peak rate and/or total volume of runoff from a site, the village board may require the responsible
997 party to make appropriate legal arrangements with affected property owners.

998
999 (11) The responsible party is subject to the enforcement actions and penalties detailed
1000 in section 76-35, if the responsible party fails to comply with the terms of a permit issued under
1001 this chapter.

1002
1003 (e) *Permit conditions.* Permits issued under this subsection may include conditions
1004 established by the village related to the requirements needed to meet the performance standards in
1005 76-7 or a financial guarantee as provided for in section 76-11.

1006
1007 (f) *Permit duration.* Permits issued under this section shall be valid from the date of
1008 issuance through the date the village notifies the responsible party that all stormwater management
1009 practices have passed the final inspection required under sec. 76-8(d)(4). The permit shall be
1010 invalid if work is not commenced within one year of permit issuance.

1011
1012 **Sec. 76-9. - Stormwater management plan.**

1013
1014 (A) *PLAN REQUIREMENTS.* The storm water management plan required under Section 76-
1015 7(b) shall contain any such information the Director of Public Works may need to evaluate the
1016 environmental characteristics of the area affected by land development activity, the potential
1017 impacts of the proposed development upon the quality and quantity of storm water discharges, the
1018 potential impacts upon water resources and drainage utilities, and the effectiveness and
1019 acceptability of proposed storm water management measures in meeting the performance
1020 standards set forth in this section. Unless specified otherwise by this section, storm water
1021 management plans shall contain, at a minimum, the following information:

1022
1023 (1) Name, address, and telephone number for the following or their designees:
1024 landowner; developer; project engineer for practice design and certification; person(s) responsible
1025 for installation of storm water management practices; and person(s) responsible for maintenance
1026 of storm water management practices prior to the transfer, if any, of maintenance responsibility to
1027 another party.

1028
1029 (2) A proper legal description of the property proposed to be developed, referenced to
1030 the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision
1031 plat.

1032
1033 (3) Pre-development site conditions, including:

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(a) One or more site maps at a scale of not greater than 1 inch equals 50 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 2 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.

(b) Hydrology and pollutant loading computations as needed to show compliance with performance standards. Computations of the peak flow discharge rates and discharge volumes from each discharge point in the development. At a minimum, computations must be made for the following storms: 1, 2, 10 and 100-year. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(4) Post-development site conditions, including:

(a) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

(b) Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

(c) One or more site maps at a scale of not greater than 1 inch equals 50 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 2 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

(d) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-

1080 referenced to the required map(s). Computations of the peak flow discharge rates and discharge
1081 volumes from each discharge point in the development including analysis of the safe capacity of
1082 downstream conveyance systems. At a minimum, computations must be made for the following
1083 storms: 1, 2, 10 and 100-year. All major assumptions used in developing input parameters, shall
1084 be clearly stated.

1085
1086 (e) Results of investigations of soils and groundwater required for the
1087 placement and design of storm water management measures. Detailed drawings including cross-
1088 sections and profiles of all permanent storm water conveyance and treatment practices.

1089
1090 (5) A description and installation schedule for the storm water management practices
1091 needed to meet the performance standards in Section 76-7(c).

1092
1093 (6) A maintenance plan developed for the life of each storm water management
1094 practice including the required maintenance activities and maintenance activity schedule.

1095
1096 (7) Cost estimates for the construction, operation, and maintenance of each storm water
1097 management practice.

1098
1099 (8) Results of impact assessments on wetland functional values, as applicable.

1100
1101 (9) Design computations and all applicable assumptions for storm water conveyance
1102 (open channel, closed pipe) and storm water treatment practices (sedimentation type, filtrations,
1103 infiltration-type) as needed to show that practices are appropriately sized and capable of meeting
1104 the discharge performance standards of this section.

1105
1106 (10) Other information requested in writing by the Director of Public Works, or village
1107 engineer to determine compliance of the proposed storm water management measures with the
1108 provisions of this article.

1109
1110 (11) All site investigations, plans, designs, computations, and drawings shall be certified
1111 by a licensed professional engineer to be prepared in accordance with accepted engineering
1112 practice and requirements of this article.

1113
1114
1115 (B) SIMPLIFIED PLANS. The Village may allow simplified storm water management plans for
1116 sites with less than 1 acre of land disturbing construction activity.

1117
1118 (c) *Alternate requirements.* The Director of Public Works may prescribe alternative
1119 submittal requirements for applicants seeking an exemption to on-site stormwater management
1120 performance standards under subsection 76-7(E) or section 76-13.

1121
1122 **Sec. 76-10. - Maintenance agreement.**

1123
1124 (a) *Maintenance agreement required.* The maintenance agreement required under
1125 subsection 76-7(b) for stormwater management practices shall be an agreement between the

1126 village and the responsible party to provide for maintenance of stormwater practices beyond the
1127 duration period of this permit. The maintenance agreement shall be filed with the Waukesha
1128 County Register of Deeds as a property deed restriction so that it is binding upon all subsequent
1129 owners of the land served by the stormwater management practices.

1130
1131 (b) *Agreement provisions.* The maintenance agreement shall contain the following
1132 information and provisions and be consistent with the maintenance plan required by subsection
1133 76-7(b).

1134
1135 (1) Identification of the stormwater facilities and designation of the drainage area
1136 served by the facilities.

1137
1138 (2) A schedule for regular maintenance of each aspect of the stormwater management
1139 system consistent with the stormwater management plan required under subsection 76-7(b).

1140
1141 (3) Identification of the property or easement owner, organization or governmental
1142 entity responsible for long term maintenance of the stormwater management practices identified
1143 in the stormwater management plan required under subsection 76-7(b).

1144
1145 (4) Requirement that the responsible party(s), organization, or governmental entity
1146 shall maintain stormwater management practices in accordance with the schedule included under
1147 sec. 76-10 (b)(2) above.

1148
1149 (5) Authorization for the village staff or contractors to access the property to conduct
1150 inspections of stormwater management practices as necessary to ascertain that the practices are
1151 being maintained and operated in accordance with the agreement.

1152
1153 (6) Agreement that the party designated under sec. 76-10 (b)(3), as responsible for
1154 long term maintenance of the stormwater management practices, shall be notified by the village of
1155 maintenance problems which require correction. The specified corrective actions shall be
1156 undertaken within a reasonable time frame as set by the village.

1157
1158 (7) Authorization for the village to perform the corrected actions identified in the
1159 inspection report if the responsible party designated under sec. 76-10 (b)(3) does not make the
1160 required corrections in the specified time period. The village finance director shall enter the
1161 amount due on the tax rolls and collect the money as a special assessment or charge against the
1162 property pursuant to subch. VII of Wis. Stats. Ch. 66 as amended from time-to-time.

1163
1164 **Sec. 76-11. - Financial guarantee.**

1165
1166 (a) *Establishment of the guarantee.* The village board may require the submittal of a
1167 financial guarantee, the form and type of which shall be acceptable to the village attorney. The
1168 financial guarantee shall be in an amount determined by the Director of Public Works to be the
1169 estimated cost of construction and the estimated cost of maintenance of the stormwater
1170 management practices during the period initial construction phase of the underlying development.
1171 The financial guarantee shall give the village the authorization to use the funds to complete the

1172 stormwater management practices if the responsible party defaults or does not properly implement
1173 the approved stormwater management plan, upon written notice to the responsible party by the
1174 administering authority that the requirements of this article have not been met.

1175
1176 (b) *Conditions for release.* Conditions for the release of the financial guarantee are as
1177 follows:

1178
1179 (1) The village board shall release the portion of the financial guarantee established
1180 under this article, less any costs incurred by the village to complete installation of practices, upon
1181 submission of "as built plans" by a Wisconsin licensed professional engineer. The Director of
1182 Public Works may recommend provisions for a partial release of the financial guarantee based on
1183 the completion of various development stages.

1184
1185 (2) The Director of Public Works shall release the portion of the financial guarantee
1186 established under this section to assure maintenance of stormwater practices and facilities, less any
1187 costs incurred by the village, at such time that the practice or facility and underlying development
1188 are completed.

1189
1190 **Sec. 76-12. - Fee schedule.**

1191
1192 The fees referred to in other sections of this article shall be established by the village and may
1193 from time to time be modified by resolution. A schedule of fees shall be available at the village
1194 clerk's office.

1195
1196 **Sec. 76-13. - Exceptions and waivers.**

1197
1198 (a) *Generally.* Where the village finds that extraordinary hardships or practical difficulties
1199 may result from strict compliance with these regulations and/or the purposes of these regulations
1200 may be served to a greater extent by an alternative proposal, it may approve exceptions and waivers
1201 to these regulations so that substantial justice may be done and the public interest secured, provided
1202 the exception or waiver shall not have the effect of nullifying the intent and purpose of these
1203 regulations; and further provided the Director of Public Works shall not approve exceptions and
1204 waivers unless they shall make findings based upon the evidence presented to them that all of the
1205 following conditions are met by the petitioner.

1206
1207 (1) The granting of the exception or waiver will not be detrimental to the public safety,
1208 health, or welfare or injurious to other property;

1209
1210 (2) The conditions upon which the request is based are unique to the property for
1211 which the relief is sought and are not applicable generally to other property;

1212
1213 (3) Because of the location or conditions affecting the specific property involved, a
1214 particular hardship to the owner would result, as distinguished from a mere inconvenience, if the
1215 strict letter of these regulations is carried out;

1216
1217 (4) The relief sought will not materially alter the provisions of any existing stormwater

1218 management plan within the village except that this document may be amended in the manner
1219 prescribed by law;

1220
1221 (5) The granting of the exception or waiver will not result in a violation of state or
1222 federal laws or permits.
1223

1224 (b) *Conditions.* In approving exceptions or waivers, the Director of Public Works may
1225 require such conditions as will, in his or her judgment, reasonably secure substantially the purposes
1226 described in this article and accompanying written stormwater management and erosion control
1227 requirements.
1228

1229 (c) *Procedures.* A petition for an exception or waiver shall be submitted in writing by the
1230 responsible party at the time when the development is filed for the consideration by the Director
1231 of Public Works. The petition shall state fully the grounds for the application and all of the facts
1232 relied upon by the petitioner.
1233

1234 **Sec. 76-14. - Inspection and enforcement.**
1235

1236 (a) The Director of Public Works or village engineer or building inspector, or designee may
1237 access the site periodically to inspect stormwater management practices and facilities to evaluate
1238 compliance with the approved stormwater management plan.
1239

1240 (b) Any land disturbing construction activity or post-construction runoff initiated after the
1241 effective date of this article by any person, firm, association, or corporation subject to the ordinance
1242 provisions shall be deemed a violation unless conducted in accordance with the requirements of
1243 this article.
1244

1245 (c) The Director of Public Works, or building inspector shall provide written notice to the
1246 responsible party by of any non-complying land disturbing construction activity or post-
1247 construction runoff. The notice shall describe the nature of the violation, remedial actions needed,
1248 a schedule for remedial action, and additional enforcement action which may be taken.
1249

1250 (d) Upon receipt of written notification from the Director of Public Works under sec. 76-14
1251 (b) above, the responsible party shall correct work that does not comply with the stormwater
1252 management plan or other provisions of this permit. The responsible party shall make corrections
1253 as necessary to meet the specifications and schedule set forth by the Director of Public Works in
1254 the notice.
1255

1256 (e) If the violations to a permit issued pursuant to this article are likely to result in damage
1257 to properties, public facilities, or waters of the state, the Director of Public Works may enter the
1258 land and take emergency actions necessary to prevent such damage. The costs incurred by the
1259 village plus interest and legal costs shall be billed to the responsible party as a special charge under
1260 Wis. Stats. Ch. 66.
1261

1262 (f) The Director of Public Works, or building inspector, or village engineer are authorized
1263 to post a stop work order on all land disturbing construction activity that is in violation of this

1264 article, or to request the village attorney to obtain a cease and desist order in any court with
1265 jurisdiction.

1266

1267 (g) The Director of Public Works may revoke a permit issued under this article for non-
1268 compliance with ordinance provisions.

1269

1270 (h) Any permit revocation, stop work order, or cease and desist order shall remain in effect
1271 unless retracted by the Director of Public Works, or village attorney, the village board of trustees,
1272 or by a court with jurisdiction.

1273

1274 (i) The Director of Public Works, or village engineer, or building inspector are authorized
1275 to refer any violation of this article, or of a stop work order, or of a cease and desist order issued
1276 pursuant to this article, to the village attorney for the commencement of further legal proceedings
1277 in any court with jurisdiction.

1278

1279 (j) Any person, firm, association, or corporation violating the provisions of this article shall
1280 be subject to penalties as provided in section 1-4 of this Code. Each day of each violation shall
1281 constitute a separate offense.

1282

1283 (k) Compliance with the provisions of this article may also be enforced by injunction in any
1284 court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist
1285 order before resorting to injunction proceedings.

1286

1287 (l) When the Director of Public Works, or village engineer, or building inspector
1288 determines that the holder of a permit issued pursuant to this article has failed to follow practices
1289 set forth in the stormwater management plan, or has failed to comply with schedules set forth in
1290 said stormwater management plan, the Director of Public Works, or village engineer, or building
1291 inspector, or their designee, may enter upon the land and perform the work or other operations
1292 necessary to bring the condition of said lands into conformance with requirements of the approved
1293 plan. The Director of Public Works, or village engineer, or building inspector shall keep a detailed
1294 accounting of the costs and expenses of performing this work. These costs and expenses shall be
1295 deducted from any financial security posted pursuant to section 76-11 of this article. Where such
1296 a security has not been established, or where such a security is insufficient to cover these costs,
1297 the costs and expenses shall be entered on the tax roll as a special charge against the property and
1298 collected with any other taxes levied thereon for the year in which the work is completed.

1299

1300 **Sec. 76-15. - Appeals.**

1301

1302 (a) *Board of zoning appeals.* The board of zoning appeals, created pursuant to section 46-
1303 121 of this Code pursuant to Wis. Stats. § 61.35(7)(e) shall hear and decide appeals where it is
1304 alleged that there is error in any order, decision or determination made by the Director of Public
1305 Works, or village engineer, or building inspector in administering this article. The board shall also
1306 use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals.
1307 Upon appeal, the board may authorize variances from the provisions of this article that are not
1308 contrary to the public interest, and where owing to special conditions a literal enforcement of the
1309 article will result in unnecessary hardship.

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(b) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person adversely affected by any decision of the Director of Public Works, or village engineer, or 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 article 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 pollutants into stormwater or 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, 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, 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.

1356
1357 (2) Discharges resulting from fire fighting activities.
1358

1359 (3) Discharges from uncontaminated ground water, potable water source, air conditioning
1360 condensation, springs, lawn watering, individual residential car washing, water main and hydrant
1361 flushing and swimming pools if the water has been dechlorinated.
1362

1363 **Sec. 76-35. - Enforcement.**
1364

1365 (a) Any person, firm, association, or corporation violating the provisions of this article shall
1366 be subject to penalties as provided in section 1-4 of this Code. Each day of each violation shall
1367 constitute a separate offense.
1368

1369 (b) Compliance with the provisions of this article may also be enforced by injunction in any
1370 court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist
1371 order before resorting to injunction proceedings.
1372

1373 **Secs. 76-36—76-50. - Reserved.**
1374

1375
1376 **ARTICLE III. - CONSTRUCTION SITE EROSION CONTROL**
1377

1378 **Sec. 76-51. - Definitions.**
1379

1380 The words, terms and phrases as defined in Section 76-1 of this chapter, shall have the meanings
1381 ascribed to them when used in this section, except where the context clearly indicates a different
1382 meaning.
1383

1384 **Sec. 76-52. - Authority.**
1385

1386 (a) This article is adopted under the authority granted by Wis. Stats. § 61.354 and 281.33,
1387 Wis. Stats. This article supersedes all provisions of any previously enacted ordinance related to
1388 construction site erosion control. Except as otherwise specified in Wis. Stats. §§ 61.35 and 61.354
1389 applies to this article and to any amendments to this article.
1390

1391 (b) The provisions of this article are deemed not to limit any other lawful regulatory powers
1392 of the same governing body.
1393

1394 (c) The village hereby designates the Director of Public Works, or building inspector, or
1395 village engineer to administer and enforce the provisions of this article.
1396

1397 (d) The requirements of this article do not pre-empt more stringent erosion and sediment
1398 control requirements that may be imposed by any of the following:
1399

1400 (1) Wisconsin Department of Natural Resources administrative rules, permits or
1401 approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.

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(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) The following land disturbing activity shall be subject to erosion and sediment control provisions of this article:

(1) A construction site which has 4,000 square feet or more of land disturbing activities.

(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.

(3) Nonpoint discharges from silviculture activities.

(4) Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(5) Land disturbing construction activity that includes the construction of a one or two family residential site less than one acre and is otherwise regulated by the Wisconsin Department of Safety and Professional Services.

1448 (6) Construction projects that do not result in land disturbing activity including mill and
1449 crush operations that do not have soil disturbance, filling or road shoulder grading.

1450
1451 (c) Notwithstanding the applicability requirements in sec. 76-55 (a), this article applies to
1452 construction sites of any size that, in the opinion of the village staff, are likely to result in runoff
1453 that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that
1454 causes undue channel erosion, that increases water pollution by scouring or the transportation of
1455 particulate matter or that endangers property or public safety.

1456
1457 **Sec. 76-56. - Jurisdiction.**

1458
1459 This article applies to land disturbing construction activities on lands within the boundaries and
1460 jurisdiction of the Village of Hartland.

1461
1462 **Sec. 76-57. - Technical standards.**

1463
1464 (a) Design criteria, standards and specifications.

1465
1466 All BMPs required to comply with this article shall meet the design criteria, standards and
1467 specifications based on any of the following:

1468
1469 (1) Design guidance and technical standards identified or developed by the Wisconsin
1470 Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

1471
1472 (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when
1473 using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design
1474 storm and precipitation distribution, and when considering the geographic location of the site and
1475 the period of disturbance.

1476
1477 (b) Other standards. Other technical standards not identified or developed in subsection (a),
1478 may be used provided that the methods have been approved by the Director of Public Works, or
1479 village engineer, or building inspector.

1480
1481 **Sec. 76-58. - Performance standards.**

1482
1483 (a) Responsible party. The responsible party shall be responsible for either developing and
1484 implementing an erosion and sediment control plan, or causing such plan to be developed and
1485 implemented through contract or other agreement. This plan shall be developed in accordance with
1486 section 76-60, that incorporates the requirements of this section.

1487
1488 (b) Plan. A written plan shall be developed in accordance with section 76-9 and
1489 implemented for applicable land development activities. Simplified plans may be completed for
1490 sites with less than 1 acre of land disturbing activity in accordance with the requirements of this
1491 article.

1493 (c) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The plan
1494 required under sec. 76-58 (B) shall include the following:
1495

1496 (1) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment
1497 control practices shall be used at each site where more than 4,000 square feet of land disturbing
1498 construction activity is to occur to prevent or reduce all of the following.
1499

- 1500 (a) The deposition of soil from being tracked onto streets by vehicles.
- 1501
- 1502 (b) The discharge of sediment from disturbed areas into on-site storm water
1503 inlets.
- 1504
- 1505 (c) The discharge of sediment from disturbed areas into adjacent waters of the
1506 state.
- 1507
- 1508 (d) The discharge of sediment from drainage ways that flow off the site.
- 1509
- 1510 (e) The discharge of sediment by dewatering activities.
- 1511
- 1512 (f) The discharge of sediment eroding from soil stockpiles existing for more
1513 than 7 days.
- 1514
- 1515 (g) The discharge of sediment from erosive flows at outlets and in downstream
1516 channels.
- 1517
- 1518 (h) The transport by runoff into waters of the state of chemicals, cement, and
1519 other building compounds and materials on the construction site during the construction period.
1520 However, projects that require the placement of these materials in waters of the state, such as
1521 constructing bridge footings or BMP installations, are not prohibited by this subdivision.
1522
- 1523 (i) The transport by runoff into waters of the state of untreated wash water
1524 from vehicle and wheel washing.
- 1525

1526 (2) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and
1527 sediment control practices under par. (1), the following erosion and sediment control practices
1528 shall be employed for all construction sites with more than 1 acre of land disturbing construction
1529 activity:
1530

- 1531 (a) BMPs that, by design, discharge no more than 5 tons per acre per year, or
1532 to the maximum extent practicable, of the sediment load carried in runoff from initial grading to
1533 final stabilization.
- 1534
- 1535 (b) No person shall be required to employ more BMPs than are needed to meet
1536 a performance standard in order to comply with maximum extent practicable. Erosion and
1537 sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may
1538 be given toward meeting the sediment performance standard of this paragraph for limiting the

1539 duration or area, or both, of land disturbing construction activity, or for other appropriate
1540 mechanisms.

1541
1542 (c) Notwithstanding par. (a), if BMPs cannot be designed and implemented to
1543 meet the sediment performance standard, the erosion and sediment control plan shall include a
1544 written, site-specific explanation of why the sediment performance standard cannot be met and
1545 how the sediment load will be reduced to the maximum extent practicable.

1546
1547 (3) PREVENTIVE MEASURES. The erosion and sediment control
1548 plan shall incorporate all of the following:

1549
1550 (a) Maintenance of existing vegetation, especially adjacent to surface waters
1551 whenever possible.

1552
1553 (b) Minimization of soil compaction and preservation of topsoil.

1554
1555 (c) Minimization of land disturbing construction activity on slopes of 20
1556 percent or more.

1557
1558 (d) Development of spill prevention and response procedures.

1559
1560
1561
1562 (d) Location. The BMPs used to comply with this section shall be located prior to runoff
1563 entering any lake, stream, river, swamp, or wetlands or any stormwater management system.

1564
1565 (E) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented
1566 as follows:

1567
1568 (1) Erosion and sediment control practices shall be constructed or installed before land
1569 disturbing construction activities begin in accordance with the erosion and sediment control plan
1570 developed in Section 76-60.

1571
1572 (2) Erosion and sediment control practices shall be maintained until final stabilization.

1573
1574 (3) Final stabilization activity shall commence when land disturbing activities cease
1575 and final grade has been reached on any portion of the site.

1576
1577 (4) Temporary stabilization activity shall commence when land disturbing activities
1578 have temporarily ceased and will not resume for a period exceeding 14 calendar days.

1579
1580 (5) BMPs that are no longer necessary for erosion and sediment control shall be
1581 removed by the responsible party.

1582
1583 (f) Alternate requirements. The Director of Public Works may establish alternative erosion and
1584 sediment control requirements to those set forth in this article, if the Director of Public Works

1585 determines that an added level of protection is needed or that extraordinary hardships or practical
1586 difficulties may result from strict compliance with these regulations. Exceptions or waivers to
1587 requirements set forth in this article and Village of Hartland Erosion Control and Stormwater
1588 Management Requirements shall be considered in accordance with section 76-13.

1589

1590 **Sec. 76-59. - Permitting requirements, procedures and fees.**

1591

1592 (a) *Permit required.* No responsible party may commence a land disturbing construction
1593 activity subject to this article without receiving prior approval of an erosion and sediment control
1594 plan for the site and a permit from the Director of Public Works, or building inspector, or village
1595 engineer.

1596

1597 (b) *Permit application and fees.* The responsible party desiring to undertake a land
1598 disturbing construction activity subject to this article shall submit an application for a permit and
1599 an erosion and sediment control plan that meets the requirements of section 76-60. The applicant
1600 shall pay an application fee consistent with the fee schedule maintained by the village clerk. By
1601 submitting an application, the applicant is authorizing the village staff to enter the site to obtain
1602 information required for the review of the erosion and sediment control plan.

1603

1604 (c) *Review and approval of permit application.* The Director of Public Works, or building
1605 inspector/village engineer shall review any permit application that is submitted with an erosion
1606 and sediment control plan, and the required fee. The following approval procedure shall be used:

1607

1608 (1) The Director of Public Works, or building inspector, or village engineer may
1609 request additional information if required for a complete application within 15 business days of
1610 receipt of any permit application. Within 30 business days of the receipt of a complete permit
1611 application, including all items as required by subsection (b), the Director of Public Works, or
1612 building inspector, or village engineer shall inform the applicant whether the application, plan and
1613 maintenance agreement are approved or disapproved based on the requirements of this article.

1614

1615 (2) If the permit application and plan are approved, the Director of Public Works, or
1616 building inspector, or village engineer shall issue the permit.

1617

1618 (3) If the permit application or plan is disapproved, the Director of Public Works, or
1619 building inspector, or village engineer shall state in writing the reasons for disapproval.

1620

1621 (d) *Financial guarantee.* As a condition of approval and issuance of the permit, the Director
1622 of Public Works, or building inspector, or village engineer may require the applicant to deposit a
1623 surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved
1624 erosion control plan and any permit conditions. The amount of financial guarantee required under
1625 this section shall be established by the Director of Public Works, in his or her discretion, taking
1626 into consideration the projected cost of the BMPs and other facilities required in the approved
1627 erosion control plan together with a reasonable estimate of the cost of site stabilization and/or
1628 cleanup in the event of noncompliance with the approved erosion control plan.

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1630 (e) *Permit requirements.* All permits shall require the responsible party to:

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(1) Notify the Director of Public Works, or building inspector three full village business days prior to commencing any land disturbing construction activity.

(2) Notify the Director of Public Works, or building inspector 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, or building inspector, or 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. Repair or replace erosion and sediment control best management practices as necessary within 24 hours of an inspection or by the date agreed to between the permittee and the Director of Public Works, or village engineer or the appropriate designee. Inspections are only required for construction sites with more than 1 acre of land disturbing construction activity.

(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, or building inspector, or village engineer in addition to the requirements set forth in subsection (e), where needed to assure compliance with the performance standards in section 76-58.

(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, or building inspector, or village engineer may

1677 require additional BMPs as a condition of the extension if they are necessary to meet the
1678 requirements of this article.

1679

1680 (h) *Maintenance.* The responsible party throughout the duration of the construction
1681 activities shall maintain all BMPs necessary to meet the requirements of this article until the site
1682 has undergone final stabilization.

1683

1684 **Sec. 76-60. - Erosion and sediment control plan and amendments.**

1685

1686 (a) EROSION AND SEDIMENT CONTROL PLAN.

1687

1688 (1) An erosion and sediment control plan shall be prepared and submitted to the
1689 Director of Public Works.

1690

1691 (2) The erosion and sediment control plan shall be designed to meet the performance
1692 standards in Section 76-58 and other requirements of this article. Simplified plans may be
1693 completed for sites with less than 1 acre of land disturbing construction activity.

1694

1695 (3) The erosion and sediment control plan shall address pollution caused by soil erosion
1696 and sedimentation during construction and up to final stabilization of the site. The erosion and
1697 sediment control plan shall include, at a minimum, the following items:

1698

1699 (a) The name(s) and address(es) of the owner or developer of the site, and of any
1700 consulting firm retained by the applicant, together with the name of the applicant's principal
1701 contact at such firm. The application shall also include start and end dates for construction.

1702

1703 (b) Description of the site and the nature of the construction activity, including
1704 representation of the limits of land disturbance on a United States Geological Service 7.5 minute
1705 series topographic map.

1706

1707 (c) A sequence of construction of the development site, including stripping and
1708 clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading
1709 and landscaping. Sequencing shall identify the expected date on which clearing will begin, the
1710 estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion
1711 and sediment control measures, and establishment of permanent vegetation.

1712

1713 (d) Estimates of the total area of the site and the total area of the site that is
1714 expected to be disturbed by construction activities.

1715

1716 (e) Estimates, including calculations, if any, of the runoff coefficient of the site
1717 before and after construction activities are completed.

1718

1719 (f) Calculations to show the expected percent reduction in the average annual
1720 sediment load carried in runoff as compared to no sediment or erosion controls.

1721

1722 (g) Existing data describing the surface soil as well as subsoils.

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(h) Depth to groundwater, as indicated by on-site soil borings or Natural Resources Conservation Service soil information where available.

(i) Name of the immediate named receiving water from the United States Geological Service 7.5-minute series topographic maps.

(4) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

(a) Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year floodplains, flood fringes and floodways shall also be shown.

(b) Boundaries of the construction site.

(c) Drainage patterns and approximate slopes anticipated after major grading activities.

(d) Areas of soil disturbance.

(e) Location of major structural and non-structural controls identified in the plan.

(f) Location of areas where stabilization practices will be employed.

(g) Areas which will be vegetated following construction.

(h) Area and location of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.

(i) Locations of all surface waters and wetlands within one mile of the construction site.

(j) Areas used for infiltration of post-construction storm water runoff.

(k) An alphanumeric or equivalent grid overlying the entire construction site map.

(5) Each erosion and sediment control plan shall include a description of appropriate erosion and sediment control best management practices that will be installed and maintained at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate erosion and sediment control measures for each major land disturbing construction

1769 activity and the timing during the construction process that the measures will be implemented. The
1770 description of erosion and sediment controls shall include, when appropriate, the following
1771 minimum requirements:

1772
1773 (a) Description of interim and permanent stabilization practices, including an
1774 implementation schedule. Site plans shall ensure that existing vegetation is preserved where
1775 attainable and that disturbed portions of the site are stabilized.

1776
1777 (b) Description of structural practices to divert flow away from exposed
1778 soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless
1779 otherwise specifically approved in writing by the Director of Public Works, or village engineer,
1780 structural measures shall be installed on upland soils.

1781
1782 (c) Management of overland flow at all sites, unless otherwise controlled by
1783 outfall controls.

1784
1785 (d) Trapping of sediment in channelized flow.

1786
1787 (e) Staging construction to limit exposed soil areas subject to erosion.

1788
1789 (f) Protection of downslope drainage inlets where they occur.

1790
1791 (g) Minimization of tracking via installation of tracking pads at all vehicle
1792 and equipment entry and exit locations of the construction site.

1793
1794 (h) Clean up of off-site sediment deposits.

1795
1796 (i) Proper disposal of building and waste materials at all sites.

1797
1798 (j) Stabilization of drainage ways.

1799
1800 (k) Control of soil erosion from dirt stockpiles.

1801
1802 (l) Installation of permanent stabilization practices as soon as possible after
1803 final grading.

1804
1805 (m) Minimization of dust to the maximum extent practicable.

1806
1807 (6) The erosion and sediment control plan shall require that velocity dissipation devices
1808 be placed at discharge locations and along the length of any outfall channel, as necessary, to
1809 provide a non-erosive flow from the structure to a watercourse so that the natural physical and
1810 biological characteristics and functions are maintained and protected.

1811
1812
1813 (b) *Amendments.* The applicant shall submit an amended plan for review and approval by
1814 the village Director of Public Works, or building inspector, or village engineer together with the

1815 amended plan review fee established under section 76-9 within three days of the occurrence of any
1816 of the following events:

1817
1818 (1) There is a change in design, construction, operation or maintenance at the site
1819 which has the reasonable potential for the discharge of pollutants to waters of the state and which
1820 has not otherwise been addressed in the plan.

1821
1822 (2) The actions required by the plan fail to reduce the impacts of pollutants carried by
1823 construction site runoff.

1824
1825 (3) The Director of Public Works, or building inspector, or village engineer notifies
1826 the applicant of changes needed in the plan to comply with this article.

1827

1828 **Sec. 76-61. - Fee schedule.**

1829
1830 The fees referred to in other sections of this article shall be established by the village board and
1831 may from time to time be modified by resolution. A schedule of the fees established by the village
1832 board shall be available at the village clerk's office

1833

1834 **Sec. 76-62. - Inspection.**

1835
1836 (a) The Director of Public Works, or village engineer, or building inspector, or designee
1837 may access the site for the purpose of inspecting installation and construction of best management
1838 practices at any time between initiation of construction activities and final inspection/release of
1839 the project guarantee. The Village will inspect any construction site with more than 1 acre of land
1840 disturbing construction activity that holds a permit under this chapter at least once a month during
1841 the period starting March 1 and ending October 31 and at least 2 times during the period starting
1842 November 1 and ending February 28 to ensure compliance with the approved sediment and erosion
1843 control plan. The costs of these inspections shall be billed to the responsible party.

1844
1845 (b) If land disturbing construction activities are being carried out without a permit required
1846 by this article, the Director of Public Works, or building inspector, or village engineer may enter
1847 the land pursuant to the provisions of Wis. Stats. §§ 66.0119 .

1848

1849 **Sec. 76-63. - Exceptions and waivers.**

1850
1851 (a) *General.* Where the Director of Public Works finds that extraordinary hardships or
1852 practical difficulties may result from strict compliance with these regulations and/or the purposes
1853 of these regulations may be served to a greater extent by an alternative proposal, they may approve
1854 exceptions and waivers to these regulations so that substantial justice may be done and the public
1855 interest secured, provided the exception or waiver shall not have the effect of nullifying the intent
1856 and purpose of these regulations; and further provided the Director of Public Works shall not
1857 approve exceptions and waivers unless they shall make findings based upon the evidence presented
1858 to it that all of the following conditions are met by the petitioner.

1859

1860 (1) The granting of the exception or waiver will not be detrimental to the public safety,

1861 health, or welfare or injurious to other property;

1862

1863 (2) The conditions upon which the request is based are unique to the property for
1864 which the relief is sought and are not applicable generally to other property;

1865

1866 (3) Because of the location or conditions affecting the specific property involved, a
1867 particular hardship to the owner would result, as distinguished from a mere inconvenience, if the
1868 strict letter of these regulations is carried out;

1869

1870 (4) The relief sought will not materially alter the provisions of any existing regional
1871 stormwater management plan except that this document may be amended in the manner prescribed
1872 by law.

1873

1874 (5) The granting of the exception or waiver will not result in a violation of state or
1875 federal laws or permits.

1876

1877 (b) *Conditions.* In approving exceptions or waivers, the Director of Public Works may
1878 require such conditions as will in his/her judgment secure substantially the purposes described in
1879 this article and accompanying written stormwater management and erosion control requirements.

1880

1881 (c) *Procedures.* A petition for an exception or waiver shall be submitted in writing by the
1882 responsible party at the time when the development is filed for the consideration of the Director of
1883 Public Works. The petition shall state fully the grounds for the application and all of the facts
1884 relied upon by the petitioner.

1885

1886 **Sec. 76-64. - Enforcement.**

1887

1888 (a) The Director of Public Works, or building inspector, or village engineer may post a stop-
1889 work order if any of the following occurs:

1890

1891 (1) Any land disturbing construction activity regulated under this article is being
1892 undertaken without a permit.

1893

1894 (2) The erosion and sediment control plan is not being implemented in a good faith
1895 manner.

1896

1897 (3) The conditions of the permit are not being met.

1898

1899 (b) If the responsible party does not cease activity as required in a stop-work order posted
1900 under this section or fails to comply with the erosion and sediment control plan or permit
1901 conditions, the Director of Public Works may revoke the permit.

1902

1903 (c) If the responsible party, where no permit has been issued, does not cease the activity
1904 after being notified by the Director of Public Works, or building inspector, or village engineer, or
1905 if a responsible party violates a stop-work order posted under sec. 76-64(a), the Director of Public
1906 Works, or building inspector, or 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

1907 (f).

1908

1909 (d) The board of zoning appeals may retract a stop-work order issued under sec. 76-64(a)
1910 or a permit revocation under sec. 76-64(b).

1911

1912 (e) After posting a stop-work order under sec. 76-64(a), the Director of Public Works, or
1913 building inspector, or village engineer may issue a notice of intent to the responsible party of its
1914 intent to perform work necessary to comply with this article. Village staff or contractors may go
1915 on the land and commence the work after issuing the notice of intent. The costs of the work
1916 performed under this subsection by the village board, plus interest at the rate authorized by the
1917 village board shall be billed to the responsible party. In the event a responsible party fails to pay
1918 the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special charge
1919 against the property pursuant to subch. VII of Wis. Stats. ch. 66.

1920

1921 (f) Any person violating any of the provisions of this article shall be subject to penalties
1922 under section 1-4 of this Code of Ordinances. Each day a violation exists shall constitute a separate
1923 offense.

1924

1925 (g) Compliance with the provisions of this article may also be enforced by injunction in any
1926 court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist
1927 order before resorting to injunction proceedings.

1928

1929 **Sec. 76-65. - Appeals.**

1930

1931 (a) *Board of zoning appeals.* The board of zoning appeals created pursuant to section 46-
1932 121 et seq. pursuant to Wis. Stats. § 61.35(7)(e).

1933

1934 (1) Shall hear and decide appeals where it is alleged that there is error in any order,
1935 decision or determination made by the Director of Public Works, or building inspector, or village
1936 engineer in administering this article except for cease and desist orders obtained under section 76-
1937 14.

1938

1939 (2) Upon appeal, may authorize variances from the provisions of this article which are
1940 not contrary to the public interest and where owing to special conditions a literal enforcement of
1941 the provisions of the article will result in unnecessary hardship; and

1942

1943 (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing
1944 and deciding appeals and authorizing variances.

1945

1946 (b) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person
1947 or by any office, department, board, or the Village of Hartland affected by any decision or order
1948 of the Director of Public Works, or building inspector, or village engineer within 30 days of such
1949 decision or order.

1950

1951 **Section 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason
1952 held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be

1953 deemed a separate, distinct and independent provision, and such holding shall not affect the
1954 validity of the remainder of such ordinance.

1955
1956 **Section 3:** This Ordinance shall take effect and be in full force after adoption and proper
1957 publication.

1958
1959 Adopted this 9th day of October, 2017.
1960

VILLAGE OF HARTLAND

ATTEST:

By: 
Jeffrey Pannerstill, Village President


Darlene Igl, MMC, WCPC, Village Clerk

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