
CONSTRUCTION SITE EROSION CONTROL & STORMWATER MANAGEMENT
JULY 3, 2014

CHAPTER 9

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ARTICLE 1: CONSTRUCTION SITE EROSION CONTROL

SEC. 10-9-1 AUTHORITY

- (1) Ordinance Title 10, Chapter 9, Article 1 is adopted by the Village of Prairie du Sac under the authority granted by s. 61.354, Wis. Stats. This ordinance supersedes all provisions of any ordinance previously enacted under 61.35, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 61.354 Wis. Stats., s. 61.35 Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village of Prairie du Sac hereby will administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

SEC. 10-9-2 FINDINGS AND PURPOSE

- (1) **FINDINGS.** The Village of Prairie du Sac finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the Village of Prairie du Sac and its extraterritorial zoning jurisdiction.
- (2) **PURPOSE.** It is the purpose of this ordinance 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 waters of the state in the Village of Prairie du Sac and its extraterritorial zoning jurisdiction.

SEC. 10-9-3 APPLICABILITY AND JURISDICTION

- (1) **APPLICABILITY.**
 - (a) This ordinance applies to construction sites that have 4,000 square feet of land disturbing construction activity except as provided under sub. (b):
 - (b) This ordinance does not apply to the following:
 1. Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Safety and Professional Services in chs. SPS 320 to 325 or 361 to 366, Wis. Adm. Code.

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2. 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.
 3. Nonpoint discharges from agricultural facilities and practices.
 4. Nonpoint discharges from silviculture activities.
 5. 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.
- (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, in the opinion of the Village, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (2) JURISDICTION. This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Prairie du Sac and its Extraterritorial Zoning Jurisdiction.
- (3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

SEC. 10-9-4 DEFINITIONS

- (1) ADMINISTERING AUTHORITY means a governmental employee, or a regional planning commission empowered under s. 61.354 Wis. Stats., that is designated by the Prairie du Sac to administer this ordinance.
- (2) AGRICULTURAL FACILITIES AND PRACTICES has the meaning in s. 281.16(1), Wis. Stats.
- (3) AVERAGE ANNUAL RAINFALL means a calendar year of precipitation, excluding snow, which is considered typical. For applications requiring use of average annual rainfall, recorded City of Madison depths for March 12 through December 2, 1981, shall be used.
- (4) BEST MANAGEMENT PRACTICE or BMP means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (5) BUSINESS DAY means a day the office of the Village is routinely and customarily open for business.
- (6) CEASE AND DESIST ORDER means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (7) CONSTRUCTION SITE means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (8) DIRECTOR OF PUBLIC WORKS means the Village of Prairie du Sac Public Works Director or designee.
- (9) DIVISION OF LAND means either a division of a Lot, Parcel, or tract of land, or Replat of land by the Owner or the Owner's agent for any purpose including sale or development,

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- as defined by Chapter 3, Subdivision Regulations.
- (10) EROSION means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
 - (11) EROSION AND SEDIMENT CONTROL PLAN means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
 - (12) EXTRATERRITORIAL JURISDICTION means the area outside of the Village of Prairie du Sac municipal limits in which the Village exercises joint zoning authority with the Town of Prairie du Sac, under extraterritorial zoning authority granted by Wisconsin Statutes as defined by Section 10-1-0104 of the Village of Prairie du Sac Zoning Ordinance.
 - (13) FINAL STABILIZATION means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
 - (14) GOVERNING BODY means Village Board.
 - (15) LAND DISTURBING CONSTRUCTION ACTIVITY means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
 - (16) MEP or MAXIMUM EXTENT PRACTICABLE means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
 - (17) PERFORMANCE STANDARD means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
 - (17) PERMIT means a written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
 - (18) POLLUTANT has the meaning given in s. 283.01 (13), Wis. Stats.
 - (19) POLLUTION has the meaning given in s. 281.01 (10), Wis. Stats.
 - (20) RESPONSIBLE PARTY means the entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
 - (21) RUNOFF means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
 - (22) SEDIMENT means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
 - (23) SEPARATE STORM SEWER means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which is designed or used for collecting and conveying stormwater runoff and is not part of a combined sewer system.
 - (24) SITE means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
 - (25) STOP WORK ORDER means an order issued by the Village which requires that all construction activity on the site be stopped.
 - (26) TECHNICAL STANDARD means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

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- (27) WATERS OF THE STATE has the meaning given in s. 281.01 (18), Wis. Stats.

SEC. 10-9-5 TECHNICAL STANDARDS

- (1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All drainage facilities and practices required to comply with this ordinance shall incorporate technical standards and design methods specified in the document Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village Engineer. Where not superseded by stricter requirements in Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, the following standards are also incorporated by reference:
- (a) Applicable design criteria, standards and specifications identified in the *Wisconsin Construction Site Best Management Practice Handbook*, WDNR Pub. WR-222, latest revision.
 - (b) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (2) OTHER STANDARDS. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Village Engineer.

SEC. 10-9-6 PERFORMANCE STANDARDS

- (1) RESPONSIBLE PARTY. The entity holding fee title to the property shall be responsible for either developing and implementing an erosion and sediment control plan, or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with Section 10-9-8, that incorporates the requirements of this section.
- (2) PLAN. A written plan shall be developed in accordance with Section 10-9-8 and implemented for applicable land development activities.
- (3) EROSION AND SEDIMENT CONTROL PERFORMANCE STANDARDS. All drainage facilities and practices required to comply with this ordinance shall meet performance standards specified in the document Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village.
- (4) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
- (5) ALTERNATE REQUIREMENTS. The Village may establish alternative erosion and sediment control requirements to those set forth in Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, if the Village determines that an added level of protection is needed or that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. Exceptions or waivers to requirements set forth in this ordinance and Village of Prairie du Sac Erosion Control and Stormwater Management Requirements shall be considered in accordance with Section 10-9-11.

SEC. 10-9-7 PERMITTING REQUIREMENTS, PROCEDURES AND FEES

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- (1) **PERMIT REQUIRED.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village.
- (2) **PERMIT APPLICATION AND FEES.** The responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 10-9-8. The applicant shall pay an application fee consistent with the fee schedule maintained by the Village. By submitting an application, the applicant is authorizing the Village to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Village shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (a) The Village may request additional information if required for a complete application within 15 business days of receipt of any permit application. Within 30 business days of the receipt of a complete permit application, including all items as required by sub. (2), the Village shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the Village shall issue the permit.
 - (c) If the permit application or plan is disapproved, the Village shall state in writing the reasons for disapproval.
 - (d) The Village may request additional information from the applicant. If additional information is submitted, the Village shall have 10 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
- (4) **FINANCIAL GUARANTEE.** As a condition of approval and issuance of the permit, the Village may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
 - (a) Notify the Village 2 full business days prior to commencing any land disturbing construction activity.
 - (b) Notify the Village of completion of any BMPs within 3 full business days after their installation.
 - (c) Obtain permission in writing from the Village prior to any modification pursuant to Section 10-9-8(2) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) 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.
 - (g) 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

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the inspection, and a description of the present phase of the construction at the site.

- (h) Allow the Village 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.

- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Village in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Section 10-9-6.

- (7) 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 Village may extend the period one or more times for up to an additional 180 days. The Village may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

SEC. 10-9-8 EROSION AND SEDIMENT CONTROL PLAN AND AMENDMENTS

- (1) PLAN REQUIREMENTS. An Erosion and Sediment Control Plan shall be prepared and submitted to the Village. The Erosion and Sediment Control Plan shall include, at a minimum, information required in the Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village.

- (2) AMENDMENTS. The applicant shall amend the plan if any of the following occur:
 - (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The Village notifies the applicant of changes needed in the plan to comply with this ordinance or the Village of Prairie du Sac Erosion Control and Stormwater Management Requirements.

SEC. 10-9-9 FEE SCHEDULE

The fees referred to in other sections of this ordinance shall be established by the Village and may from time to time be modified by resolution. A schedule of the fees established by the Village Board shall be available at the Village Hall.

SEC. 10-9-10 INSPECTION

If land disturbing construction activities are being carried out without a permit required by this ordinance, the Village may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

SEC. 10-9-11 EXCEPTIONS AND WAIVERS

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- (1) GENERAL. Where the Village finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions and waivers to these regulations so that substantial justice may be done and the public interest secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Village shall not approve exceptions and waivers unless it shall make findings based upon the evidence presented to it that all of the following conditions are met by the petitioner.
 - (a) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (b) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (c) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (d) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner prescribed by law.
 - (e) The granting of the exception or waiver will not result in a violation of State or Federal laws or permits.
- (2) CONDITIONS. In approving exceptions or waivers, the Village may require such conditions as will in his judgement secure substantially the purposes described in this ordinance and accompanying written stormwater management and erosion control requirements.
- (3) PROCEDURES. A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the Village. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

SEC. 10-9-12 ENFORCEMENT

- (1) The Village may post a stop-work order if any of the following occurs:
 - (a) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Village may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Village, or if a responsible party violates a stop-work order posted under sub. (1), the Village may request the Village attorney to obtain a cease and desist order in any court with jurisdiction.

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- (4) The Village may retract the stop-work order issued under sub. (1) or the permit revocation under sub. (2).
- (5) After posting a stop-work order under sub. (1), the Village may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Village may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village, plus interest at the rate authorized by the Village shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this Chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

SEC. 10-9-13 APPEALS

- (1) **BOARD OF ZONING APPEALS.** The board of zoning appeals and extraterritorial board of appeals, created pursuant to Section 2-4-3 and 10-1-1317 respectively, of the Village of Prairie du Sac ordinances pursuant to s. 61.354(4)(b) Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village in administering this Chapter except for cease and desist orders obtained under Section 10-9-12(3).
 - (b) Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) **WHO MAY APPEAL.** Appeals to the board of appeals or extraterritorial board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Prairie du Sac affected by any decision of the Village.

SEC. 10-9-14 SEVERABILITY

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

SEC. 10-9-15 EFFECTIVE DATE

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Village of Prairie du Sac of the Village of Prairie du Sac on the 3rd day of July, 2014.

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ARTICLE 2: STORMWATER MANAGEMENT

SEC. 10-9-16 AUTHORITY

- (2) Ordinance Title 10, Chapter 9, Article 2 is adopted by the Village of Prairie du Sac under the authority granted by s. 61.354, Wis. Stats. This ordinance supersedes all provisions of any ordinance previously enacted under 61.35, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 61.354 Wis. Stats., s. 61.35 Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village of Prairie du Sac hereby will administer and enforce the provisions of this ordinance.
- (5) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

SEC. 10-9-17 FINDINGS OF FACT

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

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

SEC. 10-9-18 PURPOSE AND INTENT

- (1) **PURPOSE.** The general purpose of this ordinance 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:
 - (a) Further the maintenance of safe and healthful conditions.

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- (b) 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.
 - (c) 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.
- (2) INTENT. It is the intent of the Village of Prairie du Sac that this ordinance regulates post-construction stormwater discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Village of Prairie du Sac recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance 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 regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Village of Prairie du Sac, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

SEC. 10-9-19 APPLICABILITY AND JURISDICTION

- (1) APPLICABILITY.
- (a) Where not otherwise limited by law, this ordinance applies to land development activity that meets any of the following criteria:
 - 1. Any development, including redevelopment and in-fill development, that results in 20,000 square feet or more of land disturbing activity.
 - 2. Any development, including redevelopment and in-fill development, that results in the addition of 10,000 square feet or more of impervious area.
 - 3. A subdivision plat.
 - 4. A certified survey map intended for commercial or industrial use.
 - (b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.
 - A site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.
 - Nonpoint discharges from agricultural facilities and practices.
 - Nonpoint discharges from silviculture activities.
 - 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.
 - Underground utility construction such as water, sewer and fiberoptic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
 - (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to land development activity of any size that, in the opinion of the Village, is likely to result in runoff that exceeds the safe capacity of the existing drainage

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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.

(2) JURISDICTION

This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Prairie du Sac and its Extraterritorial Zoning Jurisdiction.

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

SEC. 10-9-20 DEFINITIONS

- (1) AGRICULTURAL FACILITIES AND PRACTICES has the meaning given in s. 281.16, Wis. Stats.
- (2) AVERAGE ANNUAL RAINFALL means a calendar year of precipitation, excluding snow, which is considered typical.
- (3) BEST MANAGEMENT PRACTICE or "BMP means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
- (4) BUSINESS DAY means a day the office of the Village is routinely and customarily open for business.
- (5) CEASE AND DESIST ORDER means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (6) COMBINED SEWER SYSTEM means a system for conveying both sanitary sewage and stormwater runoff.
- (7) CONNECTED IMPERVIOUSNESS means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- (8) DESIGN STORM means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (9) DEVELOPMENT means residential, commercial, industrial or institutional land uses and associated roads.
- (10) DIRECTOR OF PUBLIC WORKS means the Village of Prairie du Sac Director of Public Works or designee.
- (11) DIVISION OF LAND means either a division of a Lot, Parcel, or tract of land, or Replat of land by the Owner or the Owner's agent for any purpose including sale or development, as defined by Chapter 3, Subdivision Regulations.
- (12) EFFECTIVE INFILTRATION AREA means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (13) EROSION means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (14) EXCEPTIONAL RESOURCE WATERS means waters listed in s. NR 102.11, Wis. Adm. Code.
- (15) EXTRATERRITORIAL JURISDICTION means the area outside of the Village of Prairie du Sac municipal limits in which the Village exercises joint zoning authority with the Town of Prairie du Sac, under extraterritorial zoning authority granted by Wisconsin Statutes as defined by Section 10-1-0104 of the Village of Prairie du Sac Zoning Ordinance.

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- (16) FINAL STABILIZATION means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (17) FINANCIAL GUARANTEE means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.
- (18) GOVERNING BODY means Village Board.
- (19) IMPERVIOUS SURFACE means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.
- (20) IN-FILL AREA means an undeveloped area of land located within existing development or which adjacent properties on at least three sides are developed or in public rights-of-way, as determined by the Village Engineer.
- (21) INFILTRATION means the entry of precipitation or runoff into or through the soil.
- (22) INFILTRATION SYSTEM means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (23) KARST FEATURE means an area or geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (24) LAND DEVELOPMENT ACTIVITY means any construction related activity that results in the addition or replacement of impervious surfaces such as rooftops, roads, parking lots, and other structures. Measurement of areas impacted by land development activity includes areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (25) LAND DISTURBING CONSTRUCTION ACTIVITY means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (26) MAINTENANCE AGREEMENT means a legal document that provides for long-term maintenance of stormwater management practices.
- (27) MEP or MAXIMUM EXTENT PRACTICABLE means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (28) NEW DEVELOPMENT means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (29) OFF-SITE means located outside the property boundary described in the permit application.
- (30) ON-SITE means located within the property boundary described in the permit application.
- (31) ORDINARY HIGH-WATER MARK has the meaning given in s. NR 115.03(6), Wis. Adm. Code.

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- (32) OUTSTANDING RESOURCE WATERS means waters listed in s. NR 102.10, Wis. Adm. Code.
- (33) PERCENT FINES means the percentage of a given sample of soil, which passes through a # 200 sieve.
- (34) PERFORMANCE STANDARD means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (35) PERMIT means a written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (36) PERMIT ADMINISTRATION FEE means a sum of money paid to the Village by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (37) 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.
- (38) POLLUTANT has the meaning given in s. 283.01(13), Wis. Stats.
- (39) POLLUTION has the meaning given in s. 281.01(10), Wis. Stats.
- (40) POST-CONSTRUCTION SITE means a construction site following the completion of land disturbing construction activity and final site stabilization.
- (41) PRE-DEVELOPMENT CONDITION means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (42) PREVENTIVE ACTION LIMIT” has the meaning given in s. NR 140.05(17), Wis. Adm. Code.
- (43) REDEVELOPMENT means areas where development is replacing older development in the determination of the Village.
- (44) RESPONSIBLE PARTY means any entity holding fee title to the property.
- (45) RUNOFF means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (46) SEPARATE STORM SEWER means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not draining to a stormwater treatment device or system.
 - (d) Discharges directly or indirectly to waters of the state.
- (47) SITE means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (48) STOP WORK ORDER means an order issued by the Village which requires that all construction activity on the site be stopped.
- (49) STORMWATER MANAGEMENT PLAN means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has under gone final stabilization following completion of the construction activity.
- (50) STORMWATER MANAGEMENT SYSTEM PLAN is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (51) TECHNICAL STANDARD means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (52) 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% continually for at least 50 feet. If the slope of the land is 12% 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.

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- (53) 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.
- (54) 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.
- (55) WATERS OF THE STATE has the meaning given in s. 281.01 (18), Wis. Stats.

SEC. 10-9-21 TECHNICAL STANDARDS AND DESIGN METHODS

DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All drainage facilities and practices required to comply with this ordinance shall incorporate technical standards and design methods specified in the document Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village Engineer. Where not superceded by stricter requirements in Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, the following standards are also incorporated by reference:

- (a) Applicable design criteria, standards and specifications identified in the *Wisconsin Construction Site Best Management Practice Handbook*, WDNR Pub. WR-222, latest revision.
- (b) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (c) Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Village Engineer.

SEC. 10-9-22 PERFORMANCE STANDARDS

- (1) RESPONSIBLE PARTY. The entity holding fee title to the property shall be responsible for either developing and implementing a stormwater management plan, or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with Section 10-9-24, which incorporates the requirements of this section.
- (2) PLAN. A written plan shall be developed in accordance with Section 10-9-24 and implemented for applicable land development activities.
- (3) STORMWATER MANAGEMENT PERFORMANCE STANDARDS. All drainage facilities and practices required to comply with this ordinance shall meet performance standards specified in the document Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village.
- (4) LOCATION AND REGIONAL TREATMENT OPTION.
 - (a) Stormwater Management Facilities required to meet this ordinance may be located on-site or off-site as part of a regional stormwater device, practice or system.
 - (b) The Village may approve off-site management measures provided that all of the following conditions are met:
 - 1. The Village determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the Village of

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Prairie du Sac and that contains management requirements consistent with the purpose and intent of this ordinance.

2. The off-site facility meets all of the following conditions:
 - a. The facility will be in place before the need for the facility arises as a result of on-site construction activities.
 - b. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
 - c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
 - d. Where a regional treatment option exists such that the Village may exempt the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Village. In determining the fee for post-construction runoff, the Village shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

- (5) **ALTERNATE REQUIREMENTS.** The Village may establish alternative stormwater management requirements to those set forth in Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, if the Village 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 ordinance and Village of Prairie du Sac Erosion Control and Stormwater Management Requirements shall be considered in accordance with Section 10-9-28.

SEC. 10-9-23 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Village prior to commencing the proposed activity.
- (2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Village a permit application made on a form provided by the Village for that purpose.
 - (a) Unless otherwise excepted by this ordinance, 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.
 - (b) The stormwater management plan shall be prepared to meet the requirements of Section 10-9-22 and Section 10-9-24, the maintenance agreement shall be prepared to meet the requirements of 10-9-25, the financial guarantee shall meet the requirements of Section 10-9-26, and fees shall be those established by the Village of Prairie du Sac as set forth in Section 10-9-27.
- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Village 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:

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- (a) The Village may request additional information if required for a complete application within 15 business days of receipt of any permit application. Within 30 business days of the receipt of a complete permit application, including all items as required by sub. (2), the Village shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance. The 30 day review period begins once the Village has received all information necessary for the review and deems the application is complete or within 15 business days of receipt of the permit application if additional information has not been requested.
 - (b) 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 shall issue the permit.
 - (c) If the stormwater permit application, plan or maintenance agreement is disapproved, the Village shall detail in writing the reasons for disapproval.
 - (d) The Village may request additional information from the applicant. If additional information is submitted, the Village shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- (4) **PERMIT REQUIREMENTS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Village may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Village to suspend or revoke this permit may be appealed in accordance with Section 10-9-30.
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (b) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (c) The responsible party shall notify the Village at least 2 business days before commencing any work in conjunction with the stormwater management plan, and within 3 business days upon completion of the stormwater management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Village so that practice installations can be inspected during construction.
 - (d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the Village or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The Village or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (e) The responsible party shall notify the Village of any significant proposed modifications to an approved stormwater management plan. The Village may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
 - (f) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Village of Prairie du Sac, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

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- (g) The responsible party authorizes the Village to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 10-9-26.
 - (h) If so directed by the Village, the responsible party shall repair at the responsible party's own expense all damage to adjoining facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - (i) The responsible party shall permit property access to the Village or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Village may require the responsible party to make appropriate legal arrangements with affected property owners.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in 10-9-14, if the responsible party fails to comply with the terms of this permit.
- (5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by Village related to the requirements needed to meet the performance standards in Section 10-9-22 or a financial guarantee as provided for in Section 10-9-26.
- (6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Village notifies the responsible party that all stormwater management practices have passed the final inspection required under sub. (4)(d). The permit shall be invalid if work is not commenced within 1 year of permit issuance.

SEC. 10-9-24 STORMWATER MANAGEMENT PLAN

- (1) PLAN REQUIREMENTS. A Stormwater Management Plan shall be prepared and submitted to the Village. The Stormwater Management Plan shall include, at a minimum, information required in the Village of Prairie du Sac Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the Village. The Village may waive certain submittal requirements if determined by the Village to be unnecessary to demonstrate compliance with ordinance standards.
- (2) ALTERNATE REQUIREMENTS. The Village may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 10-9-22 (5) or Section 10-9-28.

SEC. 10-9-25 MAINTENANCE AGREEMENT

- (1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required under Section 10-9-23 (2) for stormwater management practices shall be an agreement between the Village and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed by the applicant with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by 10-9-23 (2).

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- (a) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
- (b) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under 10-9-22 (2).
- (c) Identification of the property or easement owner, organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under 10-9-22 (2).
- (d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in par. (b).
- (e) Authorization for the Village to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- (f) A requirement on the Village to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
- (g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the stormwater management practices, shall be notified by the Village of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Village.
- (h) Authorization of the Village to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Village shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

SEC. 10-9-26 FINANCIAL GUARANTEE

- (1) **ESTABLISHMENT OF THE GUARANTEE.** The Village may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village. The financial guarantee shall be in an amount determined by the Village to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period that the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the administering authority that the requirements of this ordinance have not been met.
- (2) **CONDITIONS FOR RELEASE.** Conditions for the release of the financial guarantee are as follows:
 - (a) The Village shall release the portion of the financial guarantee established under this section, less any costs incurred by the Village to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Village may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The Village shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices and facilities, less any costs incurred by the Village, at such time that the responsibility for practice or facility maintenance is passed on to another entity via an approved maintenance agreement.

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SEC. 10-9-27 FEE SCHEDULE

The fees referred to in other sections of this ordinance shall be established by the Village of Prairie du Sac and may from time to time be modified by resolution. A schedule of the fees established by the Village shall be available for review in Village Hall.

SEC. 10-9-28 IMPACT FEES

Impact fees shall be enforced per the Village of Prairie du Sac Schedule of Fees.

SEC. 10-9-29 EXCEPTIONS AND WAIVERS

- (1) GENERAL. Where the Village finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions and waivers to these regulations so that substantial justice may be done and the public interest secured, provided the exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Village shall not approve exceptions and waivers unless it shall make findings based upon the evidence presented to it that all of the following conditions are met by the petitioner.
 - (a) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (b) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (c) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (d) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner prescribed by law.
 - (e) The granting of the exception or waiver will not result in a violation of State or Federal laws or permits.
- (2) CONDITIONS. In approving exceptions or waivers, the Village may require such conditions as will in his judgement secure substantially the purposes described in this ordinance and accompanying written stormwater management and erosion control requirements.
- (3) PROCEDURES. A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the Village. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

SEC. 10-9-30 ENFORCEMENT

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

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- (2) The Village shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Village under sub. (2), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village in the notice.
- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Village may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village plus interest and legal costs shall be billed to the responsible party.
- (5) The Village is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The Village may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Village, Village Attorney, or by a court with jurisdiction.
- (8) The Village is authorized to refer any violation of this ordinance, or of a stop work order, or of a cease and desist order issued pursuant to this ordinance, to the village attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than 100 dollars or more than 500 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (11) When the Village determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Village or a party designated by the Village may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Village shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 10-9-26 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

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SEC. 10-9-31 APPEALS

- (1) **BOARD OF ZONING APPEALS.** The board of zoning appeals and extraterritorial board of appeals, created pursuant to Section 2-4-3 and 10-1-1317 respectively, of the Village of Prairie du Sac ordinances pursuant to s. 61.354(4)(b) Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village in administering this Chapter except for cease and desist orders obtained under Section 10-9-30(5).
 - (d) Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship; and
 - (e) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) **WHO MAY APPEAL.** Appeals to the board of appeals or extraterritorial board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Prairie du Sac affected by any decision of the Village.

SEC. 10-9-32 SEVERABILITY

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

SEC. 10-9-33 EFFECTIVE DATE

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Village of Prairie du Sac on the 3RD day of July, 2014