

Chapter 59 EROSION CONTROL AND STORM WATER MANAGEMENT

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Article I General Provisions

59.01 Purpose and intent

A. The purpose of this chapter is to establish comprehensive regulations governing construction site erosion control and storm water management for the village of Lake Delton setting forth the minimum requirements for construction site erosion control and storm water management that will diminish threats to public health, safety, public and private property, and natural resources of the village of Lake Delton.

B. This chapter is intended to regulate construction site erosion and storm water runoff, to accomplish the following objectives:

1. Promote regional storm water management by watershed;
2. Minimize sedimentation; water pollution from nutrients, heavy metals, chemical and petroleum products and other contaminants; flooding and thermal impacts to the water resources of the village;
3. Promote infiltration and groundwater recharge;
4. Protect functional values of natural water courses and wetlands;
5. Provide a single, consistent set of performance standards that apply to the entire village;
6. Ensure no increase in the rate of surface water drainage from sites during or after construction for all storm events up to and including the design storm, except when specifically permitted; and
7. Protect public and private property from damage resulting from runoff or erosion.

59.02 Authority

This chapter is adopted under the authority granted by s. 61.354, Wis. Stats. and s. 144.266, Wis. Stats.

59.03 Legislative findings

A. The village board of the village of Lake Delton, acting upon the recommendations of the village of Lake Delton storm water committee, finds that construction site erosion and uncontrolled storm water runoff from land-disturbing and land-development activities have significant adverse impacts upon regional water resources and the health, safety, property and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and storm water runoff can:

1. Carry sediment, nutrients, pathogens, organic matter, heavy metals, toxins and other pollutants to village lakes, streams and wetlands;
2. Diminish the capacity of water resources to support recreational and water supply uses and a natural diversity of plant and animal life;
3. Clog existing drainage systems, increasing maintenance problems and costs;
4. Cause bank and channel erosion;
5. Increase downstream flooding;
6. Reduce groundwater recharge, which may diminish stream-base flows and lower water levels in regional lakes, ponds and wetlands;
7. Contaminate drinking water supplies;
8. Increase risk of property damage and personal injury.

B. The village board finds effective sediment and storm water management depends on proper planning, design and timely installation of conservation and management practices and their continuing maintenance.

59.04 Definitions

For the purposes of this chapter the following definitions are adopted:

- A. Agricultural land use. Use of land for planting, growing, cultivating and harvesting crops for human or livestock consumption, and pasturing or yarding livestock.
- B. Best management practice. A practice, technique or measure that is an effective, practical means of preventing or reducing soil erosion or water pollution, or both, from runoff during and after land-development activities as generally described in the Wisconsin Department of Natural Resource Wisconsin Construction Site Best Management Practices Handbook. These can include structural, vegetative or operational practices.
- C. Construction site erosion control. Preventing or reducing soil erosion and sedimentation from land-disturbing activity.
- D. Construction site control measure. A control measure used to meet this chapter's erosion control requirements.
- E. Control measure. A practice or combination of practices to control erosion and/or storm water and attendant pollution.
- F. Control plan. A written description of the number, locations, sizes and other pertinent information of control measures designed to meet this chapter's requirements submitted by the applicant for review and approval by the village engineer or his designated appointee.
- G. Design storm (50-year, 24-hour storm). A precipitation event of 24-hour duration, having a two percent (2 %) chance of occurring in any one year.
- H. Detention facility. Any structure designed to collect and store surface water for subsequent gradual discharge.
- I. Erosion (soil erosion). The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- J. Excavation. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.
- K. Excess storm water runoff. That portion of storm water that exceeds the safe drainage capacity of storm sewers or natural drainage channels serving a specific watershed.
- L. Existing development. Buildings and other structures and impervious area existing prior to ordinance adoption.

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

N. Heavily disturbed site. A site where an area of land is subjected to significant compaction due to the removal of vegetative cover or earthmoving activities, including filling.

O. Hydrologic soil group (HSG). Has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

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

Q. Infiltration. The process by which rainfall or runoff seeps into the soil.

R. Land-disturbing activities. Any land alterations or disturbances that may result in soil erosion, sedimentation or change in runoff, including but not limited to removal of ground cover, grading, excavating and filling of land.

S. Land-disturbing construction activity. Any man-made change of the land surface including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting crops; growing and tending gardens and harvesting trees.

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

U. Local land division ordinance. Any village ordinance adopted under Chapter 236, Wis. Stats. to regulate the division of land.

V. Major land development activity. Any residential subdivision, commercial, industrial, institutional, multi-family or utility development 40,000 square feet (one-half acre) minimum requirement.

W. Minor land development activity. Any residential development comprised of one or two family units and any commercial, industrial, institutional, multi-family or utility development that is not a major land development activity.

- X. New development. Any of the following activities:
1. Structural development, including construction of a new building or other structures;
 2. Expanding or altering an existing structure that results in an increase in the surface dimensions of the building or structure;
 3. Land-disturbing activities; or
 4. Creating or expanding impervious surface
- Y. Non-erosive velocity. A rate of flow of storm water runoff usually measured in feet per second that does not erode soils. Non-erosive velocities vary for individual sites, taking into account topography, soil type and runoff rates.
- Z. Peak flow. The maximum water flow rate at a given point in a channel or conduit resulting from the predetermined storm or flood.
- AA. Pervious surface. Any land cover that permits rain or melting snow to soak into the ground.
- BB. Plan. An erosion control plan or a storm water management plan required by this chapter.
- CC. Plan review agency. The village plan commission.
- DD. Plat review officer. The village engineer.
- EE. Post-development. Refers to the extent and distribution of land cover types anticipated to occur under conditions of full development of the submitted plan. This term is used to match pre- and post-development storm water peak flows as required by the chapter.
- FF. Pre-development. Refers to the extent and distribution of land-cover types present before the initiating land-development activity, assuming all land uses prior to land-disturbing activity are in “good” condition as described in the Natural Resources Conservation Service Technical Release 55.
- GG. Protected channel. A channel that receives storm water discharge and is paved, rip-rapped or otherwise improved by the addition of man-made materials so as to reduce the potential for erosion.
- HH. Redevelopment. Any construction, alteration or improvement exceeding 4,000 square feet of land disturbance performed on sites where the entire existing site is predominantly developed to commercial, industrial, institutional or multi-family residential uses.
- II. Runoff. The rainfall, snowmelt or irrigation water flowing over the ground surface.
- JJ. Runoff curve number (RCN). Has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

KK. Safe storm drainage capacity. The quantity of storm water runoff that a channel or conduit can transport without having the water surface rise above the top of the channel or conduit.

LL. Safely convey. When the storm water discharge from a site can be conveyed away from the site without damage to neighboring property.

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

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

OO. Set 3-year design storms. Rain intensities and rain volumes or corresponding values as established by the Department of Natural Resources in its Wisconsin Construction Site Best Management Practice Handbook that occur approximately once every three years.

PP. Sheet and rill erosion. A loss of soil caused by sheet flow or shallow concentrated flow, and characterized by an absence of channeling or a relatively uniform loss across the exposed upper layer of the soil or shallow irregular scouring of the soil surface.

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

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

SS. Soil loss rate. The rate at which soil movement, usually measured in tons per acre per year, at which soil is transported beyond the perimeter of a given control site and occurs as a result of sheet and rill erosion. This term does not apply to soil movement resulting from ditches or areas of concentrated flows such as gully or bank erosion.

TT. Storm events. The precipitation amounts that occur over a 24-hour period that have a specified recurrence interval for Sauk County, Wis. For example, 1-year, 2-year, 10-year, 50-year and 100-year storm events mean the precipitation amounts that occur over a 24-hour period that have a recurrence interval of 1, 2, 10, 50 and 100 years, respectively.

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

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

WW. Storm water runoff. The waters derived from rains falling, or snow or ice melt occurring within a drainage area, flowing over the surface of the ground and collected in channels, s or conduits.

XX. Storm water channel. A natural or man-made open water course with definite bed and banks that periodically or continuously contains moving water, or that forms a connecting link between two bodies of water.

YY. Storm water runoff release rate. The rate at which storm water runoff is released from dominant to servient land.

ZZ. Street reconstruction. Removal and replacement of the road sub grade where existing storm water conveyance systems are modified.

AAA. Structure. Any human-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed.

BBB. Unnecessary hardship. That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with regulations unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

CCC. Urban Hydrology for Small Watersheds (commonly known as TR-55). This term is used to match pre- and post-development storm water peak flows as required by the chapter. In a situation where cumulative impervious surface created after this chapter's adoption exceeds the 20,000 square feet threshold, the pre-development conditions shall be those prior to any land disturbance.

DDD. Village engineer. The duly appointed engineer for the village of Lake Delton and/or his designee(s). The village building inspector is authorized to act on behalf of the village engineer subject to the supervision and direction of the village engineer in enforcing this chapter.

59.05 Erosion control permits required

An erosion control permit under this chapter shall be required and all construction site erosion control provisions of this chapter shall apply, to any of the following activities in the village:

A. Any land-disturbing activity occurring anywhere within the territorial limits of the village that involves an area in excess of 4,000 square feet.

B. Land-disturbing or involving- activity on a slope of greater than six percent (6 %) grade that may have off-site impacts.

C. Activities unrelated to actual building construction such as, but not limited to, land-disturbing activity prior to excavation for foundation work, landscaping, installation of driveways, parking areas and sidewalks, extensive earthwork on sites not directly related to structural concerns, development of ponds and channelized water courses, commercial parks, and landing strips or airport runways, shall be subject to this chapter's requirements.

- D. Land-disturbing activity that involves the excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material.
- E. Land-disturbing activity that disturbs more than 100 lineal feet of road ditch, grass waterway or other land area where surface drainage flows in a defined open channel, including the placement, repair or removal of any underground pipe, utility or other facility within the cross-section of the channel.
- F. Any new public or private roads or access drives longer than 125 feet.
- G. Laying, repairing, replacing or enlarging underground pipe or facility for a distance of 300 feet or more.
- H. Development that requires a subdivision plat.
- I. Land-disturbing activity that disturbs less than 4,000 square feet of land, including the installation of access drives, that the village engineer determines to have a high risk of soil erosion or water pollution, or that may significantly impact a lake, stream or wetland area. Examples of activities with a high risk of soil erosion or water pollution may include, but are not limited to, land disturbance on erodible soil or disturbance adjacent to lakes, rivers, streams or wetlands. All such determinations made by the village engineer shall be in writing, unless waived by applicant.

59.06 Storm water control permits required

A storm water control permit under this chapter shall be required and all storm water management provisions of this chapter shall apply, to any of the following activities within the village:

- A. Any development(s) after this chapter's adoption date that result(s) in the cumulative addition of 40,000 square feet of impervious surface to the site.
- B. Any development that requires a subdivision plat, as defined in applicable local land division ordinance(s).
- C. Any development that requires a certified survey map, as defined in the applicable local land division ordinance(s), for property intended for commercial or industrial use.
- D. Redevelopment shall meet the storm water management performance standard set forth in section 59.30 B.
- E. Other land-development activities, including but not limited to redevelopment or alteration of existing buildings and other structures, that the local approval authority determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact a lake, stream or wetland area. All such determinations shall be made in writing unless waived by the applicant.

59.07 Exemptions and clarifications

- A. The following activities are exempt from all of this chapter's requirements:
1. Any activity directly related to planting, growing and harvesting agricultural crops.
 2. Government highway construction.
 3. Construction of agricultural buildings and single-family residential dwellings provided the resulting new total impervious surface area does not exceed 20,000 square feet.
- B. Notwithstanding the language of subparagraph (A), activities unrelated to actual building construction shall be subject to all this chapter's requirements. These activities shall include, but are not limited to:
1. Land-disturbing activity prior to excavation for foundation work;
 2. Landscaping;
 3. Installation of driveways, parking areas and sidewalks;
 4. Earthwork on an area greater than 4,000 square feet on sites not directly related to structural concerns; and
 5. Development of ponds and channelized water courses, and commercial parks.
- C. Notwithstanding the language of subparagraph (A), the following activities are subject to this chapter's requirements:
1. Buildings and activities of municipalities;
 2. Buildings and activities of school districts;
 3. Local highway projects; and
 4. Municipal streets.

59.08 Preliminary review letter purpose and intent

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

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

59.09 Preliminary review letter application procedure

- A. Any person may apply for a preliminary review letter by submitting an application that contains the information required by the village engineer.

B. A preliminary review letter shall be a prerequisite to filing an application for a zoning permit or conditional use permit under applicable ordinance(s), or certified survey map review or plat review where any of the following apply:

1. The proposal would involve one or more acres within either the current or proposed boundaries of a commercial zoning district;
2. Proposed lot or rezone area configuration would necessitate driveways, access roads or other construction that would clearly require an erosion control plan or storm water management plan;
3. Natural features of the site, including but not limited to, slope, soils, wetlands or hydrology are such that, in the opinion of the village engineer, substantial risk of erosion, flooding or other environmental or public safety hazard exists.

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

59.10 Erosion and storm water control permits and administration

A. No activity meeting the criteria described in sections 59.05–59.07 shall occur and no building permits may be issued, until an erosion control and storm water control permit are issued by the village engineer.

B. Application. The applicant must provide the following when requesting a permit:

1. Completed application form:
 - a. The application must be signed by the landowner or include a notarized statement signed by the landowner authorizing the applicant to act as the landowner’s agent and bind the landowner to the terms of this chapter.
 - b. If a landowner appoints an agent to submit an application under this section, the landowner shall be bound by all of this chapter’s requirements and the terms of any permit issued to the agent.
2. Fees as required by this chapter.
3. Copy of preliminary review letter, if applicable.
4. If required, an erosion control plan meeting all the standards of sections 59.16–59.20, or a simplified checklist as described in sections 59.16–59.20.
5. If required, a storm water management plan meeting all of the standards of this ordinance and a maintenance agreement as described in 59.33.
6. Copies of permits or permit applications or approvals required by any other governmental entity.
7. A proposed timetable and schedule for completion and installation of all elements of approved erosion control and storm water management plans and a detailed schedule for completing construction.
8. An estimate of the cost of completing and installing all elements of the approved erosion control and storm water management plans.

9. Evidence of financial responsibility to complete the work proposed in the plan. The village board may require a financial security instrument sufficient to guarantee project completion.

C. Approval process.

1. The village engineer shall verify that the permit application is complete and shall then commence review.
2. After reviewing the permit application, the village engineer shall approve the submitted plan or notify the applicant of any requested changes or deficiencies in the application.
3. In the event of requested changes to the plans from findings deficiencies, the village engineer shall notify the applicant in writing of any requested changes or deficiencies in the proposed plan and the applicant shall be given an opportunity to correct any deficiency.
4. Where installed storm water practices will be privately owned, an affidavit that describes the property by legal description, notifying future prospective purchasers of the existence of a storm water permit issued under this chapter and applicable plan, timetables and potential liability imposed for failure to bring the property into compliance with this chapter after notification, shall be recorded with the Sauk County register of deeds prior to issuing an erosion and storm water control permit. The foregoing information shall also be noted on every plat and certified survey map.
5. Upon the village engineer's approval, and after the applicant has met all the other requirements of this chapter, the village engineer shall issue erosion control or storm water management permit.

D. Permit conditions.

1. The plan shall be implemented prior to starting any land-disturbing activity and shall be maintained over the project's duration. Storm water components of the plan shall be maintained in perpetuity.
2. The permittee is responsible for successfully completing the erosion control plan and the storm water management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.
3. Application for a permit shall constitute express permission by the permittee and landowner for the village engineer, or his designee, to enter the property for purposes of inspection or curative action. The application form shall contain a prominent provision advising the applicant and landowner of this requirement.

E. Inspections.

1. Application for a permit under this chapter shall constitute permission by the applicant and landowner for the village engineer, or his designee, to enter upon the property and inspect during the construction phase as necessary to confirm compliance with this chapter's requirements.
2. Within 10 days after installing all practices in an approved erosion control plan and achieving soil stabilization, the permittee shall notify the village engineer.
3. The village engineer or his designee, shall inspect the property to verify compliance with the erosion control plan within 10 days of notification of soil stabilization.
4. Within 10 days after installing all practices in an approved storm water management plan, the permittee shall notify the village engineer and submit drawings documenting construction. The engineer who designed the storm water management plan for the permittee shall submit as-built certification to ensure constructed storm water management practices and conveyance systems comply with the specifications included in the approved plans. At minimum, as-built certification shall include a set of drawings comparing the approved storm water management plan with what was constructed. Other information shall be submitted as the village engineer requires.
5. The village engineer shall inspect the property to verify compliance within 10 days of notification.
6. Maintenance is the responsibility of the owner, and facilities are subject to inspection and orders for repairs.

F. Permit transfers.

1. When a permittee and landowner act to transfer an interest in property subject to an approved plan prior to completing the proposed steps to attain soil stabilization, the permittee must secure village board approval.
2. When a permittee and landowner transfers ownership, possession or control of real estate subject to either an uncompleted erosion control or storm water management plan, or both, the successor in interest to any portion of the real estate shall be responsible to control soil erosion and runoff and shall comply with this chapter's minimum standards.
3. When ownership, possession or control of property subject to an uncompleted erosion control or storm water management plan, or both, is transferred, the former owner (seller) shall notify the new owner (buyer) as to the current status of complying with notice to the authority, and provide a copy of the erosion control plan or storm water management plan, or both.
4. Transfers of interest in real estate subject to an approved, uncompleted plan may be conducted consistent with this chapter under any of the following arrangements:
 - a. The transferee shall file a new, approved erosion control or storm water management plan, or both, with the village.
 - b. The transferee shall obtain an approved assignment from the village as sub-permittee to complete that portion of the approved plan regulating soil erosion and runoff on the transferee's property.

- c. The permittee shall provide the village, if requested, with a duly completed and executed continuing surety bond or certified check in an amount sufficient to complete the work proposed in the approved plan; at the time of transfer the permittee may seek to reduce the surety bond or certified check to the appropriate amount to complete remaining work. If the transferor enters into escrow agreements with transferee to complete an approved plan, these funds shall be available to the authority to attain plan compliance. When an approved erosion control plan and, if required, a storm water management plan is or are not completed as proposed, the authority may use the surety bond to complete remaining work to achieve plan compliance.

G. Plan or permit amendments. The village engineer shall approve any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land-disturbing site activities prior to implementing.

H. Erosion control permit.

1. Permit duration. Permits shall be valid for a period of one year, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The village board may extend the period one or more times for up to an additional 180 days. The village board may require additional control measures as a condition of the extension if they are necessary to meet this chapter's requirements.
2. Application fee. The application fee for erosion control permits for land-disturbing construction and land-developing activities covering one acre or less shall be \$25.00. The application fee for erosion control permits for land-disturbing construction and land-developing activities covering more than one acre shall be \$150.00. Included in the application fees is one inspection by the village engineer. Applicant shall be responsible for paying all additional inspection fees incurred at the rate of \$15.00 per inspection.
3. Review control plan. Within 10 days of receiving the application, control plan statement, and fee, the village engineer shall review the application and control plan statement to determine if it meets this chapter's requirements. The village engineer may request comments from other departments or agencies. If this chapter's requirements are met, the village engineer shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the village engineer shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 15 days of receiving needed information, the village engineer shall again determine if the plan meets this chapter's requirements. If the plan is disapproved, the village engineer shall inform the applicant in writing of the reasons for the disapproval.

I. Storm water control permit.

1. Permit duration. Permits shall be valid for a period of one year, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The village board may extend the period one or more times for up to an additional 180 days. The village board may require additional control measures as a condition of the extension if they are necessary to meet this chapter's requirements.
2. Application fee. The application fee for a storm water permit for minor land-disturbing development activity shall be \$250.00. The application fee for a storm water permit for a major land-disturbing development activity shall be \$500.00. In addition to this fee, the applicant must pay all legal and engineering expenses the village incurs in connection with reviewing the storm water control plan and any on-site inspection(s) during the project.
3. Review control plan. Within 20 days of receiving the application, control plan statement, and fee, the village engineer shall review the application and control plan statement to determine if it meets this chapter's requirements. The village engineer may request comments from other departments or agencies. If this chapter's requirements are met, the village engineer shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the village engineer shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 15 days of receiving needed information, the village engineer shall again determine if the plan meets this chapter's requirements. If the plan is disapproved, the village engineer shall inform the applicant in writing of the reasons for the disapproval.
4. Surety bond. As a condition of approval and issuance of the permit, the village board may require the applicant to deposit a surety bond, irrevocable letter to credit or such other security as the village board may require, to guarantee a good faith execution of the approved control plan and any permit conditions. A surety bond will not be required for land-disturbing construction and land-developing activities involving single-family residential construction.
5. Permit conditions. All permits shall require the permittee to:
 - a. Notify the village engineer within 48 hours of commencing any land-disturbing activity;
 - b. Notify the village engineer of completing any control measures within 14 days after their installation;
 - c. Obtain permission in writing from the village engineer prior to modifying the control plan;
 - d. Install all control measures as identified in the approved control plan;
 - e. Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan;
 - f. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities;
 - g. Inspect the construction control measures after each rain of 0.5 inches or more in any 24-hour period, and at least once each week and make needed repairs;

- h. Allow the village engineer to enter the site for the purpose of inspecting compliance with the control plan or performing any work necessary to bring the site into compliance with the control plan; and
 - i. Keep a copy of the control plan on the site.
- 6. Development agreements. The village board may require an applicant for a permit under this chapter execute a development agreement in a form acceptable to the village board. In entering into development agreements, the village board is authorized, pursuant to the authority granted to it under section 59.40 of this chapter, to modify this chapter's requirements when circumstances warrant and a strict adherence to this chapter's provisions would result in unnecessary hardship and the spirit and intent of the chapter will be observed.

Sections 59.11–59.15 reserved

Article II Erosion Control Plan Requirements

Erosion control plans required under sections 59.05–59.07 may include consideration of adjoining landowners' cooperative efforts to control transport of sediment, and except as specifically exempted below, shall include at a minimum, the following information:

59.16 Erosion control plan requirements for major land-disturbing activities

- A. Existing site map. A map of existing site conditions on a scale of at least 1 inch equals 100 feet showing the site and immediately adjacent areas:
 - 1. Site boundaries and adjacent lands that accurately identify site location;
 - 2. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site;
 - 3. 100-year floodplains, flood fringes and floodways;
 - 4. Location of the predominant soil types;
 - 5. Vegetative cover;
 - 6. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - 7. Locations and dimensions of utilities, structures, roads, highways and paving;
 - 8. Site topography at a contour interval not to exceed two feet;
- B. Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
- C. Site construction plan. A site construction plan including:
 - 1. Locations and dimensions of all proposed land-disturbing activities;
 - 2. Locations and dimensions of all temporary soil or dirt stockpiles;
 - 3. Locations and dimensions of all construction site management control measures necessary to meet this chapter's requirements;
 - 4. Schedule of anticipated starting and completion dates of each land-disturbing or land-developing activity including installing construction site control measures needed to meet this chapter's requirements; and

5. Provisions for maintaining the construction site control measures during construction;
6. Limits of impervious area to be approved shall consist of the following:
 - a. Cross sections of and road ditches;
 - b. Profiles within road ditches;
 - c. Culvert sizes;
 - d. Direction of flow of runoff;
 - e. Watershed size for each drainage area;
 - f. Design discharge for ditches and structural measures;
 - g. Runoff velocities;
 - h. Fertilizer and seeding rates and recommendations;
 - i. Time schedules for stabilizing ditches and slopes;
 - j. Description of methods by which sites are to be developed;
7. Provision for sequential steps mitigating erosive effect of land-disturbing activities to be followed in appropriate order and in a manner consistent with accepted erosion control methodology suitable to proposed site and amenable to prompt re-vegetation;
8. Provisions to prevent tracking mud off-site onto public thoroughfares during the construction period; and
9. Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features of the site.

59.17 Erosion control plan requirements for minor land-disturbing activities

Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices to be installed on sites, on a standard form approved by the village wherever all of the following conditions exist:

- A. The site does is not exceed more than 40,000 square feet in area;
- B. The slope of the land does not exceed six percent (6 %) throughout the site;
- C. The village engineer reviews a simplified plan checklist for completeness, accuracy and conformance with the Wisconsin Construction Site Best Management Practice Handbook; and
- D. The development is a minor land-disturbing activity.

59.18 Erosion control plan requirements for streets and utilities

Land-disturbing construction or land-development activity involving streets, alleys, bridges or an underground pipe, cable or facility.

- A. Erosion control plan. The erosion control plan shall be detailed enough to describe those activities necessary to comply with this chapter's requirements and must include a statement describing the erosion control measures to be undertaken, whether there will be materials stockpiled and, if so, where, a construction schedule and a simple site map of the construction.

B. Public works contracts. The erosion control plan required by this chapter for contracts awarded by the public works department, with the exception of material stockpiles, shall be developed by either the public works department or the contractor, with the contract documents specifying the responsible party. Plans prepared by the public works department shall be made part of the contract specifications and documents. The contractor shall develop the portion of the plan for material stockpiles. Erosion control plans developed by the contractor shall be processed in accordance with paragraph A.

C. Other work. For construction work by private contractors within the public right-of-way or public utility easement, the erosion control plan shall be sent to the village engineer with a copy to the public works department as part of the permit process.

59.19 Erosion control plan requirements general

A. Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the or village building inspector. Water may not be discharged in a manner that erodes the site or receiving channels.

B. Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, waste water, toxic materials or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.

C. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by the end of each day using proper disposal methods.

D. Drain inlet protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.

E. Site erosion control. The following criteria apply only to land-development or land-disturbing construction activities that result in runoff leaving the site:

1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in subparagraph (3). Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of three-year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subparagraph (a) and (b) or (c) with erosion control measures designed to safely convey runoff from 50-year storm events.
 - a. All disturbed ground left inactive for 15 or more days shall be stabilized by mulching, temporary or permanent seeding, sodding, covering with tarps or equivalent control measures. Seeding and sodding may only be used from May 1st to September 15th of any year. If temporary seeding is used, a permanent cover shall also be required as part of the final site stabilization.
 - b. For sites with 10 or more acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1 %) of the area draining to the basin and at least 3 feet of depth and constructed in accordance with accepted design specifications identified in the latest edition of the Department of Natural Resource's Wisconsin Construction Site Best Management Practice Handbook. Sediment shall be removed to maintain a depth of 3 feet. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of three two-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - c. For sites with less than 10 acres disturbed at one time, filter fences, straw bales or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
4. Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for 15 days or more, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles that will exist for less than 15 days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction, soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than 15 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

59.20 Erosion control performance standards

- A. Proposed design, suggested location and phased implementation of effective, practicable erosion control measures for plans shall be designed, engineered and implemented to achieve the following results:
 1. Prevent gully and bank erosion; and

2. Limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative soil-loss rate not to exceed 7.5 tons per acre annually.

B. Plan compliance under paragraph (A) shall be determined using the U.S. Natural Resources Conservation Service Technical Guide or another commonly accepted soil erosion methodology approved by the Sauk County Conservationist that considers season of year, site characteristics, soil erodibility and slope.

C. Erosion control measures for plan approval need not attempt to regulate soil transportation within the boundaries of the applicant's site.

Sections 59.21–59.25 reserved

Article III Storm Water Management Plan Requirements

59.26 Small impact storm water projects

Those development projects determined by the village engineer as not involving a significant impact on neighboring properties or regional storm water systems may be processed informally. The applicant shall submit an application showing a plot plan (existing and with new development) and specifications on impervious area (newly added and total after completing project), and “arrow” indications of existing and new storm water flows. Such applications shall request that the application be processed informally. The village engineer shall determine whether the application can proceed informally and if so, provide written notification of the requirements for compliance with village standards on small storm water quality measures, direction of flows to the appropriate channels and compliance with this chapter, including but not limited to construction site soil erosion provisions. The applicant shall sign a statement acknowledging his receipt of and agreement to comply with these terms. The village engineer can decline to approve a small project exception under the section upon determining the site impacts too heavily upon the storm water system to be approved without full review. The result of such a decision by the village engineer shall be to require full application and processing.

59.27 Principles for storm water management

The following principles that are adopted by the village board as a definition of reasonable use in this village are intended to guide the village of Lake Delton's storm water management programs.

A. It is essential that Lake Delton, Dell Creek, Mirror Lake and Lake Blass, and other receiving waters be protected against deposits of sediments and accompanying pollutants that are carried into the waters by storm water discharges. These are public waters enjoyed by hundreds of thousands of recreational visitors as well as local residents annually. The quality of the waters is central to the tourism and recreational economy of the community and region. After-the-fact removal of deposits by dredging is costly and increasingly difficult to accomplish in light of the dense development along the shores, regulatory restrictions on dredging and disposal of dredged materials, and public ownership of the receiving waters. The village of Lake Delton's emphasis

of storm water management activities will be on prevention to minimize deposits of sediment into the receiving waters.

B. The village contains steep ravines and canyons that are prone to flash flooding. These conditions tend to result in overtopping of culverts and roadways, washouts and significant erosion during serious rainstorms. Downstream bank stabilization and check dams can minimize some of the erosion and sediment conveyance from peak flows, but the costs to install and maintain these structural remedies are substantial.

C. The village's unique topography does not allow the traditional solution of moving the waters down-basin and dealing with them entirely in the lower reaches. Comprehensive measures capable of achieving water quality objectives require storm flows be controlled in the upland parts of the basins.

D. The ravines and canyons themselves should be protected against encroachments that reduce their capacity to convey water safely and protected against alterations that increase erosion potential.

E. Many of the uplands in the subwatersheds are valued for intensive commercial, industrial and transportation development. Some storm water ponds and surface drainage ways can be designed within developments, serving as amenities to those developments, as well as capturing and controlling storm water flows within the sub-basins.

F. The village's goal will be to require and encourage property owners to convey appropriate flows of storm water to the village system and to manage flows beyond those accommodated by the village system to minimize damage to persons or property.

G. The village's goal with reference to water quality is to remove sediment from storm water. To achieve this, drain runoff from storms of one inch of rainfall or less over grassed areas before entering into the village storm water system and have runoff from storms of this magnitude detained so significant settlement can occur. The same applies to the first inch, minimum, of larger storms.

H. Except as provided herein, no final subdivision plat shall be approved and no building permit for property subject to this ordinance shall be issued until and unless a Storm water Management Plan certified as complying with this ordinance by a civil engineering firm acceptable to the village has been reviewed and approved by the village engineer. The village board may approve a subdivision plat or authorize the issuance of a building permit when it is satisfied that the storm water management plan for the property will be completed in a timely manner.

59.28 Storm water management plan requirements

The village engineer shall identify data requirements for the applicant to meet, identifying those items of topography, mapping and calculations, plans and specifications deemed by the village engineer to be necessary to shape a storm water management plan for the property and a timetable for return of that data to the village engineer. Depending upon the location and size of

the proposed development the village engineer in his sole discretion, may require the applicant to produce all or any part of the following information:

- A. A topographic map of the proposed site and adjacent areas, of suitable scale and contour interval, extending 100 feet into adjacent properties, which shall define the location of streams, the extent of flood plains and calculated high-water elevations, the shoreline of lakes, ponds, swamps and detention basins including their inflow and outflow structures, if any, and site boundaries that accurately identify the site location in relation to other properties.
- B. The location and flowline elevation of all existing sanitary, storm or combined sewers, the location of public right-of-ways, and all private and municipal wells.
- C. The rainfall values for 2-, 5-, 10-, 25-, 50- and 100-year storm events in ordinance for Sauk County based on Wisconsin Department of Natural Resources Construction Site Best Management Protection Handbook.
- D. Detailed determination of runoff anticipated for the entire project site during development, after development but prior to complete stabilization of the site, and following development indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and restatement of the criteria that have been used by the project engineer through his/her calculations.
- E. A layout of the proposed storm water management system including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements will have upon the receiving channel and its high-water elevation.
- F. The slope, type and size of all existing and proposed storm sewers and waterways bordering property, and drainage route to the public drainage system.
- G. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
- H. For all detention basins, design hydrographs of inflow and outflow for both the 50-year, 24-hour and 100-year, 24-hour design storms for the site under developed conditions and the calculated 50-year, 24-hour and 100-year 24-hour peak flows from the site under natural conditions, during development and prior to stabilization for developed condition.
- I. A profile and one or more cross sections of all existing and proposed channels or other open drainage facilities located on the developed site. They should show existing conditions and the proposed changes thereto, together with the high-water elevations expected from storm water runoff under the controlled conditions called for by these regulations and the relationship of the structures, streets and other utilities to such channels.
- J. Depth to bedrock and to the seasonal high-water table, and the extent and location of soil types as described in the Sauk County Soil Survey.

- K. All computations, plans and specifications related to the implementing a major storm water management plan must be prepared and sealed by a professional engineer registered in Wisconsin.
- L. A narrative describing the proposed project, including implementation schedule for planned practices.
- M. Identify the entity responsible for the project's long-term maintenance.
- N. A summary of runoff peak flow rate calculations for the 2-, 5-, 10-, 25-, 50- and 100-year storm events, by watershed area, including:
1. Pre-development peak flow rates;
 2. Construction peak flow rates with no detention;
 3. Construction peak flow rates with detention;
 4. Post-development peak flow rates with no detention;
 5. Post-development peak flow rates with detention;
 6. Assumed runoff curve numbers (RCNs); and
 7. Time of concentration (Tc) used in calculations.
- O. A benchmark elevation for the plan referencing USGS elevation.
- P. Engineered designs for all structural management practices.
- Q. Provision for sequential steps mitigating erosive effect of land-disturbing activities followed in appropriate order and in a manner consistent with accepted erosion control methodology suitable to proposed sites and amenable to prompt re-vegetation.
- R. Provisions to prevent tracking mud off-site onto public thoroughfares during the construction period.
- S. Copy of computer model in digital format that is stable with HydroCAD, version 6.0, or such other software as required by the village engineer.
- T. Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features of the site.

59.29 Storm water management plan design criteria

The following rules shall govern the design of improvement installed to manage storm water runoff:

- A. The Wisconsin Storm Water Manual shall be used as a reference for design of storm water management and control facilities and features.
- B. Drainage and storage facilities shall be designed using the Soil Conservation Service Urban Hydrology Method of calculating runoff discharge rate and total volume.

C. Each property shall implement runoff control measures, including but not limited to directing sheet flow across stable grass area to slow the rate of discharge and to prevent erosion of downstream properties.

D. Allowable Release Rate.

1. Except as provided in subparagraph (2), the allowable release rate from the proposed development to public storm water channels shall not exceed the release rate of the site in its predeveloped condition for storms up to and including the 50-year design storm.
2. Properties meeting the following criteria are not required to comply with the provisions of paragraph (1) above:
 - a. Property abutting a public regional detention facility, or having an easement(s) to direct any excess storm water across another's land to a regional detention facility.
 - b. Property that is not able to control the release rate due to the nature of its topography. Property meeting this criterion shall not allow excess storm water to cross another's land without consent of the owner thereof.
3. To the extent that the downstream channel, whether natural, public right-of-way or storm sewer system, is inadequate to accommodate the release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the downstream channel or storm sewer system for the 50-year design storm.

E. Location and design of runoff control measures shall take into consideration soil types, slopes and existing ground water conditions in the area in order to avoid property damage due to increased elevations of ground water or due to soil saturation. In no case shall the predevelopment condition have runoff curve numbers (curve numbers are measures of perviousness) greater than those listed below:

	<u>HYDROLOGIC SOIL GROUP</u>			
	A	B	C	D
Runoff Curve Number:	54	70	80	85

Soil conservation service Urban Hydrology, TR 55 or TR 20.

F. Single parcel development design. Storm water runoff from impervious surfaces such as roofs, parking and loading areas and driveways shall be directed to public storm water channels and where possible across a stable, pervious surface, such as a lawn area or grass-lined channel, where possible. Where the topography prevents discharge of storm water to a public right-of-way or storm sewer, the developer must prevent release of storm water from the property at a rate greater than the predevelopment condition. This provision may be waived if the applicant obtains an easement from downstream landowners lying between the subject property and the outlet to a public channel or approved regional detention facility.

G. Subdivision development design. Storm water control in subdivisions shall provide that streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of storm water into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include whenever possible, streams and floodplain within parks and other public grounds. Storm water runoff from impervious surfaces such as roofs, parking and loading areas and driveways shall be directed to a stable, pervious surface, such as a lawn area or grass-lined channel, where possible.

59.30 Performance standards for storm water designs

A. Design goals. Storm water management plans shall include, to the extent applicable, practicable measures for: managing litter; using, storing, treating and disposing of significant materials; using and disposing of pesticides and herbicides; reducing the velocity of releases to a public storm drain system; using landscape features to reduce the quantity and velocity of storm water that may be released off-site; maintaining retention basins and other storm water management devices; maintaining and cleaning parking lots and buildings; and ensuring significant materials are not exposed to direct contact with storm water.

B. For redevelopment resulting in exposed surface parking lots and associated traffic areas, design shall retain soil particles greater than 20 microns on the entire site resulting from a 1-year, 24-hour storm event, according to approved procedures, and assuming no sediment resuspension.

C. Generally acceptable locations of storm water channels in the design of a subdivision may include but are not limited to the following:

1. Adjacent to roadways.
2. In a depressed median of a double roadway, street or parkway provided the median is wide enough to permit side slopes of one-foot drop in four feet horizontal or flatter.
3. Entered on lot lines or entirely within the rear yards of lots or parcels.

D. The storm sewer outfall shall be designed to provide adequate protection against downstream erosion and scouring. The village engineer shall have the authority to require modifications to the storm water management plan, as the village engineer deems necessary to protect downstream property.

E. Lot lines. Whenever the designs call for the passage and/or storage of storm water runoff along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters, and no structure or vegetation that would obstruct the flow of storm water shall be allowed, nor shall any change be made to the prescribed grades and/or contours of the specified storm water channels.

F. All utility sewer manholes constructed in an area designed for the storage or passage of storm water shall be provided with either a water-tight manhole cover or be constructed with a rim elevation of a minimum of one (1) foot above the high-water elevation of the 50-year, 24-hour storm. The developer shall bear all costs of modifying existing structures.

G. Drainage obstruction. The storage or disposal of grass clippings, trash, debris, obstructions or unwanted materials into the storm sewers or within or along storm water channels or in adjacent flood plain areas that may wash into sewers and channels is prohibited.

H. The landowner, land user, and/or permittee shall enter into a maintenance agreement with the village to provide perpetual maintenance of all control measures necessary to meet this chapter's requirements. The storm water management plan shall provide for a maintenance schedule identifying those aspects of the storm water management plan that require routine maintenance. The permittee shall file annually a certification from a registered engineer that the storm water management plan is being properly maintained and is operating in compliance with the approved plan.

I. Outlets. Discharges must be to a stable outlet capable of carrying design flow at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. Discharge from outlets shall not flow across paved surfaces used for pedestrian or vehicular travel to off-site storm water conveyance facilities.

J. Infiltration. All downspouts, driveways and other impervious areas shall be directed to pervious surfaces, where feasible, or unless the applicant can demonstrate that the practice is likely to result in groundwater contamination.

K. Detention. The increased storm water runoff resulting from the proposed development may be accommodated by providing appropriate detention facilities located on site, including wet- or dry-bottom reservoirs, flat roofs, parking lots or streets. The volume of storage potential provided in detention facilities shall be sufficient to control the excess storm water runoff, as determined to be the difference between the developed and undeveloped storm water quantity from the site for a 10-year, 24-hour frequency rainfall as published by the U. S. Weather Bureau less than the allowable release rate as set forth in this chapter. The allowable storm water release rate shall not be exceeded regardless of the depth of storm water contained in the required storm water detention facility. The detention pond volume calculations must assume right-of-way is completely developed.

L. Release rate. At no time during the design storm shall the storm water runoff release rate exceed the allowable release rate under this chapter.

M. Detention facilities shall release storm water at a non-erosive velocity. Protected channels receiving detention discharge shall incorporate features to reduce velocity to non-erosive levels at the point where such discharge enters the unprotected channel. If release is into a subsurface conduit the energy gradient in the receiving facility shall not be increased beyond the slope of the conduit.

59.31 Design standards for storm water detention facilities

A. On-site detention facilities. Providing appropriate detention facilities including wet- or dry-bottom reservoirs, flat roofs, parking lots or streets may accommodate the increased storm water runoff resulting from the proposed development. The following shall govern the design of on-site detention facilities:

1. The volume available in the detention facilities shall be sufficient to store the excess storm water runoff calculated for the developed condition with a release rate that does not exceed the pre-developed condition. The plan shall take into consideration storm water flows into the site. The predevelopment release rate shall not be exceeded regardless of the depth of water in the detention basin.
2. Detention facilities shall release water at a non-erosive velocity. Receiving channels shall be protected with energy dissipating devices such as stone rip-tap. This may require constructing an energy dissipation structure or device at the outfall into the channel. Smooth pavement shall not be allowed. If a stable stand of grass is not established in the receiving channel, the channel shall be lined with erosion matting up to the elevation of the 2-year design storm under development conditions. If release is into a subsurface conduit, the energy gradient in the receiving facility shall not be increased beyond the slope of the conduit.
3. Freeboard. Detention facilities shall have adequate capacity to contain the storage volume of tributary storm water runoff with at least six (6) inches of freeboard above the water surface of flow in an emergency spillway in a 50-year, 24-hour storm.
4. Water quality. Provide total removal of sediment and suspended solids greater than 5 microns in size.
5. There shall be no detention facilities located within public right-of-ways.

B. Regional detention facilities. Public or privately owned and managed regional detention facilities may be established provided the village board approves such facility. Application for approval of a privately owned and managed regional detention facility shall be filed with the village engineer on forms the village clerk provides. Approval of such facilities shall be based upon the following criteria:

1. Design in accordance with paragraph above;
2. Provide major outflow from the top of the pond flow from the bottom of the pond will be severely restricted, (suggest perforated riser outlet);
3. Provide for trapping floatables at the pond;
4. Show that outflow does not exceed downstream capacity or increase the potential for downstream erosion;
5. Control all storms up to and including the 50-year storm to the predevelopment discharge rate;
6. Provide energy dissipation measurers at outlet;
7. Provide safe overflow for all storms greater than 50-year storm;
8. Provide control for maximum impervious allowable under current zoning for storm water region contributing to the detention pond; and
9. Account for upstream drainage draining into the region.

59.32 Village engineer's report

A. Following review of the specified data, the village engineer shall issue a written report on his findings and requirements for issuing a permit to the applicant.

B. The village engineer's report shall identify storm water management features that shall be required to be in place prior to occupying the project. The items identified as recommended for consideration are not required to be in place. The report shall, however, serve as a statement of recommendations regarding duty of care.

C. Any concerned party may appeal the content of that report to the village board. The village board shall conduct a public hearing, if it deems one appropriate, and may sustain the report as is, with modifications or may reverse the report and establish other requirements. The village board's decision may be appealed as provided in section 59.39 of this chapter.

59.33 Maintenance agreement

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

B. The maintenance agreement shall contain the following provisions:

1. The landowner shall maintain storm water management practices in accordance with the storm water practice maintenance provisions contained in the approved storm water management plan submitted under this chapter.
2. By November 30th of each year, all permittees shall file with the village engineer a certification that their approved storm water maintenance plan was in compliance with this chapter as of October 1 of that year and shall also issue a report on the maintenance efforts conducted throughout the year to ensure that the storm water management plan was operating as intended.
3. The village engineer is authorized to access the property to conduct inspections of storm water practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved storm water management plan.
4. The village engineer shall maintain public records of the results of the site inspections, shall inform the landowner responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the storm water management practice into proper working condition and a reasonable time frame during which the landowner must take corrective action.
5. The village is authorized to perform the corrected actions identified in the inspection report if the landowner does not make the required corrections in the specified time period. The village shall assess the landowner for the cost of such work and shall place a lien on the property, which the village may collect as ordinary taxes.
6. The maintenance agreement shall provide that the permittee shall maintain a liability insurance policy in an amount not less than five hundred thousand dollars (\$500,000.00) per individual, five hundred thousand dollars (\$500,000.00) per occurrence and one hundred thousand dollars (\$100,000.00) property damage,

which shall name the village as an additional insured, and which shall protect the village from any liability up to those amounts for any accident, negligence, failure of the storm water management plan, or any other liability whatsoever relating to the facilities' construction or maintenance. Proof of said liability policy shall be provided to the village clerk prior to commencing construction of any drainage facility, provided that in the case of facilities assumed by the village for maintenance said liability policy shall be terminated when the village actually assumes maintenance responsibility.

C. The maintenance agreement shall be terminated at such time that responsibility for maintaining the storm water management practice is legally transferred to the village, through a written, binding agreement. The maintenance agreement's termination date shall be the date upon which the legal transfer of maintenance responsibility to the village is made effective.

Sections 59.34–59.38 reserved

Article IV Administration and Enforcement

59.39 Appeals

A. Board of appeals. The village board shall hear and decide initial appeals where it is alleged there is error in any order, decision or determination by the village engineer in administering this chapter. The village board's decision may be appealed to the village board of appeals which may upon appeal, authorize variances from this chapter's provisions that are not contrary to the public interest and where owing to special conditions a literal enforcement of this chapter's provisions will result in unnecessary hardship; and shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

B. Who may appeal. Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the village engineer in administering this chapter.

59.40 Variances

A. Standards. Variations from these standards, provisions and specifications may be granted when it is demonstrated to the village board's satisfaction that, owing to special conditions, a strict adherence to this chapter's provisions will result in unnecessary hardship and the chapter's spirit and intent will be observed.

B. Procedure. A request for variation shall be filed by the owner seeking to develop or change the use of his property, or his agent, with the village engineer who shall refer it, together with his recommendation, to the village board for decision. The request for variation shall be written and shall state specifically what variation is sought and the public's interest in granting the variation.

59.41 Administration

A. Responsibility. This chapter's administration shall be the village engineer's responsibility. The village building inspector shall act under the village engineer's direction for purposes of reviewing and enforcing this chapter. The village building inspector is authorized to issue permits under this chapter pursuant to the village engineer's direction. The village building inspector shall maintain all files at the Village Municipal Building.

B. Official maps and profiles. Responsibility for all changes to official maps and profiles remains with the village board, although as-built drawings are required to be delivered to the village within sixty (60) days of completion or occupancy.

C. Interpretation. In interpreting and applying this chapter, the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other powers granted by state statutes or exercised by home-rule units.

59.42 Liability for damages

This chapter shall not be construed as an assumption of liability by the village for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

59.43 Enforcement and penalties

A. Stop work order. Whenever the village engineer finds any noncompliance with this chapter's provisions, the village engineer, or his designee, shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. If the owner or person performing the work is not readily available, that person refuses to voluntarily comply immediately or the noncompliance presents an imminent danger or will cause or threatens to cause bodily injury or damage to off-site property, including, but not limited to off-site runoff, the village engineer shall post in a conspicuous place on the premises a stop work order that shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected. The stop work order shall provide the following information: date of issuance, property address, reason for posting and the village engineer's signature. It shall be a violation of the chapter for the unauthorized removal of the stop work order from the premises.

B. Notice. In addition to posting a stop work order, the village engineer shall provide notification to the owner or contractor by personal service, written notice by certified mail or facsimile transmission.

C. Time to correct violation. The permittee, landowner and contractor shall have 24 hours from the time and date of notification by the village engineer to commence correcting any noncompliance with the plan when notification is by either personal communication of noncompliance to owner or contractor or their respective agents, or written notice sent by certified mail to owner or contractor. If notice is not provided under subparagraph B above, the permittee and landowner shall have 72 hours to correct any noncompliance with the plan when notification is by posting notice in a conspicuous place on the site or sending notice by facsimile transmission to owner or contractor. The village engineer shall set a reasonable time for completing the required corrections and include that completion date in the notice.

D. Village action. If any noncompliance is not corrected within the time periods specified in subparagraph C, or in the event the village engineer determines an emergency exists and the village engineer determines immediate action is needed in order to protect private property or public property or to prevent damage to public waters, the permittee and landowner authorize the village of Lake Delton to take any action, to perform any work, or commence any operations necessary to correct conditions upon the subject property where notice of noncompliance has been issued to bring the property into conformance with plan requirements. The permittee and landowner further consent to reimburse the village of Lake Delton for the total costs and expenses of the aforementioned actions, said reimbursement may be collected as a special charge upon the property for current services rendered as provided by law. If the permittee has filed an appeal under section 59.39 prior to the expiration of the time for complying under subparagraph C, the village of Lake Delton may take action, perform work or correct conditions only to the extent necessary to protect against or correct an imminent hazard or a condition that will cause or threatens to cause personal injury or damage to off-site property.

E. Penalties.

1. Any person or persons, firm, company or corporation, owner, occupant or other user of the premises who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of this chapter's provisions shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00, plus the costs of prosecution including reasonable attorneys fees, and all disbursement and costs as permitted by law. Each day a violation exists shall constitute a separate offense.
2. Any person who has the ability to pay any forfeiture entered against him or her under this chapter but refuses to do so may be confined in the Sauk County Jail until such forfeiture is paid, but in no event to exceed 30 days. In determining whether an individual has the ability to pay forfeiture, all items of income and all assets may be considered regardless of whether such income or assets are subject to garnishment, lien or attachment by creditors.
3. As a substitute for or as an addition to forfeiture actions under sub. 1 and 2 or corrective action under subparagraph E, the village attorney is authorized to seek enforcement of any part of this chapter by court action seeking injunctive relief. It shall not be necessary for the village to take corrective action or prosecute for forfeiture before resorting to injunctive relief.

F. Violations deemed a public nuisance. In addition to the penalties provided herein, the village board of the village of Lake Delton finds and determines that any condition caused or permitted to exist in violation of any of this chapter's provisions is a threat to the public health, safety and welfare, is declared to be a nuisance and may be abated as such.

G. Additional remedies. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the village. In any such action, the village may seek, as appropriate, any or all of the following:

1. A temporary restraining order, preliminary and permanent injunction.
2. Reimbursement for the costs of any investigation, inspection or monitoring survey that led to establishing the violation, and for the reasonable costs of preparing and bringing administrative action under this section.
3. Costs incurred in removing, correcting or terminating the adverse effect resulting from the violation, including but not limited to engineering costs and legal costs, including reasonable attorney fees, and costs and disbursement incurred in enforcing this chapter.
4. Compensatory damages for loss or destruction of water quality, wildlife, fish and aquatic life

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