

Chapter 8

Erosion Control and Stormwater Management

(Final 9/5/02)

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Sec. 10-8-1 Authority.

This chapter is adopted by the Village of Belleville under the authority of secs. 61.34(l), 61.354, and 236.45 of the Wisconsin Statutes.

Sec. 10-8-2 Definitions.

The following terms, wherever they appear in this Chapter, are defined as follows:

- (a) ***Agricultural*** means related to or used for the production of food and fiber, including but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry productions and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out such activities.
- (b) ***Affected*** means that a regulated activity has significantly:
 - (1) Caused negative impacts on water quality or the use or maintenance of one's property or business; or
 - (2) Endangered one's health, safety, or general welfare.
- (c) ***Best management practice*** means a practice, technique, or measure that is an effective, practical means of preventing or reducing soil erosion or water pollution, or both, from runoff both during and after land development activities. These can include structural, vegetative or operational practices.
- (d) ***Cold water community*** means surface waters capable of supporting a community of cold water fish and other aquatic life, or serving as a spawning area for cold water fish species (NR 102.04(3)(a) Wisconsin Administrative Code).
- (e) ***Commercial*** means for the retail or wholesale sale of goods or services.
- (f) ***Construction site erosion control*** means preventing or reducing soil erosion and sedimentation from land disturbing activity.
- (g) ***Corporate Limits***. The boundary and extent of area under the jurisdiction of a municipal corporation. The corporate limits are extended or reduced by annexation and detachment, respectively.

- (h) **Erosion** (soil erosion) means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- (i) **Excavation** means 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.
- (j) **Existing development** means buildings and other structures and impervious area existing prior to ordinance adoption.
- (k) **Fill** means 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.
- (l) **Financial security instrument** means a surety bond, performance bond, maintenance bond, irrevocable letter of credit, or similar guarantees submitted to the Village to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.
- (m) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof, and including the land from which the material was taken or upon which it was placed.
- (n) **Gully erosion** means a severe loss of soil caused by or resulting in concentrated flow of sufficient velocity to create a defined flow channel.
- (o) **Heavily disturbed site** means a site where an area of land is subjected to significant compaction due to the removal of vegetative cover or earthmoving activities, including filling.
- (p) **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.
- (q) **Impervious surface** means 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 Village Agent.
- (r) **Infiltration** means the process by which rainfall or runoff seeps into the soil.
- (s) **Land disturbing activities** means 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.
- (t) **Landowner** means any person holding title to or having an ownership interest in land.
- (u) **Lightly disturbed site** means a site where an area of land is subjected to minor compaction due to the limited removal of vegetative cover or earthmoving activities
- (v) **Local Land Division Ordinance** means any county, city, village or town ordinance adopted under Chapter 236, Wis. Stats. to regulate the division of land.

- (w) **Major Land-Disturbing Activities.** Those activities where the land disturbance involves an area of 20,000 square feet or more, there is a slope of six percent (6%) or greater throughout the site, a subdivision (as defined by Ch. 236, Wis. Stats.) is created, or the Village, or its agent, determines that special circumstances due to topography, proximity to watercourses or relation to sensitive environmental areas make the disturbance a major one.
- (x) **Minor Land-Disturbing Activities.** Those activities other than those deemed to be major land-disturbing activities.
- (y) **New development** means any of the following activities:
- (1) Structural development, including construction of a new building or other structures;
 - (2) Expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure;
 - (3) Land-disturbing activities; or
 - (4) Creation or expansion of impervious surface
- (z) **Non-erosive velocity** means a rate of flow of stormwater 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.
- (aa) **Peak flow** means the maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from the predetermined storm or flood.
- (ab) **Person** means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.
- (ac) **Pervious surface** means any land cover that permits rain or melting snow to soak into the ground.
- (ad) **Plan** means an erosion control plan required by sec. 10-8-8 or a stormwater management plan required by sec. 10-8-9.
- (ae) **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 stormwater peak flows as required by the ordinance.
- (af) **Pre-development** refers to the extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land disturbing activity are in “good” condition as described in the Natural Resources Conservation Service Technical Release 55, “Urban Hydrology for Small Watersheds” (commonly known as TR-55). This term is used to match pre- and post-development stormwater peak flows as required by the ordinance. In a situation where cumulative impervious surface created after the adoption of this ordinance exceeds the 20,000 sq. ft threshold, the pre-development conditions shall be those prior to any land disturbance.
- (ag) **Public Buildings.** All buildings owned and controlled by any unit of government

- (ah) **Redevelopment** means any construction, alteration or improvement exceeding four thousand square feet of land disturbance performed on sites where the entire existing site is predominantly developed to commercial, industrial, institutional or multifamily residential uses.
- (ai) **Runoff**. Includes, but is not limited to, ice or water flowing over the ground surface.
- (aj) **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.
- (ak) **Sediment** means 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.
- (al) **Sedimentation** means the deposition of eroded soils at a site different from the one where the erosion occurred.
- (am) **Sheet and rill erosion** means 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.
- (an) **Site** means the bounded area described in an erosion control plan or stormwater management plan.
- (ao) **Slope** means the net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous surface incline or decline over the area disturbed.
- (ap) **Soil loss rate** means the rate, usually measured in tons per acre per year, at which soil is transported beyond the perimeter of a given control site and which occurs as a result of sheet and rill erosion. This term does not apply to soil movement resulting from concentrated flow such as gully or bank erosion.
- (aq) **Storm events** mean the precipitation amounts that occur over a 24-hour period that have a specified recurrence interval for Dane County, Wisconsin. For example, one-year, two-year, 10-year and 100-year storm events mean the precipitation amounts that occur over a 24-hour period that have a recurrence interval of one, two, 10 and 100 years, respectively.
- (ar) **Storm Sewer**. A closed conduit for conducting collected storm water.
- (as) **Stormwater** means the flow of water which results from, and which occurs during and immediately following, a rainfall, snow- or ice- melt event.
- (at) **Stormwater management** means any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality after land development activities.
- (au) **Stormwater runoff** means the waters derived from rains falling or snowmelt or icemelt occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.
- (av) **Street reconstruction** means removal and replacement of the road subgrade, where existing stormwater conveyance systems are modified.

- (aw) **Structural Measures.** Land treatments intended to prevent erosion, sediment or runoff that include, but are not limited to: gully control structures, grass waterways, riprap, detention basins or ponds, sediment basins or ponds, flood retention dams, diversions, and lining channels with rock, concrete or other materials. Contour strip-cropping is not considered a structural measure under this Chapter.
- (ax) **Structure** means 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.
- (ay) **Unnecessary hardship** means 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 ordinance.
- (az) **Village** means the Village of Belleville, or it's Agent
- (ba) **Village agent** means the Village Engineer, the Director of Public Works, the Building Inspector or any other Village employee or official assigned or charged with the responsibility of administering and enforcing the requirements of this Chapter or any independent contractor retained by the Village for such purpose.
- (bb) **Village engineer** means the individual, or the individual's designee, or the firm, or a representative of the firm, appointed or retained by the Village Board to routinely provide engineering services for the village.

Sec. 10-8-3 Legislative Findings and Declaration of Policy.

- (a) **Findings.** The Village Board of the Village of Belleville finds that construction site erosion and uncontrolled stormwater 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 stormwater runoff can:
- (1) Carry sediment, nutrients, pathogens, organic matter, heavy metals, toxins and other pollutants to regional 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, and;
- (9) Cause damage to agricultural fields and crops.
- (b) **Declaration of Policy.** The Village Board of the Village of Belleville also finds that effective sediment and stormwater management depends on proper planning, design, and timely installation of conservation and management practices and their continuing maintenance.

Sec. 10-8-4 Purpose and Intent.

- (a) **Purpose.** The purpose of this chapter is to set forth the minimum requirements for construction site erosion control and stormwater management that will diminish threats to public health, safety, public and private property and natural resources of Belleville.
- (b) **Intent.** This chapter is intended to regulate construction site erosion and stormwater runoff, to accomplish the following objectives:
 - (1) Promote regional stormwater 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 Belleville;
 - (3) Promote infiltration and groundwater recharge;
 - (4) Protect functional values of natural water courses and wetlands;
 - (5) Provide a set of performance standards that are consistent with the standards set forth by Dane County;
 - (6) Achieve an 80% reduction in sediment load rates to Dane County waters compared to no controls for all new development, a 40% reduction in sediment load rates compared to no controls for all redevelopment and street reconstruction, and a 20% reduction in sediment load rates compared to no controls for existing developments;
 - (7) Ensure no increase in temperature of stormwater post-construction in order to protect cold water communities;
 - (8) Ensure no increase in the rate of surface water drainage from sites during or after construction; and
 - (9) Protect public and private property from damage resulting from runoff or erosion.

Sec. 10-8-5 Severability

If any section, provision, or portion of this Chapter is found unconstitutional or invalid by a court, the remainder of this Chapter shall not be affected thereby.

Sec. 10-8-6 Abrogations and Greater Restrictions

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 10-8-7 Scope of Geographic Coverage

- (a) **Within the Village.** Unless specifically excluded herein, this Chapter applies to all land-disturbing activities occurring within the corporate limits of the Village.
- (b) **Within the Extraterritorial Area.** This Chapter shall apply outside the Village limits within the extraterritorial plat review area provided by Ch. 236, Wis. Stats., and Title 14 of this Code of Ordinances, but only to those land-disturbing activities relating to, arising from, or connected with a subdivision as defined in Sec. 236.02(12), Wis. Stats.

Sec. 10-8-8 Applicability of Requirement for Erosion Control Permits

Unless expressly exempted by sec. 10-8-10, an erosion control permit under sec. 10-8-12 shall be required and all construction site erosion control provisions of this chapter shall apply, to any of the following activities in Belleville:

- (a) Land disturbing activity in excess of 4,000 square feet;
- (b) Land disturbing activity on a slope of greater than 12%;
- (c) Land disturbing activity that involves the excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;
- (d) 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;
- (e) Any new public or private roads or access drives longer than 125 feet;
- (f) Development that requires a subdivision plat, as defined in the applicable local land division ordinance(s);
- (g) Land disturbing activity that disturbs less than 4,000 square feet of land, including the installation of access drives, that the local approval authority 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 Agent shall be in writing, unless waived by applicant.

Sec. 10-8-9 Applicability of Requirement for Stormwater Control Permits.

Unless otherwise exempted by sec. 10-8-10, a stormwater control permit under sec. 10-8-12 shall be required and all stormwater management provisions of this chapter shall apply, to any of the following activities within Belleville:

- (a) Any development(s) after the adoption date of this ordinance that result(s) in the cumulative addition of 20,000 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 ordinances(s); for property intended for commercial or industrial use;
- (d) Redevelopment, as defined in sec. 10-8-2 (ah), shall meet the following stormwater management performance standards: 10-8-14 (b)(1)b, (b)(2), (b)(5), (b)(6), (b)(7), and (b)(8).
- (e) Other land development activities, including but not limited to redevelopment or alteration of existing buildings and other structures, that the Village Agent 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.

Sec. 10-8-10 Exemptions and Clarifications.

- (a) **All Requirements.** The following activities are exempt from all requirements of this ordinance:
 - (1) Any activity directly related to the planting, growing and harvesting of agricultural crops; and
 - (2) Construction of agricultural buildings, provided the resulting new total impervious surface area does not exceed 20,000 square feet.
- (b) **Erosion Control.** The following activities are exempt from the construction site erosion control provisions of sec. 10-8-8:
 - (1) One- and two-family dwelling units regulated under the Wisconsin Uniform Dwelling Code; the Village shall regulate these sites during the period that residential building permits are in effect, consistent with then-existing Wisconsin Uniform Dwelling Code requirements.

- (2) Construction of public buildings and buildings that are places of employment relating to activities specifically regulated by the Wisconsin Department of Commerce during the period that Department of Commerce-authorized building permits are in effect and specific erosion control procedures on these construction sites are effective, pursuant to s. 101.1205, Wis. Stats.
 - (3) State building projects subject to s. 13.48 (13) Wis. Stats, and state highway projects subject to Wis. Admin. Code Chap. Trans 401.
- (c) **Activities Unrelated to Building Construction Subject to Ordinance Requirements.** Notwithstanding the language of sub. (b)(2), activities unrelated to actual building construction shall be subject to all the requirements of this ordinance. 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 watercourses, commercial parks, and landing strips or airport runways.
- (d) **Construction Activities Subject to Ordinance Requirements.** Notwithstanding the language of sub. (b)(3), the following activities are subject to the requirements of this ordinance:
- (1) Buildings and activities of municipalities;
 - (2) Buildings and activities of school districts;
 - (3) Local highway projects; and
 - (4) Municipal streets.

Sec. 10-8-11 Preliminary Review Letter.

- (a) **Purpose and Intent.** A preliminary review letter provides a potential permit applicant with an initial simple evaluation of whether erosion and stormwater control standards can be met for a proposed site, lot layout, and/or construction design. This review is intended to assist applicants in preparing general site plans and other submittals necessary to obtain an erosion control and stormwater permit. A preliminary review letter does not guarantee that an erosion or stormwater control plan will be approved or that a permit will be issued. Erosion and stormwater control plans and permit applications must meet all applicable standards and criteria for approval.
- (b) **Applicability.** A preliminary review letter shall be required for all activities requiring an erosion control or stormwater management permit under sec. 10-8-8 and 10-8-9.
- (c) **Application Requirements.**

- (1) A preliminary review letter must be submitted and approved by the Village Agent before an erosion control or stormwater management permit application may be submitted.
- (2) The following materials must be included in the preliminary review letter:
 - a. a narrative describing the proposed project;
 - b. a map showing the following information:
 1. location of the proposed project;
 2. limits of disturbed area;
 3. limits of impervious area;
 4. drainage area for each watershed area; and
 5. location and description of proposed stormwater facilities;
 - c. preliminary runoff calculations which clearly demonstrate the adequacy of the proposed facilities and land that will be dedicated to stormwater management for meeting the standards of this ordinance.
- (d) **Approval process.**
 - (1) The Village Agent shall review the letter and determine whether erosion and stormwater control standards can be met for a proposed site, lot layout, and/or construction design.
 - (2) Within 15 days of receiving the preliminary review letter, the Village Agent shall either approve the preliminary plan or notify the applicant of any deficiencies.
 - (3) The Village Agent shall notify the applicant in writing of any deficiency in the preliminary plan and the applicant shall be given an opportunity to correct any deficiency.
 - (4) Approval of a preliminary review letter does not guarantee that an erosion or stormwater control plan will be approved or that a permit will be issued. Erosion and stormwater control plans and permit applications must meet all applicable standards and criteria for approval.

Sec. 10-8-12 Erosion and Stormwater Control Permits and Administration.

- (a) **Permit as a Condition Precedent.** No activity meeting the criteria described in ss. 10-8-8 or 10-8-9 shall occur and no zoning permit may be issued, until an erosion control and stormwater control permit is issued by the Village.
- (b) **Applicant.** Only the landowner is eligible to apply for an erosion control or stormwater management permit.
 - (1) The landowner may delegate responsibility for meeting the conditions of the permit to the contractor or builder, however, the ultimate responsibility for

achieving permit compliance remains with the landowner throughout the duration of the land disturbing activity.

(2) The landowner cannot abdicate or transfer responsibility for meeting the conditions of the permit by selling lots. The responsibility for permit compliance remains with the landowner until final site stabilization is achieved.

(c) **Application.** The applicant must provide the following when requesting a permit:

(1) Completed application form signed by the landowner.

(2) Fees as required by sec. 10-8-18;

(3) Copy of preliminary review letter, as described in sec. 10-8-11;

(4) If required by sec. 10-8-8, an erosion control plan meeting all the standards of sec. 10-8-13, or a simplified plan checklist, as described in 10-8-13 (b);

(5) If required by sec. 10-8-9, a stormwater management plan meeting all of the standards of sec. 10-8-14 and a draft maintenance agreement as described in sec. 10-8-14 (a)(9);

(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 stormwater management plans and a detailed schedule for completion of construction.

(8) An estimate of the cost of completion and installation of all elements of the approved erosion control and stormwater management plans.

(9) Evidence of financial responsibility to complete the work proposed in the plan. For major land-disturbing activities, the applicant shall provide, prior to issuance of the permit, an irrevocable letter of credit, certificate of deposit or certified check to the village in an amount equal to 125% of the estimated cost of all required control measures as determined by the Village Agent. The security deposited shall guarantee that all required control measures will be taken or installed according to the approved plan. The security shall remain in full force until released by the Village Board, and only after an inspection by the Village Agent assures that all required control measures have been fully and satisfactorily completed. The village shall have the right to draw upon the security for purposes of obtaining compliance with the approved control plan as it deems necessary. If the erosion and runoff control requirements of this chapter are included as part of plat or certified survey map conditions of approval, then, security for performance of the control requirements may be included as part of the overall security required for installation of improvements under Chapters 23, 274 and 325 of the village ordinances.

(d) **Application Review Process.**

- (1) The Village Agent shall verify that the permit application is complete under sec. 10-8-12(c) and shall review the plan(s) for compliance with the standards identified in ss. 10-8-13 and 10-8-14.
- (2) The Village Agent shall either approve the submitted plan or notify the applicant of any deficiencies within 30 days. Staff engaged in this review and approval process shall be certified where appropriate by the Wisconsin Department of Commerce for this purpose.
- (3) The Village Agent shall notify the applicant in writing of any deficiency in the proposed plan and the applicant shall be given an opportunity to correct any deficiency.
- (4) Where installed stormwater practices will be privately-owned, an affidavit which describes the property by legal description, notifying future prospective purchasers of the existence of a stormwater permit issued under this ordinance and applicable plan, timetables and potential liability imposed by sub. i(3) for failure to bring the property into compliance with this ordinance after notification, shall be recorded with the Dane County Register of Deeds prior to issuance of an erosion and stormwater control permit. The foregoing information shall also be noted on every plat and certified survey map.
- (5) Upon approval of the Village Agent, the erosion control or stormwater management permit shall be issued after the applicant has met all other requirements of this ordinance.

(e) **Permit conditions.**

- (1) The plan shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. Stormwater components of the plan shall be maintained in perpetuity.
- (2) The permittee is responsible for successful completion of the erosion control plan and the stormwater 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 Agent to enter the property for purposes of inspection under sub. (f) or curative action under sub. (i)(3). The application form shall contain a prominent provision advising the applicant and landowner of this requirement.
- (4) All incidental mud-tracking off-site onto adjacent public thoroughfares shall be cleaned up and removed by the end of each working day using proper disposal methods.

(f) **Inspections.**

- (1) **Application for a permit under this ordinance shall constitute permission by the applicant and landowner for the Village Agent to enter upon the property and inspect during the construction phase prior to the inspections pursuant to paragraphs (4) and (6), as necessary to confirm compliance with the requirements of this ordinance.**

- (2) As part of the plan approval process, the Village Agent shall determine the minimum number of inspections required to assure compliance. The site of any regulated land disturbing activity shall be inspected once every 30 days, or more frequently as determined by the Village Agent.
 - (3) Within 10 days after installation of all practices in an approved erosion control plan and achievement of soil stabilization, the permittee shall notify the Building Inspector.
 - (4) The Building Inspector or other Village Agent shall inspect the property to verify compliance with the erosion control plan within 10 days of notification of soil stabilization.
 - (5) Within 10 days after installation of all practices in an approved stormwater management plan, the permittee shall notify the Building Inspector and submit drawings documenting construction. The person who designed the stormwater management plan for the permittee shall submit as-built certification to ensure that constructed stormwater 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 stormwater management plan with what was constructed. Other information shall be submitted as required by the Village Agent.
 - (6) The Building Inspector or other Village Agent shall inspect the property to verify compliance within 10 days of notification.
 - (7) Maintenance is the responsibility of the owner, and facilities are subject to inspection and orders for repairs.
- (g) **Permit transfers.**
- (1) When a permittee and landowner act to transfer an interest in property subject to an approved plan prior to completion of the proposed steps to attain soil stabilization, the permittee must secure approval from the Village.
 - (2) When a permittee and landowner transfers ownership, possession or control of real estate subject to either or both an uncompleted erosion control stormwater management plan, the successor in interest to any portion of the real estate shall be responsible to control soil erosion and runoff and shall comply with the minimum standards provided in this ordinance.
 - (3) When ownership, possession or control of property subject to an uncompleted erosion control or stormwater management plan, or both, is transferred, the former owner (seller) shall notify the new owner (buyer) as to the current status of compliance with notice to the authority, and provide a copy of the erosion control plan or stormwater management plan, or both.
 - (4) Transfers of interest in real estate subject to an approved, uncompleted plan may be conducted consistent with this ordinance under any of the following arrangements:
 - a. The transferee shall file a new, approved erosion control or stormwater management plan, or both, with the authority;

- b. The transferee shall obtain an approved assignment from the authority 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 authority 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 transferees 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 stormwater management plan is or are not completed as proposed, the authority may use the surety bond to complete remaining work to achieve plan compliance.
- (h) **Plan or permit amendments.** Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land disturbing site activities shall be approved by the Village Agent prior to implementation of said changes.
- (i) **Enforcement.**
- (1) Stop Work Order.
 - a. Whenever the Village finds any noncompliance with the provisions of this ordinance, the Village Agent 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 run-off, the Building Inspector or other Village Agent shall post in a conspicuous place on the premises, a stop work order which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.
 - b. The stop work order shall provide the following information: date of issuance, an adequate identification of the property subject to the stop work order, reason for posting and the signature of the inspector posting the card.
 - c. It shall be a violation of the ordinance for the unauthorized removal of the stop work order from the premises.
 - (2) In addition to posting a stop work order, the Village shall provide notification to the owner or contractor by personal service, written notice by certified mail, or facsimile transmission.
 - a. The permittee, landowner and contractor shall have 24 hours from the time and date of notification by the Village to correct 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.

- b. If notice is not provided under s. (i)(2)a., 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.
- (3) If any noncompliance is not corrected within the time periods specified in s. (i)(2)a. or b., the permittee and landowner authorize the Village 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 authority 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.
 - (4) If the permittee has filed an appeal under s. 10-8-17(a)(1) prior to the expiration of the time for compliance under s. 10-8-12(i)(2), the Village 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.
- (j) **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 the provisions of this ordinance shall be subject to a forfeiture of not less than \$200 nor more than \$2,000, together with the costs of prosecution and applicable penalty assessments, fees and surcharges. The forfeiture, fees, costs, assessments and surcharges shall be ordered paid within 60 days. Each day that 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 ordinance but refuses to do so may be confined in the county jail until such forfeiture is paid, but in no event to exceed thirty (30) days. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether or not 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. (j)(1) or corrective action under sub.(i)(3), the Village is authorized to seek enforcement of any part of this

ordinance 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.

- (k) **Fees.** The permit fee shall be payable at the time an application for either an erosion control or a stormwater management permit, or both, is submitted.

Sec. 10-8-13 Erosion Control Plan Requirements.

- (a) **Plan materials.** Erosion control plans required under section 10-8-8 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:
- (1) limits of disturbed area;
 - (2) limits of impervious area;
 - (3) cross sections of and profiles within road ditches;
 - (4) culvert sizes;
 - (5) direction of flow of runoff;
 - (6) watershed size for each drainage area;
 - (7) site layout, topography and drainage direction of adjacent properties;
 - (8) design discharge for ditches and structural measures;
 - (9) runoff velocities;
 - (10) fertilizer and seeding rates and recommendations;
 - (11) time schedules for stabilization of ditches and slopes;
 - (12) description of methods by which sites are to be developed;
 - (13) 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 sites and amenable to prompt re-vegetation;
 - (14) provisions to prevent mud-tracking off-site onto public thoroughfares during the construction period; and
 - (15) any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features of the site.
- (b) **Simplified Plan Checklist.** For minor land-disturbing activities, as defined in sec. 10-8-2 (x) applicants may submit erosion control proposals using simplified plan checklist of, a standard form established by the Village Agent. Simplified plan checklists shall be reviewed by the Village Agent for completeness and accuracy.

- (c) **Erosion Control Performance Standards.**
- (1) 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:
 - a. Prevent gully and bank erosion; and
 - b. 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.
 - (2) Water pumped from the site shall be treated by temporary sedimentation basins or other equivalent control measures. Such sedimentation basins shall have a depth of at least three (3) feet, be surrounded by a four (4) foot high snow fence or equivalent barrier, and have sufficient surface area to provide a surface settling rate of not more than one thousand five hundred (1,500) gallons per square foot per day at the highest dewatering pumping rate. Water may not be discharged in a manner that causes erosion of the site, a neighboring site, or the bed or banks of the receiving water.
 - (3) All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be disposed of in accordance with the Village of Belleville Code of Ordinances, and not allowed to be carried by runoff into a receiving channel or storm sewer system.
 - (4) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical, as determined by the Village Agent.
 - (5) Plan compliance under par. (1) shall be determined using the U.S. Natural Resources Conservation Service Technical Guide or another commonly accepted soil erosion methodology approved by the Dane County Conservationist, that considers season of year, site characteristics, soil erodibility and slope.
 - (6) Erosion control measures for plan approval need not attempt to regulate soil transportation within the boundaries of the applicant's site.

Sec. 10-8-14 Stormwater Management Performance Standards.

- (a) **Plan materials.** Stormwater management plans shall satisfy all of the requirements in sub. (b), and shall address at a minimum the following information:
- (1) A narrative describing the proposed project, including implementation schedule for planned practices;
 - (2) Identification of the entity responsible for long-term maintenance of the project;
 - (3) A map showing drainage areas for each watershed area;

- (4) A summary of runoff peak flow rate calculations, by watershed area, including:
- a. Pre-existing peak flow rates;
 - b. Post-construction peak flow rates with no detention;
 - c. Post-construction peak flow rates with detention;
 - d. Assumed runoff curve numbers (RCNs); and
 - e. Time of concentration (T_c) used in calculations.
- (5) A complete site plan and specifications, signed by the person who designed the plan. All plans shall be drawn to an easily legible scale, shall be clearly labeled, and shall include, at a minimum, all of the following information:
- a. Property lines and lot dimensions;
 - b. All buildings and outdoor uses, existing and proposed, including all dimensions and setbacks;
 - c. All public and private roads, interior roads, driveways and parking lots. Show traffic patterns and type of paving and surfacing material;
 - d. Site layout, topography and drainage of adjacent properties;
 - e. All natural and artificial water features, including, but not limited to lakes, ponds, streams (including intermittent streams), and ditches. Show ordinary high water marks of all navigable waters, 100-year flood elevations and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetland delineation, or both, may be required at the applicant's expense;
 - f. Drainage Easements;
 - g. Depth to bedrock;
 - h. Depth to seasonal high water table;
 - i. The extent and location of all soil types as described in the Dane County Soil Survey, slopes exceeding 12%, and areas of natural woodland or prairie;
 - j. Existing and proposed elevations (referenced to the North American Vertical Datum of 1988, where available) and existing and proposed contours in the area requiring a grading and filling permit;
 - k. Elevations, sections, profiles, and details as needed to describe all natural and artificial features of the project;
 - l. Soil erosion control and overland runoff control measures, including runoff calculations as appropriate;
 - m. Detailed construction schedule;
 - n. Copies of permits or permit applications required by any other governmental entities or agencies;

- o. Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features;
 - p. Location of all stormwater management practices;
 - q. All existing and proposed drainage features;
 - r. The location and area of all proposed impervious surfaces; and
 - s. The limits and area of the disturbed area.
- (6) Engineered designs for all structural management practices;
 - (7) A description of methods to control oil and grease or written justification for not providing such control;
 - (8) If required under sub. (b)(7), a description and plans to control temperature of runoff;
 - (9) A maintenance plan and schedule for all permanent stormwater management practices as recorded on the affidavit required in sec. 10-8-12(d)(4).
- (b) **Stormwater management performance standards.** Proposed design, suggested location and phased implementation of effective, practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:
- (1) *Sediment Control.*
 - a. For new construction, design practices to retain soil particles greater than 5 microns on the site (80% reduction) resulting from a one-year 24-hour storm event, according to approved procedures, and assuming no sediment resuspension;
 - b. For redevelopment resulting in exposed surface parking lots and associated traffic areas, design practices to retain soil particles greater than 20 microns on the entire site (40% reduction) resulting from a one-year 24-hour storm event, according to approved procedures, and assuming no sediment resuspension. Under no circumstances shall the site's existing sediment control level or trapping efficiency be reduced as a result of the redevelopment.
 - (2) *Oil and grease control.* For all stormwater plans for commercial or industrial developments and all other uses where the potential for pollution by oil or grease, or both, exists, the first 0.5 inches of runoff will be treated using the best oil and grease removal technology available. This requirement may be waived by the plan reviewer only when the applicant can demonstrate that installation of such practices is not necessary.
 - (3) *Runoff rate control - hydrologic calculations.* All runoff calculations shall be according to the methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55), or other methodology approved by the Dane County Conservationist. For agricultural land subject to this section, the maximum runoff curve number (RCN) used in such calculations

shall be 51 for HSG A, 68 for hydrologic soil group B, 79 for HSG C, and 84 for HSG D.

The TR-55-specified curve numbers for other land uses shall be used heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to pre-developed conditions, no permeability class modification is required.

- (4) *Runoff rate control - design standards.* All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:
 - a. Maintain predevelopment peak runoff rates for the 2-year, 24-hour storm event (2.9 inches over 24 hours duration).
 - b. Maintain predevelopment peak runoff rates for the 10-year, 24-hour storm event (4.2 inches over 24 hours duration.)
 - c. Safely pass the 100 year, 24 hour storm event (6.0 inches over 24-hour duration).
- (5) *Outlets.* Discharges from new construction sites must have a stable outlet capable of carrying designed flow as required in sub. (4), at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or waterbody.
- (6) *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.
- (7) *Thermal control.* The stormwater management plan shall include provisions and practices to reduce the temperature of runoff for sites located within the watershed of a river or stream identified by the Wisconsin Department of Natural Resources as:
 - a. A Cold Water Community as identified through NR 102.04(3)(a), NR 104, Wisconsin Administrative Code, and Class I, Class II, and Class III Trout Streams identified in "Wisconsin Trout Streams," DNR publication 6-3600(80) or its successor.
 - b. Rivers or streams proposed by the Wisconsin Department of Natural Resources as Cold Water Communities and Class I, II, and III Trout Streams.
- (8) *Thermal control; continued.* The stormwater management plan does not have to meet the requirement in sub. (7) if the applicant can justify by use of a model approved by the Dane County Conservationist that practices are not necessary because the temperature increase of runoff from the site post-development will be zero.
- (9) *Thermal control; continued.* A current list and maps of affected watersheds shall be available for reference at the office of the Village Agent and the Village Planning Department.

- (c) **Stormwater management goals.** The following standards shall be met whenever possible, and proposed design, suggested location and implementation of practices to meet these goals shall be included in plans:
- (1) For existing development, design practices to retain soil particles greater than 40 microns on the site (20% reduction) resulting from a one-year 24-hour storm event, according to approved procedures, and assuming no sediment resuspension.
 - (2) For street reconstruction, design practices to retain soil particles greater than 20 microns on the site (40% reduction) resulting from a one-year, 24 hour storm event, according to approved procedures, and assuming no sediment resuspension.

Sec. 10-8-15 Off-Site Stormwater Management.

- (a) **Conditions.** Off-site stormwater management is allowed, provided that all of the following conditions for the off-site facility are met:
- (1) The facility is in place;
 - (2) The facility is designed and adequately sized to provide a level of stormwater control that at least meets the ordinance standards
 - (3) The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (b) **Fees-in-lieu.** Developments served by off-site stormwater management facilities will be charged a fee-in-lieu of detention. Fees-in-lieu will be set by the Village and based on the level of service provided to the applicant by the off-site facility.
- (c) **Temporary Facilities.** Permit applicants may be required to install and maintain temporary facilities designed to meet the standards of this ordinance, if an off-site facility that will serve the proposed development is planned but does not yet meet the conditions of sub. (a). Temporary facilities must be maintained by the applicant until that time that the off-site facility meets the conditions of sub (a). Applicants required to install and maintain temporary facilities will also be charge a fee-in-lieu.

Sec. 10-8-16 Technical Standards and Specifications.

- (a) **Technical Design Standards.** The design of all best management practices designed to meet the requirements of this chapter shall comply with the following technical standards:
- (1) Natural Resources Conservation Service's "Field Office Technical Guide, Chapter 4;" or its successor;

- (2) Wisconsin Department of Natural Resources' "Wisconsin Construction Site Best Management Practice Handbook" or its successor.
 - (3) Any other technical methodology approved by the Dane County Conservationist.
- (b) **Best Management Practice Manual.** Applicants may refer to the Dane County Erosion Control and Stormwater Management Manual for more information on erosion control and stormwater management practices for meeting the standards of this ordinance. The manual is available from the Dane County Lakes and Watershed Commission.

Sec. 10-8-17 Appeals and Variances.

(a) **Appeals.**

- (1) Any person aggrieved by any decision of the Village Agent pursuant to this ordinance may appeal to the Zoning Board of Appeals. Such appeal shall be taken within 45 days after the challenged decision, order determination or inaction being appealed. A fee amount set by the Village by resolution must accompany any appeal request. Notice of Appeal setting forth the specific grounds for the appeal shall be filed with the Village Clerk. The Village Clerk shall forthwith transmit to the Zoning Board of Appeals the record upon which the action appealed from was taken.
- (2) The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under ch. 985, Wis. Stats., as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.
- (3) The Zoning Board of Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.
- (4) The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse the decision of the Village Agent.
- (5) Once an appeal has been filed on a matter, no other appeal on the same order, decision, determination or inaction will be allowed. Appeals shall consolidate appeals whenever possible to avoid a multiplicity of appeal proceedings and to hasten the final resolution of a matter. The Board of Appeals may allow additional parties to join a pending appeal where appropriate and where such addition will not delay the proceedings.

(b) **Variances.**

- (1) An applicant may include in the application a request for a variance from the requirements of sec. 10-8-13 or 10-8-14. No variance shall be granted unless applicant demonstrates and the Village Agent finds that all of the following conditions are present:
 - a. Enforcement of the standards set forth in this ordinance will result in unnecessary hardship to the landowner;
 - b. The hardship is due to exceptional physical conditions unique to the property;
 - c. Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this ordinance;
 - d. The project will have no impact upon any of the stated purposes of this ordinance as set forth in sec. 10-8-4;
 - e. The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property;
 - f. The net cumulative effect of the variance will not impact downstream conditions; and
 - g. Existing regional facilities are shown to meet the performance standards of this ordinance.
- (2) If all of the conditions set forth in par. (1) are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship, with primary consideration to water quality.
- (3) A variance from the provisions of s. 10-8-14(b)(1), (2) and (6) may only be granted if:
 - a. The applicant has met the requirements of sec. 10-8-17 (b)(1); and
 - b. The applicant will be denied all reasonable and beneficial use of the property if the variance is denied.
- (4) A person aggrieved by a variance determination by the Village Agent may appeal the decision to the Zoning Board of Appeals pursuant to sub. (a).
- (5) A person aggrieved by a decision of the Zoning Board of Appeals regarding a variance may appeal that decision to the Dane County Circuit Court.

Sec. 10-8-18 Permit Fees.

- (a) **Permit Fees.** For either a erosion control permit, or a stormwater permit, a non-refundable application fee shall be paid by the applicant in an amount as specified in the Village's annual fee schedule resolution.
- (b) **Other Fees.** In addition to the fees specified under sub (a), the applicant for an erosion control permit or stormwater permit shall reimburse the Village for all administrative, engineering, inspection, consulting, and legal fees incurred by the Village in connection with the entire permit and installation process under section 10-8-12. To guarantee payment of such fees, the applicant shall deposit such sum as listed in the Village's annual fee resolution with the Village at the time the application is submitted. If all of the expenses incurred by the Village are reimbursed timely, the fee deposit shall be refunded within 30 days after the application is rejected or a permit is issued. If the applicant fails to reimburse the Village within 30 days of any billing, the Village will take action according the procedure described in the Land Development Ordinance.